Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 513 (1968)[1]

Power to be conferred on the Assembly to refer alleged breaches of the Convention to the European Commission of Human Rights

Parliamentary Assembly

The Assembly,

1. Considering that Article 24 of the European Convention for the Protection of Human Rights provides that a High Contracting Party has the right to refer to the European Commission of Human Rights an alleged breach of the provisions of the Convention by another High Contracting Party ;

2. Considering that Article 25 of the Convention provides that the Commission may receive petitions from any person, nongovernmental organisation or group of individuals claiming to be the victim of a violation of the rights guaranteed, but only if the High Contracting Party against which the complaint has been lodged has declared that it recognises the competence of the Commission to receive such petitions ;

3. Considering that Article 25 of the Convention provides that the Commission may receive petitions from any person, nongovernmental organisation or group of individuals claiming to be the victim of a violation of the rights guaranteed, but only if the High Contracting Party against which the complaint has been lodged has declared that it recognises the competence of the Commission to receive such petitions ;

4. Concerned by the fact that the setting in motion of the European machinery for the protection of human rights in these five countries is dependent on the initiative of other Governments, and that Governments are in most cases reluctant to lodge an application against another High Contracting Party if the alleged breach of the provisions of the Convention does not affect them directly ;

5. Convinced that it is therefore desirable that an independent organ should be in a position to set this machinery in motion in the interests of the European public order, and that the Assembly itself constitutes such an independent organ ;

6. Considering that, according to Article 21 (1) of the Convention, the Bureau of the Assembly has the right to draw up the list of candidates for the election of the members of the Commission of Human Rights and that, according to Article 39 (1), the Assembly elects the members of the Court of Human Rights ;

7. Considering that, in spite of its rights and duties mentioned, the Assembly at present lacks the right of referring to the Commission an alleged breach of the Convention ;

8. Convinced that this inconsistency and contradiction should be remedied and having considered the report of the Legal Committee (Doc. 2325),

9. Recommends that the Committee of Ministers take the necessary steps to conclude a Protocol which would add provisions to the Convention conferring on the Assembly the right to refer to the European Commission of Human Rights any alleged breach of the Convention by a High Contracting Party.

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1. Assembly Debate on 31st January 1968 (17th Sitting) (see Doc. 2325, report of the Legal Committee). Text adopted by the Assembly on 31st January 1968 (17th Sitting).