Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Opinion 279 (2010)[1]
Final version

Budgets and priorities of the Council of Europe for the 2011 financial year

Parliamentary Assembly

1. The Parliamentary Assembly is following with close attention the reforms initiated by the Secretary General of the Council of Europe. It supports the process launched to revitalise the Council of Europe in order to give the Organisation greater political effectiveness and influence in Europe, so as to deal with the realities and challenges of the 21st century.

2. The Council of Europe, by virtue of its history, the standards it has set and its experience, is the guarantor of its member states' fundamental values and has the requisite instruments at its disposal to face the current challenges and respond to the concerns of European citizens at national, regional and local levels.

3. In this period of economic and financial instability, while European states and citizens are endeavouring to put back on the agenda the major principles of good governance and ethics in their relations, a reaffirmation is needed of the Council of Europe's position as a pillar of a democratic European architecture founded on human rights, democracy and the rule of law.

4. The Assembly, recalling its Resolution 1689 (2009) on the future of the Council of Europe in the light of its sixty years of experience, hopes for a political strategy that will give the Organisation a new ambition and calls on the Secretary General to strive to ensure that the Council of Europe plays the central role in a European hub of excellence for democracy and human rights in Strasbourg.

5. The Assembly is convinced that the success of the reforms proposed by the Secretary General can but be based on true, substantial and permanent dialogue, not only between the two statutory organs but also with other entities of the Organisation. The Assembly shares the Secretary General's view that "this is not about our respective influence or status, it is for the sake of the mission we were given sixty years ago to defend and extend human rights, democracy and the rule of law in Europe". In this context, the Assembly fully supports the governance structure set up within the Council of Europe by the Secretary General.

6. The Assembly considers that "soft security" should be a key part of the Council of Europe's political strategy, for this is a matter of individual security and human rights protection, the Organisation's *raison d'être*. In this area, it is "grey matter" which determines progress. The Council of Europe's staff is in fact the keystone of the Organisation. The staff must therefore be fully informed and involved as a motivated partner with an interest in the success of the reforms.

7. During a period of financial difficulty for all member states, the Assembly calls on members of staff to show solidarity and understanding about certain reforms which could affect them directly. The Assembly nonetheless underlines that these reforms must comply with current Council of Europe regulations and procedures. It will ensure that any measures which may be taken are fair and that the staff is not treated less well than those of other European institutions.

1. *Assembly debate* on 21 June 2010 (20th Sitting) (see Doc. 12280, report of the Committee on Economic Affairs and Development, rapporteur: Mr Cebeci). *Text adopted by the Assembly* on 21 June 2010 (20th Sitting).

8. With regard to the work programme, the Assembly supports the new budget-programme structure based on the three thematic pillars – human rights, the rule of law and democracy – along with an extra pillar covering the governing bodies, general services and sundry expenditure. However, it considers that including the Parliamentary Assembly under the democracy pillar, under the heading of parliamentary democracy is inappropriate considering its position as a statutory organ of the Council of Europe.

9. The Assembly's role and functions are indeed cross-sectoral, and not limited to democracy. It has responsibilities in the sphere of human rights (such as the election of judges, under Article 22 of the European Convention on Human Rights (ETS No. 5), and of the Council of Europe Commissioner for Human Rights, under Articles 9 to 11 of Resolution (99) 50 of the Committee of Ministers) and the rule of law (including enlargement, under Statutory Resolution (51) 30 A of the Committee of Ministers, and member states' compliance with their obligations and commitments, under Order No. 488 (1993) (the "Halonen" Order) and subsequent instruments). The Assembly should therefore be included under the fourth pillar, whose title would then become "Statutory bodies, general services and other".

10. With regard to priority areas for 2011, the Assembly can endorse the choices made by the Secretary General, particularly with regard to areas requiring special focus in 2011 and to reducing the number of projects and refocusing the activities programme of the Organisation under the three thematic pillars, bearing in mind the Action Plan of the Warsaw Summit.

11. The Assembly welcomes, in particular, the Secretary General's decision to reinforce the capacity of the Commissioner for Human Rights, whose commitment to defending values of the Council of Europe is exemplary, and to stop transferring funds from the programmes budget to the European Court of Human Rights (the Court) and, at the same time, to exempt it from any budget cuts in order to enable it to meet certain increases.

12. However, this short-term measure does not solve the fundamental problem of adequate and enduring financing of the Court. The Assembly calls on the Committee of Ministers to study possible ways of introducing a budget separate from the ordinary budget for the Court, while keeping the Court within the Council of Europe structure. In addition, the Assembly reaffirms its full support for the Interlaken process, as expressed in its Resolution 1726 (2010) on the effective implementation of the European Convention on Human Rights: the Interlaken process.

13. The Assembly fully supports the Secretary General's intention to strengthen the existing monitoring mechanisms, in order to ensure "monitoring of the monitoring", that is, to assist the countries concerned and give them practical means of overcoming their difficulties. In this respect, the Assembly points out that it was the instigator of these mechanisms for monitoring the commitments made by states on accession, particularly through the Halonen Order and subsequent orders.

14. The Assembly, moreover, took the first steps in the field of monitoring, as early as 1989, when it became the first European institution to observe elections in Council of Europe non-member and member states (more than 130 parliamentary and presidential elections have been observed over a twenty-year period, with over 1 500 parliamentarians from member states being deployed) and, in this way, it has made a great contribution to the "European electoral heritage" on which a large number of activities of the European Commission for Democracy through Law (Venice Commission) are based.

15. Communication must constitute a vital part of the reform so as to enhance the impact and visibility of the Council of Europe's activities. In this respect, it should be noted that plenary part-sessions of the Parliamentary Assembly always offer the opportunity to place the Council of Europe in the European media spotlight. Greater advantage could be taken of this situation in preparing the Organisation's new communication policy.

16. Where the Council of Europe's external presence is concerned, while it understands the need to rationalise this presence, particularly in the countries with which the Council of Europe is engaged in major co-operation programmes, the Assembly has reservations about the liaison offices in capital cities – apart from the existing liaison office in Brussels – where numerous international organisations are based, such as Geneva, Vienna and Warsaw.

17. The Assembly considers that creating structures such as the one in Brussels in other capital cities would give rise to significant logistical costs, which would be difficult to accept at a time of budget recession. However, were this project to be maintained, the Assembly would like this presence to be negotiated in the form of a reciprocal agreement, with an office being made available within the partner organisation, on the model of the current situation in Strasbourg with the Office of the United Nations High Commissioner for Refugees (UNHCR).

18. The Assembly fully understands that reorganisation of the Council of Europe's external presence will lead to the closure of the information offices. It calls on the Secretary General to find a negotiated solution with the member states concerned, which would, as far as possible, allow the retention of the staff of these offices, who have given many years of dedicated service to the Council of Europe and done much to boost the Organisation's reputation. Furthermore, the Assembly would like the info point set up in Minsk (Belarus) to be preserved.

19. Where the activities which have been terminated or suspended are concerned, the Assembly would like the follow-up activities connected with implementation of the European convention on counterfeiting of medical products and similar crimes involving threats to public health (Medicrime convention) to be continued. Furthermore, the subject of migration should be given more than marginal consideration – through the activities of the European Commission against Racism and Intolerance (ECRI) and/or the Commissioner for Human Rights – in line with its Recommendation 1917 (2010) on migrants and refugees: a continuing challenge for the Council of Europe.

20. Regarding the transfer of certain non-priority activities to partial agreements, the Assembly concurs with the Secretary General's approach that makes it possible to continue certain activities on a smaller scale, thereby allowing states which so wish to pursue their co-operation in these fields. It therefore invites the Committee of Ministers to amend Resolution (96) 36 so as to reduce the minimum number of member states required to establish such agreements.

21. The Assembly, while taking note of the new budget presentation, regrets that the Secretary General's proposals do not include, with effect from 2011, the idea that it has been advocating since 2003 of adopting for the Organisation a biennial budget or a pluriannual budgetary framework.

22. With regard to the unexpended balance from 2009, the Assembly supports the Secretary General's proposal to use the credit balance to finance a contingency reserve. This measure is in line with the desire expressed by the Assembly in its opinion on the 2009 budget, where it recommended that the Committee of Ministers amend Article 70 of the Financial Regulations so that any outstanding balance would be left at the Organisation's disposal, to be placed in a reserve account and utilised as may be decided by the Committee of Ministers.

23. The Assembly would finally like to draw the attention of the Committee of Ministers to the fact that the increase in the proportion of the Council of Europe budget represented by staff costs stems from strategic decisions intended to strengthen the highly effective sectors of the Council of Europe, particularly in the human rights field. However, the various organs in this sector, such as the European Court of Human Rights, the Commissioner for Human Rights, the Department for the Execution of Judgments of the Court, and even some convention monitoring mechanisms, primarily incur pay-related expenditure. It is for this reason that the Assembly invites the Committee of Ministers not to make a dogma of maintaining a set ratio between operational costs and staff costs.

24. In conclusion, in its Recommendation 1886 (2009) on the future of the Council of Europe in the light of its sixty years of experience, the Assembly suggested that the Council of Europe become the "Davos of democracy". It is clearly towards this objective that the Organisation must move, for as Luxembourg's Prime Minister, Jean-Claude Juncker, said in his report entitled "Council of Europe – European Union: a sole ambition for the European continent", the Council of Europe is a "full scale factory for democracy".