



## What is the Council of Europe?

### Introduction

This series of briefing papers looks at the QCEA proposals relating to the recognition of Conscientious Objection to taxation for military purposes which we are making to the Council of Europe and sets them in the context of the Council of Europe and its prior work on Conscientious Objection to Military Service.

This series of briefing papers will answer the following questions:

1. What is the Council of Europe?
2. What is the context for the discussion on freedom of thought, conscience, and religion and Conscientious Objection?
3. What is QCEA proposing as a resolution for the Peace Tax?
4. Peace Tax - Frequently Asked Questions

### What is the aim of the Council of Europe?

The Council of Europe was founded in 1949 with the aim of achieving greater unity between its members, in order to defend human rights, parliamentary democracy and the rule of law. In order to achieve this, it has developed continent-wide agreements to standardise Member States' social and legal practices. These agreements, of which there are now 196, are often called treaties or conventions. These are legally binding for those who sign up to them.

The Council of Europe has also taken on the role of human rights watchdog for the post-communist democracies, helping them combine political, legal and constitutional changes side by side with economic changes.

### How is it organised?

The headquarters of the Council of Europe are in Strasbourg in North East France. It is in Strasbourg that the meeting of the main bodies are held, the two main ones being the Council of Ministers and the Parliamentary Assembly.

The Council of Ministers consists of the foreign ministers of all the Member States or their deputies. This is the decision making body.

The Parliamentary Assembly groups together 626 members. Most of these people are representatives of the national parliaments of the Member States but some are special guest delegations from candidate states that are in the process of joining the Council of Europe.

Another big body is the 1800-strong Secretariat of the Council of Europe, which is divided into subgroups which provide support relating to the different areas of the Council of Europe's work.

## Who are the members?

As the name implies, all the Member States are European countries. The current 46 members are from Western, Central and Eastern Europe. A state may be invited to become a member of the Council of Europe if it is deemed able and willing to respect human rights and fundamental freedoms, and to collaborate in achieving the aim of the Council of Europe.

|                                     |   |
|-------------------------------------|---|
| Albania (13.07.1995)                | Liechtenstein (23.11.1978)                            |
| Andorra (10.10.1994)                | Lithuania (14.5.1993)                                 |
| Armenia (25.01.2001)                | Luxembourg (5.5.1949)                                 |
| Austria (16.04.1956)                | Malta (29.4.1965)                                     |
| Azerbaijan(25.01.2001)              | Moldova (13.7.1995)                                   |
| Belgium (5.5.1949)                  | Monaco (05.10.2004)                                   |
| Bosnia and Herzegovina (24.04.2002) | Netherlands (5.5.1949)                                |
| Bulgaria (7.5.1992)                 | Norway (5.5.1949)                                     |
| Croatia (6.11.1996)                 | Poland (29.11.1991)                                   |
| Cyprus (24.5.1961)                  | Portugal (22.9.1976)                                  |
| Czech Republic (30.6.1993)          | Romania (7.10.1993)                                   |
| Denmark (5.5.1949)                  | Russian Federation (28.2.1996)                        |
| Estonia (14.5.1993)                 | San Marino (16.11.1988)                               |
| Finland (5.5.1989)                  | Serbia and Montenegro (03.04.2003)                    |
| France (5.5.1949)                   | Slovak Republic (30.6.1993)                           |
| Georgia (27.4.1999)                 | Slovenia (14.5.1993)                                  |
| Germany (13.7.1950)                 | Spain (24.11.1977)                                    |
| Greece (9.8.1949)                   | Sweden (5.5.1949)                                     |
| Hungary (6.11.1990)                 | Switzerland (6.5.1963)                                |
| Iceland (9.3.1950)                  | The former Yugoslav Republic of Macedonia (9.11.1995) |
| Ireland (5.5.1949)                  | Turkey (13.4.1950)                                    |
| Italy (5.5.1949)                    | Ukraine (9.11.1995)                                   |
| Latvia (10.2.1995)                  | United Kingdom (5.5.1949)                             |

## Council of Europe - Map



### The European Convention and the Court of Human Rights

One of the most important and well known achievements of the Council of Europe is to have passed a convention called The European Convention for the Protection of Human Rights and Fundamental Freedoms (shortened to the European Convention on Human Rights or ECHR). This Convention sets forth a number of widely accepted fundamental rights and freedoms. Member States sign and ratify the Convention which then binds them to respect the rights and obligations of the Convention. They are often referred to as the contracting states.

All the Member States in the Council of Europe have signed the European Convention on Human Rights. The Convention is first signed by the Foreign Minister/Secretary of each Member State. Following the signing, the Foreign Minister/Secretary seeks approval of the signing from her or his national parliament. This approval is called ratification, and is very important. Once a Member State has ratified the Convention they have bound themselves by law to respect the rights in the Convention. A Member State can do this in two ways:

- By transformation  
The Member State reviews its national laws and makes changes where needed, so that the content of the national law provides the same rights and obligations as the Convention.
- By incorporation  
The Member State creates a new law which says that the Member State is legally bound to respect the rights and obligations given in the Convention. This effectively means that the Convention is incorporated as national law.

What sets this Convention apart from other Human Rights' Conventions and Declarations is that it sets up a mechanism for the enforcement of the obligations taken on by those who have signed the Convention. The European Court of Human Rights was set up to carry out this task. This Court has its seat in Strasbourg. It is composed of a number of judges equal to the number of states that have signed up to the Convention, currently 46. Although all the judges in the Court are nationals of a Contracting State, once they are elected to be judges, they work in their individual capacity.

Under the Convention a national of a Member State has the right to bring the state before the national courts if he or she believes that the state is not respecting the Convention. If the person cannot find legal remedy after exhausting its national courts, he or she may file a case against the state before the European Court of Human Rights.

The fact that the Convention, not only provides the individual with legal rights, but also has a Court to uphold them, is unique to the Council of Europe.

### **How does the Council of Europe tie in with other European and international institutions?**

As its name indicates, the Council of Europe covers the geographical area of Europe, although not all European countries are members. It is completely independent of other European and international organisations, such as the Organisation for Security and Cooperation in Europe (OSCE), the North Atlantic Treaty Organisation (NATO) and the European Union. Although these organisations operate in different fields, there are some areas in which they overlap and where each of them overlaps with the Council of Europe.

Most significantly, the EU has slowly been expanding its area of jurisdiction and influence. Originating as an economic union, it now concerns itself with a number of areas, including human rights. Both the EU and the Council of Europe recognise each other as important actors. Although all the Member States of the EU are members of the Council of Europe, not all the members of the Council of Europe are members of the EU. The EU was formed with the overall view of creating a market place with a free flow of goods, services, capital and people. Its Member States have set up common institutions to which they delegate some of their sovereignty so that decisions on specific matters of joint interest can be made democratically at European level.

Although the EU and the Council of Europe operate mostly on different levels and in different political areas, the EU, like the Council of Europe, names human rights, democracy and the rule of law among its core values. On the subject of human rights, the EU makes clear reference to and acknowledges the Council of Europe's Convention on Human Rights. The Constitutional Treaty for the EU which has been agreed by the Member States and which is to be ratified over the period 2005/6 expressly commits the EU to acceding to the European Convention of Human Rights in its own right and in addition to the accession of its Member States to it.

Other global and regional organisations, such as the United Nations, or the Organisation of American States have developed their own human rights instruments and legislation. The Council of Europe is not formally in a position to influence these organisations, but its work in the area of human rights is highly valued all over the world and is looked to for guidance.