

## **SPECIALIZED BODIES OF THE COUNCIL OF EUROPE**

### **Abstract**

The Council of Europe is a traditional intergovernmental organization. Its internal structure includes the Parliamentary Assembly, which is a consultative body of the Organization in which delegations from the member states<sup>1</sup> participate, and the Committee of Ministers, which is the only executive and decision-making body of the entire Organization. This is explicitly stated in the clause of Article 10 of the Statute of the Council of Europe, which lists only the Consultative Assembly and the Committee of Ministers as the Organization's basic organs. The Consultative Assembly, as its name suggests, has only advisory authority and, in a similar vein, forms the Organization's so-called parliamentary pillar.

This is clearly stipulated in the provision of Article 10 of the Statute of the Council of Europe, where only the Committee of Ministers (*which constitutes the so-called intergovernmental pillar of the Organization*) and the Consultative Assembly are listed as the basic organs of the Organization, which, as evident from its title, has only advisory competence and which analogously forms the so-called *parliamentary pillar* of the Organization<sup>2</sup>. This organizational structure of the Council of Europe is completed by the Congress of Local and Regional Authorities, which not coincidentally has the status of the *third pillar* of the Organization, as well as a series of special expert bodies, including the European Commission against Racism and Intolerance (ECRI) and the *European Commission for Democracy through Law (known as the Venice Commission)*. The latter also includes the offices of the political officials of the Council of Europe, including the Secretary General of the Organization and the Commissioner for Human Rights. Analogous to the latter, it is quite clear that the generally known European Court of Human Rights – founded on the basis of the ECHR – is not an organ of the Council of Europe, as is the case with all the other independent expert bodies established by a special decision of the Committee of Ministers<sup>3</sup>, but only a judicial supervisory body for the needs of the ECHR itself, as is the case with the supervisory bodies established on the basis of numerous international conventions of the Council of Europe.

Only the positions and functions of the European Commission against Racism and Intolerance (ECRI), the European Commission for Democracy through Law (Venice Commission), the Commissioner for Human Rights, *the European Commission for the Efficiency of Justice*, and the

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<sup>1</sup> See more at <https://coe.int>.

<sup>2</sup> The authors, particularly the British ones, were determined to make the Committee of Ministers the most significant or steering body of the Council of Europe, and this is reflected in the order of the basic bodies of the Council of Europe.

<sup>3</sup> This applies, for example, to the Council of Europe Commissioner for Human Rights and the Venice Commission, which are illustrated later in this section of the paper.

Consultative Council of European Judges<sup>4</sup>. are discussed in the text that follows due to the space constraints of this section of the paper.

In addition to the two fundamental organs already mentioned, the Council of Europe has created a number of specialized expert and political bodies to expand its operations in several particularly significant areas. The establishment of these bodies is directly related to the necessity for the actualization of the aforementioned goals and jurisdiction.

## **I. European Commission against Racism and Intolerance (ECRI)**

The decision to establish this Commission was included in the Vienna Declaration, adopted at the Vienna Summit of the Organization on 9 October 1993, and consequently, on 14 June 2002,<sup>5</sup> the Committee of Ministers approved the statute of this Commission, which strengthened its role as an independent monitoring body, specialized in the field of human rights from the perspective of the fight against racism, racial discrimination, xenophobia, anti-Semitism and intolerance more broadly in Europe. Thus, according to its list, the list of the main tasks of ECRI include (among others):

- reviewing the legislation, policies and other measures of the member states in the fight against racism, racial discrimination, xenophobia, anti-Semitism and intolerance;
- proposing further measures and activities at local, national and European level;
- preparing and elaborating recommendations with general guidelines addressed to the member states of the Council of Europe,<sup>6</sup> and
- analyzing the international instruments that deal with this matter, taking into account their particular significance.

Similarly, ECRI consists of independent eminent experts in the field of constitutional or international law or other relevant fields. The members of this Commission are appointed by the member states of the Council of Europe on the grounds of their high moral standing, professional qualifications and experience in the field of combating racism, xenophobia, anti-Semitism and intolerance. They are nominated in their personal capacity and act as independent members.<sup>7</sup>

One of the most important aspects of its Action Programme is the *monitoring* of the actual situation regarding manifestations of racism and intolerance in each member state of the Council of Europe, applying a “country by country” approach. Such monitoring results in the preparation of a separate report for each country, containing an analysis of the situation, complete with suggestions and proposals as to how the potential problems identified regarding racism and intolerance in the specific country concerned could be addressed. The publication of ECRI’s national reports represents an important step in the development of the ongoing active dialogue

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<sup>4</sup> The list of other more significant entities within the Council of Europe includes, for example, the Council of Europe Development Bank, the European Audiovisual Observatory and the European Centre for Global Interdependence and Solidarity.

<sup>5</sup>Resolution (2002) 8 of the Committee of Ministers.

<sup>6</sup>So far, ECRI has adopted a large number of such recommendations, which are available at [www.coe.int/ECRI](http://www.coe.int/ECRI). For more on the importance of recommendations, see the second part of the doctoral thesis, specifically Chapter ..which concerns the soft law of the Council of Europe.

<sup>7</sup>The Commission currently has a total of 46 members, representatives from each member state of the Council of Europe, proposed by their states, and appointed by the Committee of Ministers for a five-year term. The current member of this Commission from the Republic of North Macedonia is Elena Stratilati Mihajlova, professor of international law at the Faculty of Law "Justinian I" at the University "Sts. Cyril and Methodius" Skopje.

between ECRI and the authorities of member states, with the aim of identifying solutions to the problems regarding racism and intolerance faced by the states.

Of course, input from non-governmental organisations and other institutions or individuals active in this field is always welcome in this process in order to ensure that ECRI's work is as constructive and useful as possible.

The previously illustrated aspect of ECRI's work is complemented by the other two aspects, which concern its "work on general themes" and its "activities in relation to civil society". Its work on so-called general themes in fact focuses on issues of particular relevance to the fight against racism, xenophobia, anti-Semitism and intolerance, and specific activities in this regard include the preparation of thematically relevant policy recommendations, the collection and dissemination of examples of good practice in these areas, and the like. The activities in relation to civil society are aimed at spreading ECRI's<sup>8</sup> anti-racism message among the general public and popularizing its work in relevant spheres at international, national and local levels.<sup>9</sup>

Finally, the previous aspects of ECRI's work are particularly completed by the particularly important process of adopting its so-called General Policy Recommendations, which are addressed to member states, in order for them (as a detailed guide) to assist states in developing their national strategies and policies in areas of relevance to ECRI's statutory mission itself.<sup>10</sup>

## **II. European Commission for Democracy through Law (Venice Commission)**

This Commission, better known by its name as the Venice Commission, is an advisory body (i.e., not an organ) of the Council of Europe on constitutional matters. It was established by an enlarged partial agreement adopted by the Committee of Ministers on 10 May 1990. The role of this Commission is to provide legal advice to the member states of the Council of Europe, and in particular to those states which wish to harmonise their legal and institutional structures with European standards and international experience in the areas of democracy, human rights and the rule of law. At the same time, it helps to disseminate and consolidate the common constitutional heritage by playing a unique role in conflict management and providing "constitutional emergency assistance" to states in transition.

The Commission has 59 member states, i.e. it includes all 46 current member states of the Council of Europe + Algeria, Brazil, Chile, Israel, Kazakhstan, the Republic of Korea, Kyrgyzstan, Morocco, Mexico, Peru, Tunisia and the United States. Its plenary sessions are attended by the European Commission and the OSCE-ODIHR.

In addition to states, the members of this Commission are also individuals, who are university professors in public and international law, judges of constitutional and supreme courts,

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<sup>8</sup>These monitoring visits to member states are carried out in five-year cycles, covering nine to ten countries per year. The fifth ECRI monitoring cycle began in the first semester of 2013 and lasted for five years. In this context, see, as an illustration, the Conclusions on the Republic of North Macedonia (adopted on 3 April 2019 and published on 6 June 2019) available at <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/country-monitoring>

<sup>9</sup>In addition, activities in this area are also designed to disseminate information and promote awareness on issues surrounding racism and intolerance. See also, L. Yael Hollo *The European Commission against Racism and Intolerance (ECRI)—Its First 15 Years*, Council of Europe Publishing, Strasbourg 2009.

<sup>10</sup>In addition, activities in this area are also designed to disseminate information and promote awareness on issues surrounding racism and intolerance. See also, L. Yael Hollo *The European Commission against Racism and Intolerance (ECRI)—Its First 15 Years*, Council of Europe Publishing, Strasbourg 2009.

members of national parliaments and a certain number of civil servants. They are appointed for a period of 4 years by their states, but act in an individual capacity.

The Commission works in the areas of democratic institutions and fundamental human rights, constitutional and ordinary justice, as well as elections, referenda and issues related to political parties. It has its own permanent secretariat, and its plenary sessions are held in Venice, four times a year (March, June, October and December).

As I stated above, this Commission specializes in the drafting and expert assessment of constitutions, and has achieved remarkable success in this field. Regarding this, special emphasis should be placed on its significant role in providing expert advice to the countries of Central and Eastern Europe, in order to ensure the compliance of their new constitutions with the democratic standards of the Council of Europe, and in assisting them in the subsequent adjustments necessary to keep pace with the democratic changes themselves. However, its work is not limited to laws on constitutional courts, electoral laws, laws on national minorities and, more broadly, all laws relating to the functioning of democratic state institutions. The Commission is also required to analyse international cases and to prepare legal opinions for the Parliamentary Assembly or the Committee of Ministers, including in particular its interpretation of the treaties of the Organisation itself. Finally, naturally, in order to carry out this very important mission of its, the Venice Commission cooperates closely with the constitutional courts of the member states, thereby assisting them in disseminating their case-law. From a more recent perspective, the growing importance and role of the Venice Commission within the Council of Europe was reaffirmed during the 4th Summit of the Council of Europe on 16-17 May 2023 (in Reykjavík, Iceland) in the context of the key priorities of the Organisation.<sup>11</sup>

### **III. European Commission for the Efficiency of Justice (CEPEJ)**

The European Commission for the Efficiency of Justice (CEPEJ) was established on 18 September 2002 by Resolution Res(2002)12 of the Committee of Ministers of the Council of Europe, to which its statute is annexed. It is composed of experts from all 46 member states of the Council of Europe,<sup>12</sup> and its work (which is assisted by a secretariat) is also attended by a number of observers,<sup>13</sup> including the European Union.<sup>14</sup> The aim of this Commission is to improve the

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<sup>11</sup>This is specifically stated in the text of the “Declaration on the ECHR system as the foundation of the protection of human rights by the Council of Europe”, contained in Annex No. 4 to the Declaration “United around common values” of the 4th Summit of the Council of Europe held on 16 and 17 May 2023 in Reykjavik (Iceland).

<sup>12</sup>Resolution Res(2002)12 of the Committee of Ministers of the Council of Europe.

<sup>13</sup>In this regard, it is necessary to emphasize that, observer states in this Committee are in fact the states which enjoy observer status in the Council of Europe itself (\*i.e., the Holy See, Canada, Japan, Mexico, the United States), as well as the following states to which the Committee of Ministers has decided to grant such status: Guatemala, Israel, Kazakhstan, Morocco, Tunisia).

<sup>14</sup>Besides the EU, the list of other organizations that enjoy observer status includes: Council of the Bars and Law Societies of Europe (CCBE), Council of the Notariat of the European Union (CNUE), European Union of Rechtspfleger and court Clerks (EUR), European networks of Councils for the Judiciary (ENCJ), European Association of Judges (EAJ), Association of European administrative judges (AEAJ), European Judicial training Network (EJTN), European Expertise and Expert Institute (EEEI), International Union of Judicial Officers (UIHJ), Oeffortsorganization for Economic Co-operation and Development (OECD), Magistratseuropéens pour la Démocratie et les Libertés (MEDEL), World Bank.

efficiency and functioning of justice in the member states of the Council of Europe, as well as to develop the implementation of the Council of Europe instruments to that end.

Its tasks include: analyzing the performance of the judicial systems of the member states of the Council of Europe and identifying the difficulties they have encountered; defining concrete ways of improving the performance and functioning of those systems; assisting member states at their request and submitting proposals to the competent bodies of the Council of Europe in areas where it would be desirable to elaborate a new legal instrument. In order to carry out its various tasks, this Commission draws up benchmarks, collects and analyses data, defines measurement instruments and means of assessment, adopts documents (reports, advice, guidelines, action plans, etc.), develops contacts with qualified persons, non-governmental organizations, research institutes and information centers, organizes discussions and promotes networks of legal professionals. The European Commission for the Efficiency of Justice fulfils these tasks in particular by (among other things): identifying and developing indicators, collecting and analysing quantitative and qualitative figures and defining measures and means for evaluation, and preparing reports, statistics, surveys on best practices, guidelines, action plans, opinions and general comments”, in which context is the fact that, since 2004, this Commission has started to undertake a regular process of evaluating the judicial systems of the member states of the Council of Europe every two years, establishing in this regard the so-called Dashboard questionnaire for measuring the performance of the judicial systems of the Western Balkans on an annual basis. The importance of this Commission can also be confirmed (among other things) in light of its involvement in the implementation of a large number of ongoing joint programs of the EU and the Council of Europe, where it appears as the main implementing actor. This includes, for example, the Joint EU-Council of Europe Program entitled “Towards better assessment of the results of judicial reforms in the Western Balkans” 2023-2026, which supports the beneficiaries of the Program (Albania, Bosnia and Herzegovina, Montenegro, Serbia, North Macedonia and Kosovo) in their efforts to achieve effective, systematic and data-based monitoring and evaluation of the quality, efficiency, independence and accountability of their justice systems, allowing them to assess the impact of their judicial reform efforts.<sup>15</sup>

As a result of the above, the European Commission on the Efficiency of Justice demonstrates the will of the Council of Europe to promote the rule of law and fundamental human rights and freedoms in Europe, based on the European Convention on Human Rights, and in particular its Articles 5 (right to liberty and security), 6 (right to a fair trial), 13 (right to an effective remedy) and 14 (prohibition of discrimination).

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#### **IV. The Council of Europe Commissioner for Human Rights**

The office of Commissioner for Human Rights was established in 1999 following the second Council of Europe Summit held in Budapest in 1997. The status of the Commissioner is defined in Resolution (99) 50 of the Committee of Ministers, according to which his mandate consists of:

- *promoting education and awareness-raising on human rights in the member states of the Council of Europe;*
- *facilitating the activities of national ombudsmen or similar national institutions in the field of human rights;*

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<sup>15</sup>For more on this, see <https://www.coe.int/en/web/cepej/ongoing-projects>

- *identifying possible shortcomings in the law and practice of the member states of the Council of Europe with regard to their respect for human rights, and*
- *helping to promote the effective respect and full enjoyment of human rights (embodied in the various instruments of the Council of Europe) in the member states.*

The above mentioned is a clear confirmation of the fact that the role of the Commissioner of the Council of Europe is exclusively preventive, that is, that he does not have any judicial jurisdiction or authority to act on any individual complaint in that context, complementing the role of the well-known European Court of Human Rights based on the European Convention on Human Rights (ECHR). This role was further strengthened with the entry into force of Protocol No. 14 to the ECHR,<sup>16</sup> on the basis of which the Commissioner has the right to intervene as a third party in proceedings before the Strasbourg Court of Human Rights and may submit written observations and participate in hearings before the Judicial or High Judicial Council of the European Court of Human Rights itself. However, in the context of the latter, it must be specifically emphasized that he does not have any judicial authority.

In order to fulfil his above-mentioned mandate, the Commissioner for Human Rights visits member states and, in dialogue with national authorities and civil society, ascertains the factual situation regarding human rights.<sup>17</sup> In this regard, he provides appropriate advice and information on the protection of human rights and the prevention of their violations. At the same time, he works together with other bodies of the Council of Europe and sends reports, recommendations or opinions on specific issues to the Committee of Ministers and the Parliamentary Assembly.<sup>18</sup> At the same time, the Commissioner also responds to requests that may be submitted to him by the Committee of Ministers and the Parliamentary Assembly of the Council of Europe in the framework of their task of ensuring compliance by the member states of the Organisation with the standards of the Council of Europe in the field of human rights. The Commissioner submits an annual (or quarterly) report on his work to the Committee of Ministers and the Parliamentary Assembly of the Council of Europe, which outlines all his relevant concrete activities undertaken during the relevant period.<sup>19</sup> From a more recent perspective, the added value of the Council of Europe Commissioner for Human Rights was particularly confirmed during the 4th Council of Europe Summit on 16-17 May 2023 (in Reykjavík, Iceland) in the context of the Organization's key priorities, including particularly the execution of judgments of the European Court of Human Rights.<sup>20</sup>

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<sup>16</sup>Article 13 of Protocol 14 to the ECHR.

<sup>17</sup>In accordance with his statutory mandate, the Commissioner may act on any relevant information which he may receive concerning general aspects of the protection of human rights. Such information or requests may be received by the Commissioner from governments, national parliaments, national ombudsmen or similar institutions, as well as from individuals and organisations in the member States of the Council of Europe.

<sup>18</sup>In this context, it also closely cooperates with all other relevant international institutions for the promotion and effective protection of human rights, thus avoiding any unnecessary duplication of relevant international activities in a specific case, and the like.

<sup>19</sup>In this regard, see the annual reports submitted by the current Council of Europe Commissioner for Human Rights, DunjaMijatović, which are available at: <https://www.coe.int/en/web/commissioner/activity-reports>.

<sup>20</sup>See the “Declaration on the ECHR system as the foundation of the protection of human rights by the Council of Europe”, contained in Annex No. 4 to the Declaration “United around common values” of the 4th Summit of the Council of Europe held on 16 and 17 May 2023 in Reykjavik (Iceland)

## **V. The Consultative Council of European Judges**

This Council was established by the Committee of Ministers with the aim of strengthening the role of judges in the member states of the Organization, thereby contributing its input to the implementation of the Framework Global Plan for Judges in Europe, which was adopted by the Committee of Ministers on 7 October 2011.<sup>21</sup> It is an advisory body of the Council of Europe on issues relating to the independence, impartiality and competence of judges. In fact, this is the first body within an international organization, which is composed exclusively of judges, and therefore, in this respect, it is unique in Europe. By establishing this advisory body, the Council of Europe has in fact emphasized the key role of the judiciary in exploring the concept of democracy and the rules on which it operates.<sup>22</sup> All member states of the Council of Europe<sup>23</sup> may be represented in the work of this Council, and in addition to them, a representative of the General Secretariat of the European Union may also participate in its work. The Council has its own Bureau, whose membership (without the right to vote) may include representatives of relevant permanent monitoring bodies within the Council of Europe<sup>24</sup>, as well as representatives of states that have observer status in the Council of Europe<sup>25</sup>, as well as the European Union. In order to fulfil its mandate, the Consultative Council of European Judges *adopts* opinions on issues concerning the status of judges and the performance of their functions, which are submitted to the Committee of Ministers for adoption. At the same time, the Member States of the Organisation may themselves request appropriate assistance from this Council in relation to problems concerning the status and/or situation of their national judges. The Consultative Council of European Judges also addresses recent issues and, if necessary, may visit the Member States in order to discuss ways of improving the existing situation by developing national legislation, institutional frameworks and/or case-laws in national law.<sup>26</sup>

## **VI. Consultative Council of European Public Prosecutors**

Similar to the previously mentioned Council, the Consultative Council of European Public Prosecutors has also been established within the Council of Europe, whose mission and purpose are determined in the light of Recommendation Rec (2000) 19 of the Committee of Ministers on

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<sup>21</sup>This is a result of the fact that the rule of law is one of the main values upheld by the Council of Europe, the cornerstone of which is precisely the judiciary.

<sup>22</sup>The work of this council is managed by its president, a position that has been held by Anke Eilers since 1 January 2022. <https://www.coe.int/en/web/ccje/about-the-ccje>

<sup>23</sup>The representative of our country in the work of this council is Judge Shpend Devaya. For more on the role of this commissioner, see J. Schokkenbroek 'The Preventive Role of the Commissioner for Human Rights of the Council of Europe' in L-A Sicilianos (ed) *The Prevention of Human Rights Violations: Contribution on the Occasion of the Twentieth Anniversary of the Marangopoulos Foundation for Human Rights (MFHR)* (Sakkoulas Athens 2001) pp. 201–13.

<sup>24</sup>The representative of our country in the work of this council is Judge Shpend Devaya. For more on the role of this commissioner, see J. Schokkenbroek 'The Preventive Role of the Commissioner for Human Rights of the Council of Europe' in L-A Sicilianos (ed) *The Prevention of Human Rights Violations: Contribution on the Occasion of the Twentieth Anniversary of the Marangopoulos Foundation for Human Rights (MFHR)* (Sakkoulas Athens 2001) pp. 201–13.

<sup>25</sup> The list of such instances includes: the European Court of Human Rights; the Consultative Council of European Prosecutors (CCPE); the European Commission for the Efficiency of Justice (CEPEJ); the European Committee of Legal Co-operation (CDCJ); the European Committee on Crime Problems (CDPC), as well as any other committees or bodies of the Council of Europe active in relevant areas

<sup>26</sup><https://www.coe.int/en/web/ccje/about-the-ccje>.

the role of public prosecution in the criminal justice system. This Council is also an advisory body to the Committee of Ministers, which was established by a special decision of the Committee of Ministers of 13 July 2005, with the intention of institutionalizing the regular annual Conference of Public Prosecutors of Europe (Conference of Prosecutors General of Europe - CPGE). This conference was launched in Strasbourg in order to ensure continuity of the aforementioned Recommendation Rec (2000) 19 of the Committee of Ministers on the role of public prosecution services in the criminal justice system, and was held every year until 2006 when it was institutionalized. By institutionalizing this forum, the Committee of Ministers and its European Committee on Crime Problems (CDPC) recognize the importance of closely involving the public prosecution services of its member states in its work, which is aimed at developing common policies and legal instruments regarding their functioning and professional activities. The Consultative Council of European Public Prosecutors held its first meeting in Moscow on 6 July 2006, and all member states of the Council of Europe may be represented in its work by persons to be elected from the ranks of the national authorities responsible for public prosecutors and the national administrations responsible for managing public prosecution services, from the ranks of ordinary public prosecutors with a deep knowledge of issues relating to the functioning of the public prosecution system and high personal integrity. In addition, the European Union is invited to participate in the activities of this council, as well as the states that have observer status in the Council of Europe, including the Holy See, the USA, Canada, Japan and Mexico. Kazakhstan, Morocco, as well as the International Association of Public Prosecutors and the Association "Magistratseuropéens pour la démocratie et les libertés" - MEDEL, also have observer status in this council. Otherwise, the work of the Consultative Council of European Public Prosecutors consists in maintaining the process of implementation of the previously mentioned Recommendation Rec(2000) 19 of the Committee of Ministers on the role of public prosecution services in the criminal justice system, with the aim of developing common policies and legal instruments regarding their functioning and professional activities. It has an advisory function on general issues, which function leads to the elaboration of opinions for the Committee of Ministers, which is complemented by its mission to promote the previously mentioned Recommendation of the Committee of Ministers, as well as to collect information regarding the functioning of public prosecution services in Europe.<sup>27</sup>

## **VII. Council for Democratic Elections**

This body, created following the adoption of Resolution 1264 (2001) of the Parliamentary Assembly calling for the development of a Code of Good Practice in the field of electoral matters,<sup>28</sup> is in fact the only tripartite body of the Council of Europe, whose membership includes members of the Venice Commission, the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe. Following the adoption of the Code of Good Practice in the field of elections itself, as well as its subsequent adoption by the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities, this Council has become permanent. It examines all opinions and documents of a general nature (codes of good practice, guidelines, etc.) in the field of elections and political parties before they are submitted to

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<sup>27</sup>For more information about this council, see <https://www.coe.int/en/web/ccpe/about-consultative-council-of-european-prosecutors>.

<sup>28</sup>Resolution 1264 (2001) of the Standing Committee of the Parliamentary Assembly, acting on behalf of the Assembly, 8 November 2000.



the Venice Commission for adoption. The aim of the Council for Democratic Elections is to unite the legal experience of the Venice Commission and the political experience of the Parliamentary Assembly and the Congress of Local and Regional Authorities in a single body, which promotes common European values, the principles of the European electoral heritage. All the above can conclude the fact that, the observer status in this Council is held by (among others) the European Union (i.e. the European Commission, the European Parliament and the European External Action Service), the OSCE (its Parliamentary Assembly and the Office for Democratic Institutions and Human Rights - ODIHR). All the above can summarize the fact that, in 2006, the Council for Democratic Elections and the Venice Commission also adopted a Code of Good Practice on Referendums, which was subsequently approved in 2008 by the Committee of Ministers<sup>29</sup> upon a prior recommendation by the Parliamentary Assembly of the Council of Europe, as well as in particular by the Congress of Local and Regional Authorities of the Council of Europe, which adopted this code in 2007 during its 14th plenary session.<sup>30</sup> This code was subsequently revised in 2022 by the Council for Democratic Elections and the Venice Commission, which was then also approved by the Committee of Ministers of the Organisation, the Parliamentary Assembly and the Congress of Local and Regional Authorities.<sup>31</sup>

## VIII. Conclusion

The Council of Europe is the oldest European intergovernmental organisation, whose main statutory objective 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 of promoting their economic and social progress”. This fundamental objective of the Organisation is operationalised through a series of closely interrelated specific objectives, including (among others): the protection of human rights, pluralistic democracy and the rule of law; promoting awareness and encouraging the development of European cultural identity and diversity; seeking solutions to the problems facing European society (xenophobia, intolerance, protection of the environment, cloning, AIDS, drugs, drug addiction and organised crime, etc.), and helping to consolidate democratic stability in Europe through political, legislative and constitutional changes in its member states. One of the most important ways of achieving these goals is through the conclusion of international agreements, consequently the Council of Europe is today home to all the most important European legal instruments in the areas of human rights, national minorities, anti-discrimination, social cohesion, local self-government, the rule of law and democracy in general. However, the main goal of this Organization does not lay only in the constant increase of its legislative output and soft law instruments, but above all the full and correct implementation of each of its legal and political instruments by its member states, which process is first of all subject to monitoring carried out by the control bodies established by each of the Organization's multilateral agreements, including the particularly important and unique judicial way of controlling the implementation of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) through the European Court of Human Rights established by

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<sup>29</sup>See the Declaration on this Code adopted by the Committee of Ministers in 2007, by which it invited member states to be guided by the Code, available at: <https://www.venice.coe.int/webforms/documents>.

<sup>30</sup>This code was subsequently revised in 2022 by the Council for Democratic Elections and the Venice Commission, which was then also duly approved (with a declaration) by the Committee of Ministers of the Organization.

<sup>31</sup>[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2022\)015-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)015-e)

the ECHR itself, which process can subsequently only be understood in light of the overall organizational set-up and functioning of the Organization itself, including the Committee of Ministers (as the intergovernmental pillar of the Organization and the sole decision-making body), the Parliamentary Assembly (as the parliamentary dimension of the Organization) and the Congress of Local and Regional Authorities (as the third pillar of the Organization).

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