Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Opinion 272 (2009)[1]

Budgets of the Council of Europe for the financial year 2010

Parliamentary Assembly

1. The Parliamentary Assembly is aware of the difficult situation in which all member states of the Council of Europe find themselves as a result of the consequences of the most serious economic and financial crisis the world has known since the end of the Second World War and the Organisation's foundation.

2. In these circumstances, the Assembly acknowledges the difficulties encountered by the Secretary General in drawing up his budget proposals for 2010 and the need for him to ask the various administrative entities of the Council of Europe General Secretariat to make a special savings effort.

3. Nonetheless, the Assembly cannot accept that the impact of this crisis may serve as a pretext for the Committee of Ministers to weaken the Council of Europe by starving it of resources through the maintenance of a policy based solely on the principle of zero real growth in the Organisation's budgets.

4. On the contrary, the Assembly believes that the Organisation must be reinforced in these troubled times. The Council of Europe, with its history, legislative *acquis* and experience, possesses the necessary instruments to respond to today's challenges, as it is a guarantor of essential values and a sounding board for the concerns of the people of Europe, at national, regional and local levels.

5. In this period of economic and financial instability, while states and citizens are seeking to reinstate the key principles of morality, good governance and ethics in their relations, the Council of Europe's role as a pillar of a European democratic framework based on respect for human rights, democracy and the rule of law must be reaffirmed.

6. In this context, the Assembly recognises the importance of the European Court of Human Rights (the Court) to the Council of Europe and to the people of Europe, but has to observe that the Court, a victim of its own success, is placing the other sectors of activity of the Council of Europe under growing pressure.

7. At the same time, to enable it to fulfil its obligations, the Court has benefited from various programmes to enhance its resources, not least the establishment of a fifth section responsible in particular for the backlog of pending cases. It has also been the subject of many reports and audits aimed at evaluating and improving its functioning and its working methods.

8. It must nonetheless be recognised that, despite all the efforts to build up the Court, whose budget has grown from €35.4 million in 2003 to €57 million in 2009 and whose staff has almost doubled over the same period, the number of cases awaiting processing has constantly increased and has now reached 100 000. The Assembly does not believe that the potential full or partial implementation of Protocol No. 14 to the European Convention on Human Rights, amending the control system of the Convention (CETS No. 194), will solve for good the problem of the Court's excess workload and effectiveness. Moreover, an ever-growing number of people are calling for a reform of the reform.

9. The Assembly therefore considers that granting the Court additional financial resources is not the right answer to its problem. The issue of the Court's future is a political matter and must be dealt with as such. In this connection, the Assembly fully endorses the mission defined by the Spanish chairmanship, which

1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 29 May 2009 (see Doc. 11911, report of the Committee on Economic Affairs and Development, rapporteur: Mr Wille).

addresses the question through two parallel actions – ensuring that the Court's work is carried out as efficiently as possible and ensuring that the Court's judgments are effectively implemented by member states – and it invites the next chairmanships of the Committee of Ministers to pursue the efforts along these lines.

10. The Assembly is moreover aware that the increase in the number of staff at the Court registry engenders other very significant costs, especially in terms of investments (particularly additional office space and information technology equipment). All of these costs will even further weigh down the ordinary budget, the pensions budget and the investments budget of the Council of Europe.

11. The Assembly notes that, since 2006, all new financial efforts in favour of the Court have invariably resulted in a weakening of other important sectors of the Organisation. As it already stated in its previous opinions, this constant pressure is not acceptable.

12. For this reason, the Assembly would deem it inappropriate for the Committee of Ministers to accept the Court's new requests and the subsequent increase in its budget, if this were to lead to a reduction in the other entities' resources. The Assembly therefore calls on the Committee of Ministers to take this aspect into consideration, even if that entails postponing the requests submitted by the Court for 2010 or financing it with extrabudgetary resources.

13. The Assembly also would like the Committee of Ministers to initiate, without delay, an in-depth debate, to which the Assembly is ready to contribute, on the future of the human rights protection system in Europe and the role of the European Court of Human Rights. In this connection, the Assembly welcomes the initiative aimed at holding as soon as possible a high-level conference on the Court's future and takes note of the Committee of Ministers' intention to apply certain provisions of Protocol No. 14 to the Convention on a provisional basis.

14. The Assembly considers that the sustainability of the Court system requires a reinforcement of co-operation programmes with the states chiefly concerned by applications, so as to assist them in establishing the essential conditions for fair and effective justice and thus help slow the inflow of applications to the Court.

15. To this end, the Assembly suggests that the Committee of Ministers use the resources available in the Human Rights Trust Fund, set up in March 2008, to finance targeted co-operation and assistance programmes specifically aimed at the four countries concerned by the largest number of applications.

16. Although the Assembly acknowledges that the European Court of Human Rights is one of the finest achievements of the Council of Europe, it nonetheless considers that the Organisation's work should not be confined solely to the major pillars constituted by human rights, the rule of law and democracy. The Council of Europe's activities must be maintained in other fields in which the Organisation is often a European leader and at which it excels, namely education, culture and intercultural dialogue, youth, sport, social cohesion, public health and local and regional democracy, which, just like human rights and the rule of law, are matters of concern for the member states' citizens.

17. From this standpoint, the Assembly fully concurs with the measures taken by the Committee of Ministers to rationalise the intergovernmental structures so as to enhance their efficiency and thereby contribute to the efforts being made to reinforce the impact, effectiveness and usefulness of the work of the entire Organisation.

18. With regard to the Council of Europe's field presence, the Assembly considers that the recent decision by the authorities of Belarus to facilitate the creation of a Council of Europe information office in Minsk is consistent with the wishes it expressed in its Opinion 259 (2006) on the Budgets of the Council of Europe for the financial year 2007. The Assembly is convinced that such a presence will make it possible to resume reinforced co-operation with this country, a precondition for its future integration within the Council of Europe.

19. The Assembly considers that effective policy must go hand in hand with a vision for the Organisation in the medium to long term, including in budgetary terms. It accordingly calls on the Committee of Ministers to prepare the 2010 budget in a multi-annual framework. In this connection, the Assembly invites the Committee of Ministers to refer to its Opinion 256 (2005) on the budgets of the Council of Europe for the financial year 2006, in which it set out the benefits that argue in favour of such a measure.

20. The Council of Europe's ordinary budget increases automatically each year by several million euros on account of the full-year effect of earlier decisions by the Committee of Ministers, compulsory adjustments to the salary scales of the Organisation's staff and other expenditure on buildings maintenance and modernisation.

21. For this reason, in view of these obligatory increases and the member states' desire to stabilise their contributions, the Assembly would like the Committee of Ministers to amend the Organisation's Financial Regulations in order to establish a reserve fund to which any credit balance on closing the accounts for a financial year would be transferred, as it suggested in its Opinion 268 (2008) on the budgets of the Council of Europe for the financial year 2009.

22. Lastly, given the current exceptional circumstances, the Assembly is ready to make an effort by proposing a 2% reduction in its expenditure, as compared with the appropriations allocated to it in 2009. The Assembly refers to its Opinion 273 (2009) on the expenditure of the Parliamentary Assembly for the financial year 2010, which contains more details on this proposal.

23. The Assembly is also concerned about a deterioration in social dialogue within the Organisation and the proposals to reform the Council of Europe's staff pension schemes. It accordingly invites the future Secretary General to be open to dialogue with his staff and calls on the Committee of Ministers to exercise extreme prudence in matters relating to the pension schemes and to adhere to the practices existing in other organisations belonging to the co-ordination system and the relevant rules of the International Labour Organization.

24. The Assembly points out that the Council of Europe staff pension scheme is part of the essential conditions of employment at the Council of Europe. It accordingly reaffirms its concern to ensure that the staff of the Council of Europe is not considered a mere accounting variable that can be adjusted to balance the Council of Europe's finances.

25. In this context, the Assembly calls on the member states to honour their financial commitments in respect of the pension reserve fund, despite the present difficulties, so as to guarantee the sustainability of the Council of Europe staff pension scheme. The Assembly also reaffirms its attachment to the Council of Europe's continued membership of the existing co-ordinated system, as already set out in its previous opinions.

26. Lastly, the Assembly notes with interest the resource management and mobilisation strategy being implemented. The aim of this strategy is to seek external resources for activities contributing to the Council of Europe's fundamental objective which cannot be funded by the ordinary budget. It nonetheless has reservations about the purpose of this strategy, which could relieve the member states of their responsibility for honouring their obligations in respect of the Organisation's programme of activities. Experience has indeed shown that external resources are limited in their amounts and duration. They do not necessarily allow the implementation of coherent programmes of activities in the long term.

27. The Assembly, which gives the Council of Europe its political impetus, is also the European parliamentary institution that allows the national parliaments of the 47 member states of the Council of Europe to debate and work together with a view to finding answers to the challenges confronting Europe today and to their citizens' concerns. It is a unique political forum for the whole of Europe and must remain one of the great voices of democracy.