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

Resolution 1979 (2014)[1]
Final version

Accountability of international organisations for human rights violations

Parliamentary Assembly

1. The Parliamentary Assembly recognises that international organisations are subject to human rights obligations under international law and highlights the importance of ensuring that they refrain from violating the human rights of individuals and of the need to hold them accountable for any such violations.

2. Human rights standards must be ensured in activities undertaken by international organisations, as recalled by Assembly Resolution 1675 (2009) on the state of human rights in Europe: the need to eradicate impunity, including human rights abuses by international non-State actors. The Assembly also recalls, in this context, its Resolution 1597 (2008) on United Nations Security Council and European Union blacklists, concerning the human rights consequences of the United Nations Security Council and European Union targeted terrorism sanctions procedures.

3. The Assembly also notes the danger that States may be shielded from the duty to comply with their own human rights obligations, including under the European Convention on Human Rights (ETS No. 5), when they take actions as part of, or under the direction of, an international organisation.

4. The Assembly welcomes recent judgments of the European Court of Human Rights, including the judgment in *Nada v. Switzerland*, that have held States accountable for measures taken in pursuance of decisions taken by international organisations. It also welcomes the work of the International Law Association and International Law Commission in formulating legal rules and standards of accountability in this area, creating the foundation for further specific action by States and international organisations.

5. The Assembly commends the creation of a number of ad hoc human rights mechanisms to monitor the compliance of international organisations with their human rights obligations and to allow individuals to seek redress for human rights violations, including the World Bank Inspection Panel, the use of human rights advisory panels to monitor the activities of the United Nations Interim Administration Mission in Kosovo (UNMIK) and the European Union Rule of Law Mission in Kosovo (EULEX), and the appointment of an ombudsperson to oversee the United Nations Security Council's anti-terrorism sanctions. However, it also recognises that these mechanisms are not always available or sufficiently effective, and that concerns exist regarding the implementation of their findings.

6. The Assembly views with concern the absolute legal immunity that international organisations and ad hoc bodies, such as the "troika", consisting of the European Commission, the European Central Bank and the International Monetary Fund, are often entitled to under international or national laws, as the existence of "non-functional" immunity interferes with the duty of States and organisations to scrutinise alleged human rights violations.

1. *Assembly debate* on 31 January 2014 (9th Sitting) (see Doc. 13370, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr José María Beneyto). *Text adopted by the Assembly* on 31 January 2014 (9th Sitting).
See also Recommendation 2037 (2014).

7. The Assembly therefore invites all Council of Europe member States, and international organisations of which they are a part, to:

7.1. ensure that international organisations are subject, as appropriate, to binding mechanisms to monitor their compliance with human rights norms and, where such internal accountability mechanisms exist, to ensure that their decisions are enforced;

7.2. encourage international organisations, where possible, to become parties to human rights treaties;

7.3. formulate clear guidelines regarding the waiver of immunity for international organisations or otherwise limiting the breadth of the immunity they enjoy before national courts, in order to ensure that the necessary functional immunity does not shield them from scrutiny regarding, in particular, their adherence to standards concerning non-derogable human rights;

7.4. ensure that member States remain accountable for breaches of international human rights norms by international organisations when the latter cannot be held directly accountable, including by holding States responsible for their role in the international organisation’s decision-making procedures and by assisting them in implementing their decisions and policies.