

RESOLUTION (99) 50

ON THE COUNCIL OF EUROPE

COMMISSIONER FOR HUMAN RIGHTS

(Adopted by the Committee of Ministers on 7 May 1999,
at its 104th Session, Budapest)

The Committee of Ministers,

Considering that the aim of the Council of Europe is the achievement of greater unity between its Members and that one of the methods by which that aim is to be pursued is the maintenance and further realisation of human rights and fundamental freedoms;
Having regard to the decisions taken by the Heads of State and Government of the Member States of the Council of Europe at their Second Summit (Strasbourg, 10-11 October 1997);
Considering also that the 50th Anniversary of the Council of Europe provides an occasion to enhance further the work undertaken since its creation,
Decides to institute the office of Council of Europe Commissioner for Human Rights ("the Commissioner") with the following terms of reference:

Article 1

1. The Commissioner shall be a non-judicial institution to promote education in, awareness of and respect for human rights, as embodied in the human rights instruments of the Council of Europe.
2. The Commissioner shall respect the competence of, and perform functions other than those fulfilled by, the supervisory bodies set up under the European Convention of Human Rights or under other human rights instruments of the Council of Europe. The Commissioner shall not take up individual complaints.

Article 2

The Commissioner shall function independently and impartially.

Article 3

The Commissioner shall:

- a. promote education in and awareness of human rights in the member States;
- b. contribute to the promotion of the effective observance and full enjoyment of human rights in the member States;
- c. provide advice and information on the protection of human rights and prevention of human rights violations. When dealing with the public, the Commissioner shall, wherever possible, make use of and co-operate with human rights structures in the member States. Where such structures do not exist, the Commissioner will encourage their establishment;
- d. facilitate the activities of national ombudsmen or similar institutions in the field of human rights;
- e. identify possible shortcomings in the law and practice of member States concerning the compliance with human rights as embodied in the instruments of the Council of Europe, promote the effective implementation of these standards by member States and assist them, with their agreement, in their efforts to remedy such shortcomings;
- f. address, whenever the Commissioner deems it appropriate, a report concerning a specific matter to the Committee of Ministers or to the Parliamentary Assembly and the Committee of Ministers;
- g. respond, in the manner the Commissioner deems appropriate, to requests made by the Committee of Ministers or the Parliamentary Assembly, in the context of their task of ensuring compliance with the human rights standards of the Council of Europe;
- h. submit an annual report to the Committee of Ministers and the Parliamentary Assembly;
- i. co-operate with other international institutions for the promotion and protection of human rights while avoiding unnecessary duplication of activities.

Article 4

The Commissioner shall take into account views expressed by the Committee of Ministers and the Parliamentary Assembly of the Council of Europe concerning the Commissioner's activities.

Article 5

1. The Commissioner may act on any information relevant to the Commissioner's functions. This will notably include information addressed to the Commissioner by governments, national parliaments, national ombudsmen or similar institutions in the field of human rights, individuals and organisations.
2. The gathering of information relevant to the Commissioner's functions shall not give rise to any general reporting system for member States.

Article 6

1. Member States shall facilitate the independent and effective performance by the Commissioner of his or her functions. In particular, they shall facilitate the Commissioner's contacts, including travel, in the context of the mission of the Commissioner and provide in good time information requested by the Commissioner.

2. The Commissioner shall be entitled, during the exercise of his or her functions, to the privileges and immunities provided for in Article 40 of the Statute of the Council of Europe and in the agreements made thereunder.

Article 7

The Commissioner may directly contact governments of member States of the Council of Europe.

Article 8

1. The Commissioner may issue recommendations, opinions and reports.

2. The Committee of Ministers may authorise the publication of any recommendation, opinion or report addressed to it.

Article 9

1. The Commissioner shall be elected by the Parliamentary Assembly by a majority of votes cast from a list of three candidates drawn up by the Committee of Ministers.

2. Member States may submit candidatures by letter addressed to the Secretary General. Candidates must be nationals of a member State of the Council of Europe.

Article 10

The candidates shall be eminent personalities of a high moral character having recognised expertise in the field of human rights, a public record of attachment to the values of the Council of Europe and the personal authority necessary to discharge the mission of the Commissioner effectively. During his or her term of office, the Commissioner shall not engage in any activity which is incompatible with the demands of a full-time office.

Article 11

The Commissioner shall be elected for a non-renewable term of office of six years.

Article 12

1. An Office of the Commissioner for Human Rights shall be established within the General Secretariat of the Council of Europe.

2. The expenditure on the Commissioner and the Office of the Commissioner shall be borne by the Council of Europe.