

## Statute of the Council of Europe (London, 5 May 1949)

**Caption:** On 5 May 1949, in London, the Foreign Ministers of Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom sign the Statute of the Council of Europe.

**Source:** Archives Nationales du Luxembourg, Luxembourg. Organisations internationales. Conseil de l'Europe - Constitution. Statut du Conseil de l'Europe, AE 12380.

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The Governments of the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the Irish Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland,

Convinced that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation;

Reaffirming their devotion to the spiritual and moral values which are the common heritage of their peoples and the true source of individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy;

Believing that, for the maintenance and further realisation of these ideals and in the interests of economic and social progress, there is a need of a closer unity between all like-minded countries of Europe;

Considering that, to respond to this need and to the expressed aspirations of their peoples in this regard, it is necessary forthwith to create an organisation which will bring European States into closer association,

Have in consequence decided to set up a Council of Europe consisting of a Committee of representatives of Governments and of a Consultative Assembly, and have for this purpose adopted the following Statute:

## **Chapter I – Aim of the Council of Europe**

### **Article 1**

(a) The aim of the Council of Europe is to achieve a greater unity between its Members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress.

(b) This aim shall be pursued through the organs of the Council by discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realisation of human rights and fundamental freedoms.

(c) Participation in the Council of Europe shall not affect the collaboration of its Members in the work of the United Nations and of other international organisations or unions to which they are parties.

(d) Matters relating to National Defence do not fall within the scope of the Council of Europe.

## **Chapter II – Membership**

### **Article 2**

The Members of the Council of Europe are the Parties to this Statute.

### **Article 3**

Every Member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council as specified in Chapter I.

#### **Article 4**

Any European State which is deemed to be able and willing to fulfil the provisions of Article 3 may be invited to become a Member of the Council of Europe by the Committee of Ministers. Any State so invited shall become a Member on the deposit on its behalf with the Secretary-General of an instrument of accession to the present Statute.

#### **Article 5**

(a) In special circumstances, a European country which is deemed to be able and willing to fulfil the provisions of Article 3 may be invited by the Committee of Ministers to become an Associate Member of the Council of Europe. Any country so invited shall become an Associate Member on the deposit on its behalf with the Secretary-General of an instrument accepting the present Statute. An Associate Member shall be entitled to be represented in the Consultative Assembly only.

(b) The expression "Member" in this Statute includes an Associate Member except when used in connexion with representation on the Committee of Ministers.

#### **Article 6**

Before issuing invitations under Article 4 or 5 above, the Committee of Ministers shall determine the number of representatives on the Consultative Assembly to which the proposed Member shall be entitled and its proportionate financial contribution.

#### **Article 7**

Any Member of the Council of Europe may withdraw by formally notifying the Secretary-General of its intention to do so. Such withdrawal shall take effect at the end of the financial year in which it is notified, if the notification is given during the first nine months of that financial year. If the notification is given in the last three months of the financial year, it shall take effect at the end of the next financial year.

#### **Article 8**

Any Member of the Council of Europe which has seriously violated Article 3 may be suspended from its rights of representation and requested by the Committee of Ministers to withdraw under Article 7. If such Member does not comply with this request, the Committee may decide that it has ceased to be a Member of the Council as from such date as the Committee may determine.

#### **Article 9**

The Committee of Ministers may suspend the right of representation on the Committee and on the Consultative Assembly of a Member which has failed to fulfil its financial obligation during such period as the obligation remains unfulfilled.

## **Chapter III – General**

### **Article 10**

The organs of the Council of Europe are:

- (i) the Committee of Ministers;
- (ii) the Consultative Assembly.

Both these organs shall be served by the Secretariat of the Council of Europe.

### **Article 11**

The seat of the Council of Europe is at Strasbourg.

### **Article 12**

The official languages of the Council of Europe are English and French. The rules of procedure of the Committee of Ministers and of the Consultative Assembly shall determine in what circumstances and under what conditions other languages may be used.

## **Chapter IV – Committee of Ministers**

### **Article 13**

The Committee of Ministers is the organ which acts on behalf of the Council of Europe in accordance with Articles 15 and 16.

### **Article 14**

Each Member shall be entitled to one representative on the Committee of Ministers, and each representative shall be entitled to one vote. Representatives on the Committee shall be the Ministers for Foreign Affairs. When a Minister for Foreign Affairs is unable to be present or in other circumstances where it may be desirable, an alternate may be nominated to act for him, who shall, whenever possible, be a Member of his government.

### **Article 15**

(a) On the recommendation of the Consultative Assembly or on its own initiative, the Committee of Ministers shall consider the action required to further the aim of the Council of Europe, including the conclusion of conventions or agreements and the adoption by governments of a common policy with regard to particular matters. Its conclusions shall be communicated to Members by the Secretary-General.

(b) In appropriate cases, the conclusions of the Committee may take the form of recommendations to the Governments of Members, and the Committee may request the Governments of Members to inform it of the action taken by them with regard to such recommendations.

**Article 16**

The Committee of Ministers shall, subject to the provisions of Articles 24, 28, 30, 32, 33 and 35, relating to the powers of the Consultative Assembly, decide with binding effect all matters relating to the internal organisation and arrangements of the Council of Europe. For this purpose the Committee of Ministers shall adopt such financial and administrative arrangements as may be necessary.

**Article 17**

The Committee of Ministers may set up advisory and technical committees or commissions for such specific purposes as it may deem desirable.

**Article 18**

The Committee of Ministers shall adopt its rules of procedure, which shall determine amongst other things:

- (i) the quorum;
- (ii) the method of appointment and term of office of its President;
- (iii) the procedure for the admission of items to its agenda, including the giving of notice of proposals for resolutions; and
- (iv) the notifications required for the nomination of alternates under Article 14.

**Article 19**

At each session of the Consultative Assembly the Committee of Ministers shall furnish the Assembly with statements of its activities, accompanied by appropriate documentation.

**Article 20**

(a) Resolutions of the Committee of Ministers relating to the following important matters, namely:

- (i) recommendations under Article 15(b);
- (ii) questions under Article 19;
- (iii) questions under Article 21(a) (i) and (b);
- (iv) questions under Article 33;
- (v) recommendations for the amendment of Articles 1 (d), 7, 15, 20 and 22; and
- (vi) any other question which the Committee may, by a resolution passed under (d) below, decide should be subject to a unanimous vote on account of its importance,

require the unanimous vote of the representatives casting a vote, and of a majority of the representatives entitled to sit on the Committee.

(b) Questions arising under the rules of procedure or under the financial and administrative regulations may be decided by a simple majority vote of the representatives entitled to sit on the Committee.

(c) Resolutions of the Committee under Articles 4 and 5 require a two-thirds majority of all the

representatives entitled to sit on the Committee.

(d) All other resolutions of the Committee, including adoption of the Budget, of rules of procedure and of financial and administrative regulations, recommendations for the amendment of articles of this Statute, other than those mentioned in paragraph (a) (v) above, and deciding in case of doubt which paragraph of this Article applies, require a two-thirds majority of the representatives casting a vote and of a majority of the representatives entitled to sit on the Committee.

#### **Article 21**

(a) Unless the Committee decides otherwise, meetings of the Committee of Ministers shall be held:

- (i) in private, and
- (ii) at the seat of the Council.

(b) The Committee shall determine what information shall be published regarding the conclusions and discussions of a meeting held in private.

(c) The Committee shall meet before and during the beginning of every session of the Consultative Assembly and at such other times as it may decide.

#### **Chapter V – Consultative Assembly**

#### **Article 22**

The Consultative Assembly is the deliberative organ of the Council of Europe. It shall debate matters within its competence under this Statute and present its conclusions, in the form of recommendations, to the Committee of Ministers.

#### **Article 23**

(a) The Consultative Assembly shall discuss, and may make recommendations upon, any matter within the aim and scope of the Council of Europe as defined in Chapter I which (i) is referred to it by the Committee of Ministers with a request for its opinion, or (ii) has been approved by the Committee for inclusion in the Agenda of the Assembly on the proposal of the latter.

(b) In taking decisions under (a), the Committee shall have regard to the work of other European intergovernmental organisations to which some or all of the Members of the Council are parties.

(c) The President of the Assembly shall decide, in case of doubt, whether any question raised in the course of the Session is within the Agenda of the Assembly approved under (a) above.

#### **Article 24**

The Consultative Assembly may, with due regard to the provisions of Article 38(d), establish committees or commissions to consider and report to it any matter which falls within its competence under Article 23, to examine and prepare questions on its agenda and to advise on all matters of procedure.

#### **Article 25**

(a) The Consultative Assembly shall consist of representatives of each Member, appointed in such a manner as the Government of that Member shall decide. Each representative must be a national of the Member whom he represents, but shall not at the same time be a Member of the Committee of Ministers.

(b) No representative shall be deprived of his position as such during a session of the Assembly without the agreement of the Assembly.

(c) Each representative may have a substitute who may, in the absence of the representative, sit, speak and vote in his place. The provisions of paragraph (a) above apply to the appointment of substitutes.

## Article 26

The following States, on becoming Members, shall be entitled to the number of representatives given below:

Belgium	6
Denmark	4
France	18
Irish Republic	4
Italy	18
Luxembourg	3
Netherlands	6
Norway	4
Sweden	6
United Kingdom	18

## Article 27

The conditions under which the Committee of Ministers collectively may be represented in the debates of the Consultative Assembly, or individual representatives on the Committee may address the Assembly, shall be determined by such rules of procedure on this subject as may be drawn up by the Committee after consultation with the Assembly.

## Article 28

(a) The Consultative Assembly shall adopt its rules of procedure and shall elect from its Members its President, who shall remain in office until the next ordinary session.

(b) The President shall control the proceedings but shall not take part in the debate or vote. The substitute of the representative who is President may sit, speak and vote in his place.

(c) The rules of procedure shall determine *inter alia*:

- (i) the quorum;
- (ii) the manner of the election and terms of office of the President and other officers;
- (iii) the manner in which the agenda shall be drawn up and be communicated to representatives; and
- (iv) the time and manner in which the names of representatives and their substitutes shall be notified.



**Article 29**

Subject to the provisions of Article 30, all resolutions of the Consultative Assembly, including resolutions:

- (i) embodying recommendations to the Committee of Ministers;
- (ii) proposing to the Committee matters for discussion in the Assembly;
- (iii) establishing committees or commissions;
- (iv) determining the date of commencement of its sessions;
- (v) determining what majority is required for resolutions in cases not covered by (i) to (iv) above or determining cases of doubt as to what majority is required,

shall require a two-thirds majority of the representatives casting a vote.

**Article 30**

On matters relating to its internal procedure, which includes the election of officers, the nomination of persons to serve on committees and commissions and the adoption of rules of procedure, resolutions of the Consultative Assembly shall be carried by such majorities as the Assembly may determine in accordance with Article 29(v).

**Article 31**

Debates on proposals to be made to the Committee of Ministers that a matter should be placed on the agenda of the Consultative Assembly shall be confined to an indication of the proposed subject-matter and the reasons for and against its inclusion in the agenda.

**Article 32**

The Consultative Assembly shall meet in ordinary session once a year, the date and duration of which shall be determined by the Assembly so as to avoid as far as possible overlapping with parliamentary sessions of Members and with sessions of the General Assembly of the United Nations. In no circumstances shall the duration of an ordinary session exceed one month unless both the Assembly and the Committee of Ministers concur.

**Article 33**

Ordinary sessions of the Consultative Assembly shall be held at the seat of the Council unless both the Assembly and the Committee of Ministers concur that the session should be held elsewhere.

**Article 34**

The Committee of Ministers may convoke an extraordinary session of the Consultative Assembly at such time and place as the Committee, with the concurrence of the President of the Assembly, shall decide.

**Article 35**

Unless the Consultative Assembly decides otherwise, its debates shall be conducted in public.

**Chapter VI – The Secretariat**

**Article 36**

- (a) The Secretariat shall consist of a Secretary-General, a Deputy Secretary-General and such other staff as may be required.
- (b) The Secretary-General and Deputy Secretary-General shall be appointed by the Consultative Assembly on the recommendation of the Committee of Ministers.
- (c) The remaining staff of the Secretariat shall be appointed by the Secretary-General, in accordance with the administrative regulations.
- (d) No Member of the Secretariat shall hold any salaried office from any Government or be a Member of the Consultative Assembly or of any national legislature or engage in any occupation incompatible with his duties.
- (e) Every Member of the staff of the Secretariat shall make a solemn declaration affirming that his duty is to the Council of Europe and that he will perform his duties conscientiously, uninfluenced by any national considerations, and that he will not seek or receive instructions in connexion with the performance of his duties from any government or any authority external to the Council and will refrain from any action which might reflect on his position as an international official responsible only to the Council. In the case of the Secretary-General and the Deputy Secretary-General this declaration shall be made before the Committee, and in the case of all other Members of the staff, before the Secretary-General.
- (f) Every Member shall respect the exclusively international character of the responsibilities of the Secretary-General and the staff of the Secretariat and not seek to influence them in the discharge of their responsibilities.

**Article 37**

- (a) The Secretariat shall be located at the seat of the Council.
- (b) The Secretary-General is responsible to the Committee of Ministers for the work of the Secretariat. Amongst other things, he shall, subject to Article 38(d), provide such secretariat and other assistance as the Consultative Assembly may require.

**Chapter VII – Finance****Article 38**

- (a) Each Member shall bear the expenses of its own representation in the Committee of Ministers and in the Consultative Assembly.
- (b) The expenses of the Secretariat and all other common expenses shall be shared between all Members in such proportions as shall be determined by the Committee on the basis of the population of Members.

The contributions of an Associate Member shall be determined by the Committee.

(c) In accordance with the financial regulations, the budget of the Council shall be submitted annually by the Secretary-General for adoption by the Committee.

(d) The Secretary-General shall refer to the Committee requests from the Assembly which involve expenditure exceeding the amount already allocated in the Budget for the Assembly and its activities.

### **Article 39**

The Secretary-General shall each year notify the Government of each Member of the amount of its contribution, and each Member shall pay to the Secretary-General the amount of its contribution, which shall be deemed to be due on the date of its notification, not later than six months after that date.

## **Chapter VIII – Privileges and Immunities**

### **Article 40**

(a) The Council of Europe, representatives of Members and the Secretariat shall enjoy in the territories of its Members such privileges and immunities as are reasonably necessary for the fulfilment of their functions. These immunities shall include immunity for all representatives to the Consultative Assembly from arrest and all legal proceedings in the territories of all Members, in respect of words spoken and votes cast in the debates of the Assembly or its committees or commissions.

(b) The Members undertake as soon as possible to enter into agreement for the purpose of fulfilling the provisions of paragraph (a) above. For this purpose the Committee of Ministers shall recommend to the Governments of Members the acceptance of an agreement defining the privileges and immunities to be granted in the territories of all Members. In addition, a special Agreement shall be concluded with the Government of the French Republic defining the privileges and immunities which the Council shall enjoy at its seat.

## **Chapter IX – Amendments**

### **Article 41**

(a) Proposals for the amendment of this Statute may be made in the Committee of Ministers or, in the conditions provided for in Article 23, in the Consultative Assembly.

(b) The Committee shall recommend and cause to be embodied in a protocol those amendments which it considers to be desirable.

(c) An amending protocol shall come into force when it has been signed and ratified on behalf of two-thirds of the Members.

(d) Notwithstanding the provisions of the preceding paragraphs of this Article, amendments to Articles 23-35, 38 and 39 which have been approved by the Committee and by the Assembly shall come into force on the date of the certificate of the Secretary-General, transmitted to the Governments of Members, certifying

that they have been so approved. This paragraph shall not operate until the conclusion of the second ordinary session of the Assembly.

## **Chapter X – Final Provisions**

### **Article 42**

(a) This Statute shall be ratified. Ratifications shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland.

(b) The present Statute shall come into force as soon as seven instruments of ratification have been deposited. The Government of the United Kingdom shall transmit to all signatory Governments a certificate declaring that the Statute has entered into force, and giving the names of the Members of the Council of Europe on that date.

(c) Thereafter each other signatory shall become a Party to this Statute as from the date of the deposit of its instrument of ratification.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Statute.

Done at London, this 5th day of May, 1949, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom which shall transmit certified copies to the other signatory Governments.

For the Government of the Kingdom of Belgium:

OBERT DE THIEUSIES

For the Government of the Kingdom of Denmark:

GUSTAV RASMUSSEN

REVENTLOW

For the Government of the French Republic:

ROBERT SCHUMAN

R.MASSIGLI

For the Government of the Irish Republic:

SEAN MacBRIDE

JOHN W.DULANTY

For the Government of the Italian Republic:

SFORZA

GALLARATI SCOTTI

For the Government of the Grand Duchy of Luxembourg:

JOS. BECH

A.J.CLASEN

For the Government of the Kingdom of the Netherlands:

D.U.STIKKER

E.MICHIELS VAN VERDUYNEN

For the Government of the Kingdom of Norway:

HALVARD M.LANGE

P.PREBENSEN

For the Government of the Kingdom of Sweden:

ÖSTEN UNDEN

GUNNAR HÄGGLÖF

For the Government of the United Kingdom of Great Britain and Northern Ireland:

ERNEST BEVIN

CHRISTOPHER MAYHEW