Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 745 (1981)[1]

Accession of the European Communities to the European Convention on Human Rights

Parliamentary Assembly

The Assembly

1. Considering that the aim of the Council of Europe, under Article 1 of its Statute, is to achieve a greater unity between its members, and that this aim shall be pursued, inter alia, by agreements and common action in the maintenance and further realisation of human rights and fundamental freedoms ;

2. Considering that the European Convention on Human Rights is the most outstanding achievement of the Council of Europe in the field of human rights ;

3. Desirous both to widen and to strengthen the scope of the convention's implementation ;

4. Considering that, although the convention is in force in all member states of the European Communities, it does not formally apply to the Community institutions and to their legal acts ;

5. Considering that this situation is contrary to the intentions of the originators of both the European Convention on Human Rights and the treaties establishing the European Communities ;

6. Further recalling that the Court of Justice of the Communities has held that it could not accept measures incompatible with the fundamental rights recognised and protected by the constitutions of member states and reflected in international instruments for human rights on which member states have collaborated or to which they are signatories ;

7. Considering that accession of the European Communities to the European Convention on Human Rights would eliminate the risk of diverging interpretations of the convention ;

8. Convinced that accession would form an important bond between the European Communities and the member states of the Council of Europe in the specific field of human rights and fundamental freedoms, and would thus contribute to strengthening the principles of parliamentary democracy and the implementation of basic human rights ;

9. Having taken note of and welcoming the resolution of the European Parliament of 27 April 1979, and the memorandum of 2 May 1979 by the Commission of the European Communities, concerning their accession to the European Convention on Human Rights ;

10. Noting that, at the 64th Session of the Committee of Ministers of the Council of Europe in May 1979, the Ministers expressed satisfaction that the Communities were studying the possibility of acceding to the European Convention on Human Rights,

11. Expresses the hope that the European Communities will soon figure among the Contracting Parties to the European Convention on Human Rights ;

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1. Text adopted by the Assembly on 29 January 1981 (25th Sitting). Assembly debate on 27 and 29 January 1981 (22nd and 25th Sittings) (see Doc. 4649, report of the Legal Affairs Committee).

12. Stresses the importance, for the consolidation of democracy in all the Community member states, of the latters' obligation to comply with the requirements of Article 3 of the Statute of the Council of Europe, which constitutes, legally, the sole means of taking sanctions against any state which abandons the democratic forms of government and ceases to respect the fundamental rights ;

13. Expresses the wish that the European Communities will make a formal application to adhere to the European Convention on Human Rights in the very near future ;

14. Instructs its Legal Affairs Committee to follow any developments in this field and to report on them if it deems it fit to do so.