

Human Rights

Preserving & Promoting Human Rights

The Council of Europe

The organizations and treaties involved in dealing with Human Rights violations in Europe and the wider world

The Council of Europe is “the guardian of **human rights, democracy and the rule of law in Europe**”
“The *EU* and the *Council of Europe* are two different organizations with a *common goal*”

The 4 Institutions of the Council of Europe

The C of E in Numbers

- Founded in **1949** (Treaty of London)
- **10** Original Member States (Including Ireland!)
- Currently **47** Member States (From Valantia Island to Vladivostok!)
- A population of approx. **830 million**
- **324** Member of the Parliamentary Assembly(PACE) representing the national parliaments (**Ireland has 4 Full Representatives and 4 Substitute Reps**) which roughly mirror the make-up of the Oireachtas.
- **1** Irish ‘*Permanent Representative* to the C of E’, Ambassador Keith McBean

Parliamentary Assembly (PACE)

This is the driving force of the C of E, **holding governments to account** on human rights issues, pressing states to maintain democratic standards, proposing fresh ideas and generating the momentum for reform. They represent the National Parliaments.

Committee of Ministers

This is the decision making body of the C of E, representing the **Foreign Ministers** (or their Deputies). It is both a governmental body, where national approaches to problems facing European society can be discussed on an equal footing, and a place where Europe-wide responses to challenges are formulated.

Secretary General

The Committee recommends, and PACE votes on the SG who is responsible for the strategic management of the C of E’s work programme, budget, and the day-to-day running of the Organisation and **Secretariat**. He/she is elected for a 5-year term. The office is currently held by former Norwegian PM, *Thorbjørn Jagland*.

European Court of Human Rights

The best known of the institutions. Responsible for hearing individual cases and making determinations that apply the **European Convention on Human Rights**, its other **ratified conventions**, and its **Protocols**. Each member state has one judge on the court. It is a ‘*court of last resort*’ when all other avenues have failed.

For Politics and Society Students, it’s the **European Convention on Human Rights** that is the most important part of this structure. But bear in mind that the C of E has created over 200 other conventions (enforceable treaties), each of which deal with a specific set of rights in mind and a dedicated ‘monitoring body’ (like the UN’s Treaty Bodies) to oversee their enforcement and implementation!).

Some of the key aspects of the ECHR include: The right to **Life**, prohibition of **Torture, Slavery** – servitude and forced labour, a **Fair Trial, Privacy** (this is of more and more importance in the digital world – think of the recent GDPR legislation in these terms!), as well as **Freedom of Thought, Conscience and Religion**. All the rights of the ECHR can be amended or added to through ‘**Protocols**’ such as happened in 2010.

But what aspects of the C of E directly impact on you?

In 1996 the **European Convention on the Exercise of Children’s Rights** was passed. They passed this because they had to have “regard to the **United Nations Convention on the Rights of the Child** and in particular Article 4 which requires States Parties to undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised” in that convention.

Some cases that are relevant to Ireland’s relationship to the Council of Europe:

Investigate these for yourself, that way, you’ll write about them in a far more authentic way.

- **Ireland v United Kingdom (1979-80) 2 EHRR 25** (relating to torture/inhumane treatment of Irish prisoners in Northern Ireland)
- **Norris v. Ireland (1983)** (relating to the decriminalization of Homosexuality in Ireland – following a privacy argument)
- **Louise O’Keefe v. Ireland Case (2013)** (*There are some quite disturbing aspects of this case which relates to sexual abuse in Irish Schools)

For these and details of cases that have passed through (or are passing through the court) search for this document:

https://www.echr.coe.int/Documents/CP_Ireland_ENG.pdf

For more on the **C of E** listen to Episode 4 of the **PolSocPodcast!**