Preface

The Council of Europe: pioneer and guarantor for human rights and democracy

The various anniversaries which mark 2009 for the Council of Europe have inspired this publication, with contributions from mainly Austrian writers who have all gained significant practical experience in working within the Organisation or through co-operation from outside. The idea was to present the Council of Europe as the major European institution to protect and foster human rights and democracy to a broader public after 60 years of successful work. It is no secret that the Council of Europe lives in the shadow of the EU, a fact which is reflected in the zero real growth of its budget for several years and a widespread lack of knowledge of its practical work. This publication means to shed more light on the activities of the Organisation, its achievements and its current and future challenges.

The articles in this publication address several aspects of the historical and political role of the Organisation in its development from a Europe of 15 member states to a Europe of 47 today. The Council of Europe has contributed to the realisation of an "unprecedented" pan-European unity, as the former Secretary General of the Organisation, Walter Schwimmer, illustrates in his chapter. The important role for the integration of eastern European states into the "Euro-transatlantic structures" is described by Hans Winkler, who represented Austria on the Committee of Ministers at a decisive period for the Council of Europe. The relationship of the Council of Europe with the Organization for Security and Co-operation in Europe (OSCE) on the one hand and the "big brother" or "smaller sister" – the EU – on the other hand is addressed by Margit Wästfelt and Alfred Stingl. They both raise the question of the future role of the Council of Europe, which will largely depend on the political will and the financial support of the EU's member states. The Austrian Minister of Foreign Affairs, Michael Spindelegger, responds to this question in a positive manner and promises full engagement to support the Council of Europe in its indispensable role as the guardian of human rights, democracy and the rule of law.

The work and reform discussion of the European Court of Human Rights, which celebrated its 50th anniversary in 2009, is dealt with by several authors. The impact of the European Convention and the jurisdiction of its Court on the development of human rights with reference to Austria are dealt with by Christoph Grabenwarter, an academic and judge at the Austrian Constitutional Court as well as in Strasbourg on an ad hoc basis. The Austrian judge at the court, Elisabeth Steiner, and the director of the Austrian Institute for Human Rights, Wolf Karl, present the ongoing discussion on the reform of the

procedures before the European Court of Human Rights as a result of its great success, which at the same time became its biggest failure.

The Council of Europe has also developed a forum for discussing the necessary preconditions for the independence of the judiciary at national level, the Consultative Council of European Judges, the work of which is described by its member, Heinz Wietrzyk.

A number of articles report on the activities of expert bodies tasked to monitor the implementation of human rights principles such as the prohibition of torture, or racial discrimination, as well as the protection of national minorities and economic, social and cultural rights. Current and former members of these human rights monitoring bodies assess their activities with a focus on Austria to illustrate their practical implications.

Alfred Stingl advocates the strengthening of local self-government as a former member of the Bureau of the Congress of Local and Regional Authorities. He also suggests that initiating a public dialogue and an education campaign for Europe, especially addressing young people, would constitute the most enduring effect of the Council of Europe's anniversary. In this context the language education policies of the Council of Europe with a focus on promoting plurilingualism, as described by Waldemar Martyniuk, the director of a Centre for Modern Languages, may play an important role. The technical aspects of Stingl's proposal are elucidated by Wolfgang Benedek and Matthias C. Kettemann – both academics engaged in research in this field – in their assessment of the Council of Europe's contribution to the international debate on, and regulation of, the information society.

Finally, the role of the Council of Europe in fostering regional self-government, for example through the "European Charter of Regional Democracy" project, is described by Andreas Kiefer, a profound expert who is personally involved in this development at the European as well as the national level.

As a member of the European Committee on the Prevention of Torture, one of the Council of Europe bodies celebrating an anniversary – albeit a young one, with only 20 years to look back on – I am grateful to all the other experts who have contributed to this book, which may help to make the public more familiar with our work.

Renate Kicker
September 2009

A stopover on the way to a united Europe: on the creation of the Council of Europe[1]

Anita Prettenthaler-Ziegerhofer

The foundation of the Council of Europe in May 1949 was preceded by tough negotiations by federalist and unionist "Europeans" which reached a climax at the Hague Congress in May 1948. Here the parameters for the foundation of the Council of Europe were set and then 10 Western European governments had to be won over. They finally signed the Statute of the Council of Europe, which was required to found the Organisation, on 5 May 1949.

The signing of the Statute of the Council of Europe at the conference of the 10 powers on 5 May 1949 at St James's Palace in London marked a climax in the history of European integration. This historic moment – four years after the Second World War – was preceded by intense consultations by private non-governmental European organisations. Their starting point was Winston Churchill's speech on 19 September 1946 at the University of Zurich. This relatively short period of three years can be described as the incubation period of European unification. This process was inevitably led by the foundation of the Council of Europe.

On the one hand, the jump start for European integration came from Winston Churchill, and on the other, it came from the federalists. "The stand-by head of government",[2] who was then on holiday in Switzerland, made it known through the media that he was going to make a speech at the University of Zurich. In this speech, addressed to "the academic youth", Churchill advocated the fusion of Germany and France as the germ cell of a united Europe and at the same time revealed the British position: Great Britain wanted to support but not join the unification.

At the same time, the protagonists of a federally united Europe held a meeting on the banks of the idyllic Lake Vierwaldstaetter, among them many former resistance fighters such as Altiero Spinelli, Henri Frenay, Henri Brugmans and Eugen Kogon.[3] During the Second World War, these men had set parameters

---

1. Many thanks to René Kallinger for the translation.
2. Frank Niess, *Die europäische Idee. Aus dem Geist des Widerstands*, Frankfurt/Main 2001, p. 59. More generally for the history of integration see Anita Prettenthaler-Ziegerhofer, *Europäische Integrationsgeschichte. Unter Berücksichtigung der österreichischen Integration*, Innsbruck 2007, 2nd edn.
3. Franz Knipping, *Rom, 25. März 1957. Die Einigung Europas*, Munich 2004, p. 43.

for a post-war Europe, which would be built on the basis of democracy, rule of law, human rights, and surrender of sovereignty. These demands were first laid down in Article 6 (1) of the Treaty of Nice and further developed by Article 1a of the Treaty of Lisbon.[4] In Hertenstein the federalists wrote their programme, called "The Hertenstein Programme", which can truly be described as a manifesto for a future united Europe. In this programme they demanded a united Europe on a federal basis, the handover of political, economic and military sovereignty and the "perpetuation of the peculiarities of all nations, big or small".[5] Because of the experiences from the First World War and the inter-war period and, above all, because of the abhorrence of the Second World War, one was convinced that Europe could only be united and peace in and for Europe could only be guaranteed by sticking to the parameters written down in this programme. Months later, in December 1946, the foundation of the Union européenne des fédéralistes (UEF), an amalgamation of all federalist movements, took place. Forty national movements from 16 countries belonged to this union.[6]

In the meantime Winston Churchill had placed responsibility for the "European Initiative" on his son-in-law, Duncan Sandys. He founded the United European Movement (UEM) at the Royal Albert Hall in London in May 1947. Unlike the UEF, the UEM was an elitist movement, which was joined by members of Europe's *Who's Who*.[7] In this respect the UEF and the UEM differed from each other as well as in their agendas: the UEM saw a united Europe as a union of nation states and opposed the handover of competences to a superior, supranational institution. Because of these two contrary positions the movement for a united Europe was split into two major groups: the federalists, represented by the UEM, and the unionists or intergovernmentalists, united in the UEF. Thus there were tensions which, for the benefit of a united Europe, had to be relieved. This, however, was very difficult as both groups wanted to unite Europe and position it as a "third power" between the USA and the Soviet Union. Simultaneously, both groups wanted to take the leadership over this "third power" in a Europe that was yet to be unified. At that time Europe movements "sprang up like mushrooms".[8] Next to the UEM and the UEF, for example, the Socialistic Movement for the United States of Europe, the European League for Economic Co-operation, the Nouvelles équipes internationales (NEI), and the European Parliamentary Union (EPU) were founded. The EPU was brought into being by the former Austrian (currently French) citizen Richard Nikolaus Coudenhove-Kalergi in neutral Switzerland

---

4. Treaty of Lisbon, Article 1a: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail". http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0010: 0041:EN:PDF (last accessed 7.01.2010).

5. Printed in Europa-Dokumente, Hg. Auswärtiges Amt, Bonn 1962, pp. 15-117.

6. Jürgen Elvert, *Die europäische Integration*, Darmstadt 2006, p. 37.

7. Gerhard Brunn, *Die europäische Einigung*, Stuttgart 2002, p. 56.

8. Niess, *Die Europäische Idee*, p. 94.

in September 1947.[9] In 1923 Coudenhove had founded the Pan-European Movement in Vienna but his initiative failed due to the political circumstances of the inter-war period. In August 1940 he had to emigrate to the United States of America, where he kept fighting for the continued existence of his Pan-European Movement.[10] As a result of the political climate in post-war Europe, Churchill's speech in Zurich, and the existence of so many private Europe organisations, he decided to let the Pan-European Movement lie dormant for the time being and to found a new Europe movement after he returned from his American exile in 1946. Now Coudenhove's vision was characterised by the thought that the European idea should no longer be carried by private individuals and unions, but by politicians. In this way he was able to supply his initiative with the necessary legitimacy and distance himself from already existing European unions, which he saw as the children of the Pan-European Union on the one hand and interpreted as a threat on the other. His plan was to win the European parliamentarians over so that they could put pressure on their governments or statesmen from within Europe. Coudenhove estimated that extra-European pressure would arise from the threat of the Soviet Union anyway. Because of this intra- and extra-European pressure the European governmental representatives would be heckled and forced to found a united Europe.[11]

As with the beginning of the Pan-European Movement, Richard Coudenhove started a survey among European parliamentarians with the question: "Are you for a European federation within the framework of the United Nations?" The answers were very positive and so Coudenhove was able to found the European Parliamentary Union (EPU) in 1947. For the first time since the Second World War, 114 Western European parliamentarians (among them German parliamentarians) met to discuss the foundation of the United States of Europe. They met in neutral Switzerland. The concepts presented there by the EPU significantly contributed to the European unification process: Coudenhove was the first person to demand a European constituent assembly, which he considered the cornerstone of a European federation. Thus, he suggested one of the first methods of integration.[12]

Meanwhile several governments had officially set an initial course towards a united Europe. In 1947 Great Britain and France formed a military alliance through the Treaty of Dunkirk. With the Brussels Pact in March 1948 this alliance was expanded to include the Benelux states.

It was because of these events that spring 1948 was a highly motivating time for the European movements. Federalists and unionists, as well as all other Europeans

---

9. Fundamentally: Martin Posselt, *Richard Coudenhove-Kalergi und die europäische Parlamentarier Union*, 2 vols., phil. Diss. Univ. Graz 1987.

10. "Vgl. Anita Ziegerhofer-Prettenthaler, Richard Nikolaus Coudenhove-Kalergi", in John M. Spalek, Konrad Feilchenfeldt, Sandra H. Hawrylchak Hgg., *Deutschsprachige Exilliteratur seit 1933*, 3. USA, Zurich 2003, pp. 3-26.

11. Posselt, *Coudenhove-Kalergi*, p. 468.

12. Ebenda, Posselt, *Coudenhove-Kalergi*, p. 468.

who were arguing for a united Europe, called a congress in The Hague on 7 May and none other than Winston Churchill acted as their chairman. This Hague congress was to become a milestone in European integration. The "federalist Europeans" argued for a surrender of national sovereignty, the immediate call for a "European convention", the elaboration of a charter of human rights, and the establishment of a court of human rights. Among other things, they substantiated their claims with the argument that "despite the work of the UN there is no international organisation that was strong enough to provide law and order …".[13]

It was the congress's duty to convince the European governments of the unification of Europe. As time was short, Sandys quickly took all necessary organisational steps. After all, the Organisation for European Economic Co-operation (OEEC), which was responsible for the distribution of American aid, had only been founded in Paris in April 1948 and the Soviet Union, which did not become a member of the OEEC, was about to implement Winston Churchill's prophecy about the descent of an "iron curtain". The Cold War intensified and reached another dimension. On 18 July 1948 all governments and parliaments were entrusted with a memorandum concerning the plan for a "European convention". On 25 October 1948 the "European Movement" – an umbrella organisation for all European unions – was founded. Winston Churchill, Leon Blum, Paul-Henri Spaak and Alcide de Gasperi were elected its presidents. Incidentally, Coudenhove's EPU was the only private movement that did not join this movement at the start. National sections of the "European Movement" were established in each country. The programme of the European Movement was discussed and set in stone by experts at several conferences.

By this time the Brussels Pact states were being won over by the European Movement's initiative. After France had to bend in the face of the pressure to found West Germany in spring 1948, its Secretary of State Georges Bidault planned to unite the western European states with Germany in order to be able to exercise control over Germany in this way. Thus, he presented a plan to his British colleague Ernest Bevin. This plan concerned the creation of a "European Parliamentary Convention", which was to be vested with several powers. This plan, however, went against the concepts of British foreign policy. Bevin's opinion was that "if you open that Pandora's box, you never know what Trojan horses will jump out".[14] Tough negotiations followed in which the British way of thinking prevailed. As far as the united Europe from the British point of view was concerned, a council of ministers should superordinate the parliamentary convention and there should not be any surrender of sovereignty. Robert Schuman tried to name the convention "European Union" but Bevin implemented the term "Council of Europe". Private European initiatives and official governments worked together to create the Council of Europe. Finally, in spring 1949, the Brussels Congress of

---

13. Printed in Auswärtiges Amt Hrsg, Europa-Dokumente, Resolution des politischen Ausschusses am Haager Kongress, pp. 151-3.
14. Quoted in Brunn, *Die Europäische Einigung*, p. 62.

the "European Movement" prepared the foundation of the Council of Europe on 5 May. On this day the heads of governments of Belgium, Denmark, France, Great Britain, Ireland, Italy, Luxembourg, the Netherlands, Norway, and Sweden signed the Statute of the Council of Europe and on 3 August 1949 the Council of Europe was able to start work in Strasbourg. The other demands of the Hague Congress were achieved with the passing of the European Convention on Human Rights in 1950 and its ratification in 1953, and with the establishment of the European Court of Human Rights in 1959. The Belgian Paul-Henri Spaak, the "good European", became the first president of the advisory convention.

The foundation of the Council of Europe marks an important point in the history of European movements as for the first time the European concept was transferred from the level of private organisations to the official governmental level. Private, non-governmental Europe initiatives and individuals such as Coudenhove-Kalergi were responsible for this transformation process. They can genuinely be described as "the true pioneers and carriers of the European concept".[15] The Council of Europe became the first post-war organisation in Europe to deal with political agendas. However, the Council of Europe did not fulfil the expectations of the federalists. In the very first session of the advisory convention of the Organisation they had filed a petition demanding to extend the Council of Europe and make it a supra-national organisation. This proposition was rejected by Ernest Bevin; the federalists felt affronted and even called the Council of Europe a "cretin".[16] Coudenhove, who also saw the Council of Europe as a germ cell for a European constituent assembly, expressed his devastation in the following way: "The truth is that it was a conscious delusion of public opinion with the aim of starting the European movement and turning it into a powerless, harmless organisation, for the Council of Europe served neither the common defence policy, nor the common foreign policy, nor the common economic policy."[17]

The final breakthrough of the Continental Europeans' programme did not occur until three years later; with the foundation of the European Steel and Coal Community (ECSC) it was possible to achieve the partial surrender of economic sovereignty. Thus Great Britain was excluded from the European integration process for the time being.

Nonetheless, the foundation of the Council of Europe was and is an important milestone in the history of the integration process. Important inspiration concerning the protection of human rights has come from the Council of Europe and over decades it has been a forum for European dialogue. Many states that want to join the EU consider it the EU's "waiting room". In this way, even today, the Council of Europe marks an important stage on the way to a politically united Europe, whose moment of conception was the Hague Congress.

---

15. Knipping, *Rom, 25. März 1957*, p. 48.
16. Niess, *Die europäische Idee*, p. 234.
17. Richard Coudenhove-Kalergi, *Weltmacht Europa*, Stuttgart 1971, p. 142.

The Council of Europe: realisation of an "unprecedented" pan-European unity

Walter Schwimmer

Walter Schwimmer was the 12th (and the third Austrian) Secretary General of the Council of Europe, from 1999 to 2004. In that capacity he travelled to the hotspots of European policy, including Chechnya and Kosovo. In his view the Council of Europe is the "realisation of an unprecedented pan-European unity" and the creator of a political identity of Europe which builds on the continent's common cultural heritage. Despite some shortcomings to which the author points his finger – an insufficient budget, incoherent monitoring procedures and still unclear relations with the EU – the Council of Europe remains for Mr Schwimmer an indispensable institution as the guarantor for democracy, the rule of law and human rights in Europe.

On 9 September 1999 I inaugurated the campaign "Europe – a common heritage" together with the then Romanian President of State Constaninescu in Bucharest. At the end of August 2004 I signed the agreement on the application of the Council of Europe Convention for the Prevention of Torture in Kosovo, which was under UN administration, in Pristina together with the head of the UN Interim Administration Mission in Kosovo (UNMIK), Søren Petersen, and the Prime Minister, Bajram Rexhepi. Shortly after I took office, the Russian Federation started its offensive against the separatist Islamist regime in Chechnya. And shortly before the end of my mandate Georgia's President Saakashvili subjugated the autonomous province of Ajara under central power by military pressure. In between there were five challenging and exciting years full of work at the helm of the oldest and most comprehensive institution of European unification, the Council of Europe, as its 12th (and the third Austrian[18]) Secretary General.[19]

At the beginning of my term of office, the Council had 41 member states. Armenia and Azerbaijan were admitted in 2000, Bosnia and Herzegovina in 2002 and finally Serbia and Montenegro (at that time still a "state union") in 2003. In July 2004 the admission of the Principality of Monaco was agreed to. That

---

18. Former Secretaries General from Austria were Lujo Toncic-Sorinj from 1969 to 1974, and Franz Karasek from 1979 to 1984.
19. Election by the Parliamentary Assembly on 23 June 1999, for the period from September 1999 to August 2004.

concluded today's territorial extension of the Council.[20] At the Warsaw Summit of the Council of Europe in 2005, the member countries' heads of state and government were able to state that they were "bearing witness to unprecedented pan-European unity".[21] According to its statute, the aim of the Council of Europe 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. This aim shall be pursued through the organs of the Council by discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realisation of human rights and fundamental freedoms."[22]

This very comprehensive aim has to be achieved by the means and procedures of an intergovernmental organisation and the structure of its organs, and furthermore with quite a modest budget. When the Council of Europe was founded on 5 May 1949 by 10 western European democracies, it was the first and only institutional realisation of the idea of European unification, although it was followed in 1951 by an already supranational institution, which was from the start smaller both in territorial extent and in its remit. This was the European Community for Coal and Steel, from which in 1957 the European Economic Community and finally the EU emerged. Today it is more or less forgotten that the creation of the germ cell of the "smaller sister" could almost, but just almost, have happened within the framework of the Council of Europe.[23] For the functioning and the mandate of the Council of Europe, the relation to its "smaller, but richer sister" plays a decisive role as well as its relationship to the Organization for Security and Co-operation in Europe (OSCE), which emerged during the Cold War.

The Council of Europe acts through its organs: the Committee of Ministers, whose Chairmanship is rotated on a six-monthly basis, changing with each session in the English alphabetical order of member states; and the Parliamentary Assembly, whose president is elected for one year but usually re-elected twice. The executive power "to act on behalf of the Council" is given by the statute to the Committee of Ministers. The Parliamentary Assembly has – with a few, but very important exceptions[24] – a consultative and recommending role. The Congress of Local and Regional Authorities of Europe and the Conference of Non-Governmental

---

20. The Council of Europe now has 47 member states since the accession of Montenegro in 2007 as an independent member state. Not members of the Council of Europe are Belarus, its accession procedure being suspended because of deficiencies in democracy and human rights; the special case Vatican State (although the Holy See enjoys observer status); and Kazakhstan, of which only the part west of the Ural river belongs geographically to Europe.
21. Final Declaration of the Warsaw Summit, www.coe.int/t/dcr/summit/20050517_decl_varsovie_en.asp.
22. Statute of the Council of Europe, http://conventions.coe.int/Treaty/en/Treaties/Html/001.htm.
23. See Schwimmer, *The European Dream*, London/New York: Continuum, 2004, p. 83.
24. For example, the election of the Secretary General, the Deputy Secretary General and the judges of the European Court of Human Rights.

Organisations (NGOs) are on the verge of achieving the role of de facto organs. Owing to its political significance and its public nature (as opposed to the "confidential" Committee of Ministers) the Parliamentary Assembly actually plays a role that goes beyond that of a purely consultative or recommending organ. The Secretariat "serves both organs". However, the only person speaking on behalf of the entire organisation and representing it to member states as well as to third states and other international organisations is the Secretary General. His role is therefore a political and diplomatic one, and in addition that of a manager of a staff of 2 000.

Nevertheless one has to raise the question whether the Council of Europe, with its present-day 47 member states, from the mini-states Andorra and Monaco to the Russian Federation, is still up to date, concerning its mandate as well as its structure. Is it still necessary and can it comply with the ideals and the mood at its creation in 1949? Its comprehensive mandate is still valid, although some parameters have changed. For example, it would be wrong to assume that the economy no longer plays a role within the pan-European task of the Council of Europe. Economic law is an essential part of its range of treaties, taking into consideration, for example, the Council of Europe's conventions on corruption and money laundering.[25] In the field of security the activities of the Council of Europe are up to date, too. After the terrorist attacks of 9/11, the Council was the first institution to adapt its European Convention on the Suppression of Terrorism in the interest of international co-operation and to supplement the 1977 convention by a Convention on the Prevention of Terrorism. Significant for the Council of Europe's mission are its guidelines for the observation of human rights in the fight against terrorism in order not to sacrifice the values which are to be safeguarded. Another important example of up-to-date activities is the Convention on Cybercrime, which has been ratified by non-member state the USA[26] (but not yet by Austria).

Beside these concrete examples there is without any doubt the pan-European political mission of the Council of Europe. With the common commitment to freedom and pluralist democracy, to the rule of law and human rights, its creation – based on this common heritage – led to the development from a European cultural identity to a European political identity. This political identity of Europe is not only essential for the EU but for all states of the continent. The EU bases its European identity on the pan-European idea of the Council of Europe. The well-known Copenhagen criteria for the admission to the EU – democracy, rule of law and human rights – also stem from the Council of Europe just as the blue flag with the 12 golden stars and Beethoven's Ode to Joy as the European anthem do. By the way, the European Central Bank had to get the agreement of the Council of Europe for the use of the flag on euro banknotes, confirmed by my signature.

---

25. For the list of the Council of Europe's conventions see www.conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG.
26. Together with Canada, Japan and Mexico, the USA enjoys observer status with the Council of Europe.

There is no hair-splitting at all; these are all important paradigms for Europe's politics. Europe is larger than the EU and will remain so for quite a time. The Council of Europe was and still is the most important factor for the transition of the new democracies after 1989/1990, guiding their way to European standards and values. In April 2003 I was a guest of the Greek presidency of the EU in Athens. When I was waiting for the signing ceremony of the enlargement treaty I was approached by the delegations of all the new members who wanted to thank the Council of Europe because they would not have been there without its contribution! As a matter of fact, the Council of Europe has done a great job in the transition process of the former communist bloc to European and democratic systems: it has really made history. The means to accompany the reform processes were most of the time quite modest but successful. At the same time the Parliamentary Assembly made the conditions for accession of new member states and their commitments and obligations very clear and created the monitoring procedure to have an instrument for observing and supervising these commitments and obligations.

Essential for the Council of Europe are its pan-European and even supranational mechanisms to protect fundamental and human rights. Outstanding and still globally unique is the role of the Convention for the Protection of Human Rights and Fundamental Freedoms, enforced by the European Court of Human Rights. One cannot overestimate the right to complain against violations of human rights in all member states at a supranational court. And this right is used in practice to a very great extent, as shown by the steadily growing number of appeals which is testing the limits of the capacity of the Court (at the moment there are around 100 000 open cases).[27] The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment is in force for all member states too, enabling a regular and impartial control of institutions of law enforcement and detention. In 2000 the European Committee for the Prevention of Torture was not only the first, but also the only international monitoring body to become active in the Chechen Republic of the Russian Federation immediately after the offensive of the Russian Army. In the same way the European Commission against Racism and Intolerance acts Europe-wide, and has the ability to carry out on-the-spot inspections.

The conflict in Chechnya accompanied me, as I pointed out at the beginning, through my entire term of office. After a visit of the Human Rights Commissioner of the Council of Europe and of the Anti-Torture Committee in the Russian partial republic I was able to send three human rights experts to the area in the spring of 2000, where they collected around 30 000 complaints, freed many illegally detained persons and searched successfully for around 1 000 missing persons. I myself not only visited Chechnya but requested – for the first time in the history of the European Convention on Human Rights – from an individual member

---

27. Press Conference of the President of the European Court of Human Rights, Jean-Paul Costa, 29 January 2009.

state an explanation of the manner in which its internal law ensures the effective implementation of any of the provisions of the Convention in a certain situation. In a public hearing of the Russian State Duma, which was broadcast live on television, I was able to present the position and the requests of the Council of Europe. In another concrete action of the Secretary General I appointed two independent experts who investigated 712 cases of alleged political prisoners in Azerbaijan and were able to achieve either their release or amnesty, or in some cases a new trial.

Owing to lack of space I can only briefly mention the many other legal, social and cultural activities, its work for education and youth, all on a pan-European level.

But I do not want to hide the deficiencies. There are first of all the modest financial means provided by the member states, no more than €200 million (the Austrian contribution is 1.78%, or €3.6 million).[28] For several years, and under pressure from some, in particular so-called large payers, the budget has been under a "zero-real-growth" rule despite the need for additional tasks, in particular for new member states. A second deficiency is the lack of coherence of various – each of them efficient – monitoring and observing mechanisms. The bringing together of all reports to a general monitoring with appropriate consequences on the initiative of the Secretary General would enhance the efficiency, credibility and visibility of the Council of Europe. And last but not least relations with the "smaller sister", the EU, including its accession to the Council of Europe's core conventions – the European Convention on Human Rights, the Social Charter and the European Cultural Convention – must be clarified, as well as a special kind of membership.

I am convinced that despite these – absolutely solvable – problems, the Council of Europe would have to be created if it did not yet exist. But this is so much pure theory, as the Europe of today would not be there without the Council of Europe!

---

28. Press Release 844(2008) of the Council of Europe.