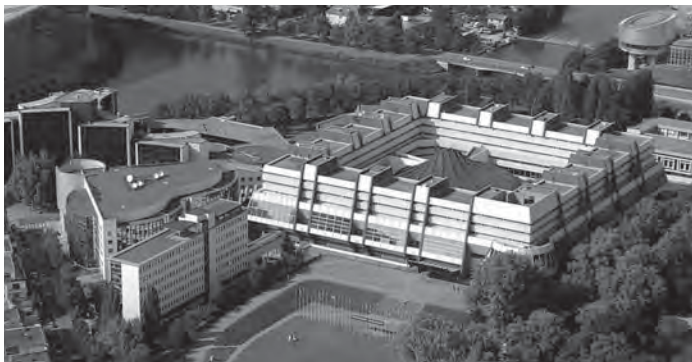


The house of human rights



Aerial view of Strasbourg's European district.

“Our first duty is not to forget the slogan of the founding fathers of European integration, ‘never again!’.

We must keep alert so as never to allow a recurrence of the scourges that the founders of our Organisation set out to eradicate.” These words, spoken by Lluís Maria de Puig, currently President of the Council of Europe’s Parliamentary Assembly, at the ceremony marking the Council’s 60th anniversary on 27 April 2009, provide a clear reminder of the primary aim of the oldest European institution: to prevent barbarism from returning by protecting human rights and democracy throughout the continent.

Ever since it was founded on the ruins of a shattered continent in 1949, the Council of Europe (we shall also call it “the Organisation”) has been a force for peace and unity between peoples. Built up in the course of half a century, its 47-state membership puts it ahead of other European organisations, for example the EU, which has 27 members.

We cannot hope to give a full picture of its numerous and wide-ranging activities here, but we will attempt to present its main achievements, one of the most important being the European Court of Human Rights – that unique institution, and first of its kind, which allows Europe’s 800 million-plus people to seek individual redress when states violate their basic rights.

Origins

In the immediate aftermath of the Second World War, it was generally felt that a new-style organisation was needed to ensure that totalitarianism would never get a second chance in Europe, and guarantee peace, democracy* and human rights* throughout the continent.

From Zurich to The Hague

Even before the war ended, politicians like Winston Churchill (British Prime Minister), idealists like Richard Coudenhove-Kalergi (Austria), writers like Salvador de Madariaga (Spain) and former members of the French Resistance like Henri Frenay and Albert Camus were envisaging a fresh political start for post-war Europe.

Their aspirations were magnificently voiced by Churchill, who had just left office, in his historic speech to Zurich students on 19 September 1946. Franco-German reconciliation and unification of the “European family” were his primary demands. “We must create something like a United States of Europe,” he declared. His words struck a chord in the hearts of countless war-traumatised Europeans, and many of them helped to found the International Co-ordinating Committee of Movements for European Unity in 1947. This symbolic coming-together was the first step, and the next came when

the various pro-Europe movements organised a huge congress in The Hague (Netherlands) from 7 to 10 May 1948, to promote unity and lay the foundations of the future Europe.

Churchill's vision

“I trust that the European family can act unitedly as one under a council of Europe.”

Winston Churchill, letter to the War Cabinet, October 1942.

The Hague Congress

Chaired by Winston Churchill, the congress was attended by 800 leading Europeans and delegates from 30 countries, including the 10 founder members of the future Council of Europe, as well as Germany, Austria, Greece, Iceland, Liechtenstein, Switzerland and Turkey. There were also observers from Bulgaria, Hungary, Poland, Yugoslavia and even the United States and Canada. All Europe was represented, and coverage by 250 journalists maximised the meeting's media impact.

But a split soon developed between the “federalists”, who (as the name suggests) wanted a federal* Europe, and the “unionists”, who were determined to preserve state sovereignty.*

The congress ended by recommending three things: establishment of an economic and political union to ensure security and social progress; convening of a deliberative assembly; and preparation of a human rights charter with a European court of justice to enforce it.

From London to Strasbourg

France and Belgium wanted a federal Europe, while the United Kingdom saw intergovernmental co-operation as the answer. The second option carried the day and, on 5 May 1949, the Council of Europe was brought into being by the Treaty of London, signed by 10 countries: Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom.

The Committee of Ministers (CM, see pp. 10-11) met for the first time in Strasbourg on 8 August, and immediately invited Greece, Turkey and Iceland to join the new organisation. Greece and Turkey did so the next day, and Iceland followed suit on 7 March 1950.

Why Strasbourg?

It was Ernest Bevin, British Foreign Secretary from 1945 to 1951, who suggested putting the Council in Strasbourg. He saw the Alsatian capital as a symbol of Franco-German reconciliation, essential to a peaceful future for the continent.

Born of the trauma of the Second World War, the Council of Europe set out to bring all the countries of Europe together in defence of the rule of law,* fundamental freedoms and democracy.

Europe on the way

Barely born, the Council started growing – attaining 23 members by 1989.

Competitor in sight

Chapter 1 of the Council of Europe's 1949 Statute* states that its aim is “to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress”. Its vast field of action covers “economic, social, cultural, scientific, legal and administrative matters” – only national defence is missing from the list. Itself the fruit of compromise, the Statute says nothing about a constitution* or a federal* system for Europe.

Just a year later, Robert Schuman, who wanted full economic union, suggested that the Council's members should establish a European Coal and Steel Community (ECSC), with political and budget resources of its own. Belgium, France, Italy, Luxembourg, the Netherlands and the Federal Republic of Germany (FRG) backed the scheme and signed this first Community – forerunner of the 1957 European Economic Community (EEC) – into being on 18 April 1951.

The Council of Europe thus found itself competing with other institutions, particularly those of the later European Union (EU)* – but it still remained the leading force for integration.

The Council expands

Between 1949 and 1969, three kinds of state joined the Council: those debarred from doing so in the war's immediate aftermath (the Federal Republic of Germany in 1950, Austria in 1956), those initially

The European Cultural Convention*

In July 1957, long before the end of Franco's reign, Spain took the first step towards membership of the Council by ratifying one of its most important texts: the European Cultural Convention. The same course was later followed by many of the countries which flocked to join in the 1990s.

deterred by neutrality or fear of compromising their sovereignty* (Iceland in 1950, Switzerland in 1963), and those which had to achieve independence first (Cyprus in 1961, Malta in 1965).

During that period, the Council took shape and found its role. Significant developments included the first public hearing in the European Court of Human Rights* (see pp. 20-21) in 1960, and the first conference of specialised ministers – the ministers of social and family affairs, who signed the European Social Charter in Turin on 18 October 1961. That year also saw the founding of the Council for Cultural Co-operation, which was open to non-members – like Finland, which took another 28 years to come aboard.

Spain and Portugal

These two states were already attracting special attention in 1951. For geostrategic (Cold War) reasons, many people wanted to have them in the Council. But both were dictatorships, and the Parliamentary Assembly (PACE, see pp. 12-13), which insisted that values mattered more than security, refused to admit them.

A special committee on European nations not represented in the Assembly was established, however, reflecting the Council's aim of integration, and its hope of seeing those states converted to democracy.

It took the "Carnation Revolution" (April 1974) to put an end to 48 years of the Salazar regime and open the way to Portugal's joining. It did so on 22 September 1976, and Spain followed suit on 24 November 1977, less than two years after Franco's death. It was not until 1986 that both joined the EU.

By the time the Council had added Liechtenstein (1978), San Marino (1988) and Finland (1989) to its list of members, its coverage of western Europe was all but complete – and the foundations of closer ties with the countries of eastern Europe had already been laid.

The Palais de l'Europe

On 28 January 1977, the Council at last got a permanent home. Its move to the Palais de l'Europe in Strasbourg, designed for it by the architect Henri Bernard, made it a lasting and decisive physical presence on the European scene.

The Council of Europe was the driving force behind the European project. Most west European countries joined it before joining the EU.

The Council – Status and structure

The Council of Europe is an international organisation based in France, and is wholly independent of its host country.

Why Strasbourg?

Strasbourg was chosen for mainly symbolic reasons. The city had changed hands between France and Germany three times over the 20th century and so the United Kingdom – its proposer – saw it as a fitting emblem of Franco-German reconciliation (and may have felt, too, that a provincial setting, well away from the national capital, would prevent the host country from squeezing the new institution). Relations between the Council of Europe and France are governed by the Special Agreement relating to the Seat of the Council of Europe, concluded in Paris on 2 September 1949, which provides that “the buildings and premises of the Council are inviolable”.

Budget ...

The Council’s activities and running costs are funded by its member states. Its ordinary budget in 2009 came to €205 million, or approximately 25 cents for every national of its 47 member states. It received a further €36.7 million to cover staff pensions, and €36.6 million in special contributions (Eurimages, see pp. 56-57; European Pharmacopoeia, see pp. 58-59, etc.). Approved by the Committee of Ministers (CM, see pp. 10-11), the budget has been on a tight rein for some years, with near-zero growth after inflation.

Only sectors regarded as having priority, starting with the European Court of Human Rights* (see pp. 20-21), get an annual increase – which still falls short of their actual requirements. The Court, whose caseload has soared in the last few years, now accounts for over a third of the Council’s total budget, as compared with 20% 10 years ago – which, on zero growth, obviously means cutting back in other sectors.

Members’ financial contributions are assessed on population (which accounts for 1/6) and gross domestic product (GDP, which accounts for 5/6). However, five countries (France, Germany, Italy, Russia, United Kingdom) voluntarily contribute nearly 12% each of the budget. On their own, these major contributors thus cover nearly 60% of the total. Officially, this gives them no extra political weight – but it does increase their influence. In 2009, contributions ranged from over €24 million for the “big five” to €65 000 for Monaco, the smallest member state.

... and staff

The Council has 2 100 permanent staff, drawn from its 47 member states. They are recruited on merit, but fair representation of states also counts. They must be familiar with the two official languages, English and French, and preferably a third as well. In fact, the Council also uses a number of working languages, for example German, Spanish, Italian and Russian. In 2008, it organised – in Strasbourg or elsewhere – 3 650 working meetings, involving some 20 000 people.

The Secretary General

The Secretary General’s role as executive head of the Council of Europe is a vital one. Elected for a five-year term by the Parliamentary Assembly, he/she draws up the budget and the intergovernmental programme of activities, which is approved every year by the CM. In September 2009, the Norwegian Thorbjørn Jagland was elected, becoming the Council’s 13th Secretary General.

The Council of Europe has over 2 000 staff and a budget of more than €205 million, to which each member state contributes on the basis of its population and GDP.