Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1068 (1995)[1]

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

Parliamentary Assembly

1. The Assembly solemnly reaffirms its dedication to respect for and effective protection of human rights and fundamental freedoms in Europe.

2. In its Resolution 745 (1981) the Assembly expressed itself "desirous both to widen and to strengthen the scope of the Convention's implementation" and called on the European Community to make a formal application to accede to the European Convention on Human Rights in the near future. It repeated this wish in Recommendation 1017 (1985), considering that "the time has now come ... for the political decision to be taken for the Community to accede to the European Convention on Human Rights".

3. Noting that the European Parliament, on its side, has made similar recommendations, the Assembly welcomes the position repeatedly taken up by the European Parliament, notably in its resolutions of 15 December 1993, 18 January 1994 and 11 April 1995, where it reaffirmed the need for accession by the Community. The Assembly also takes note of the Commission's opinion, as well as the decision of 19 April 1994 of the Council of the European Union, that the Court of Justice of the European Communities should be consulted on the subject.

4. The European Parliament has referred many times, notably in its resolution of 18 January 1994, to the existence of gaps in the system for protecting fundamental rights, which have become more serious with the widening of the Community's powers and which will exist "until such time as the Community is subject to the monitoring procedures provided for under the European Convention on Human Rights, in the same way as its member states".

5. The Assembly is convinced that the Convention constitutes an unparalleled framework for the safeguard of fundamental rights and freedoms in Europe, and that the protection afforded by the European Convention on Human Rights' institutions should be extended to all persons affected by Community law.

6. The Assembly notes that the European Convention on Human Rights is not applicable to the organs of the European Community or to their legal acts. It points out that accession would strengthen the safeguard of human rights in Europe, ensure effective protection of the rights of Community citizens and establish coherence in the system for safeguarding fundamental rights, while avoiding any risk of parallel interpretation of the Convention's provisions by the European Court of Human Rights and the Court of Justice of the European Communities.

7. The Assembly therefore expresses the hope that the Community will soon take the necessary steps to submit its formal application for accession to the European Convention on Human Rights.

8. It encourages the European Parliament to continue to advocate such action, while emphasising the paramount importance of the European Parliament's support in the matter.

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1. Assembly debate on 27 September 1995 (29th Sitting) (see Doc. 7383, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mrs Wohlwend). Text adopted by the Assembly on 27 September 1995 (29th Sitting).

9. It calls on the parliaments of the European Union's member states to promote the Community's accession, in particular by urging their governments to back within the Council of Ministers any formal accession proposal presented by the European Commission.