



SUMMARIES OF THE COUNCIL OF EUROPE TREATIES

The summaries available hereunder are designed to meet a practical need, that of supplying the public at large with concise descriptions of the Council of Europe treaties. The summaries are necessarily short and can therefore only give a first introduction to the main features of each treaty.

Subject-matter: **LEGAL STATUS OF THE COUNCIL OF EUROPE**

Statute of the Council of Europe ([ETS No. 1](#)), signed in London, on 5 May 1949.

Entry into force: 3 August 1949.

The Council of Europe has been created after the Second World War in order 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. Any European State may become a member of the Council of Europe as far as it accepts the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms.

This aim shall be pursued through the two organs of the Council – the Committee of Ministers and the Parliamentary Assembly – 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.

The Committee of Ministers is the organ which acts on behalf of the Council of Europe. Each member shall be entitled to one representative on the Committee of Ministers, the Minister for Foreign Affairs or its Representative. On the recommendation of the Parliamentary 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.

The Parliamentary 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. Each member State is represented by a delegation from its national parliament. The number of seats for each member State is given in the Statute of the Council of Europe (Article 26).

Both these organs are served by a Secretariat directed by the Secretary General.

Moreover, the Statute provides for the financing of the Council, grants to the Representatives the immunities and privileges necessary for the fulfilment of their functions, set up the seat of the Organisation in Strasbourg and that the official languages of the Council of Europe are English and French. The Statute includes the amendments provided for by the ETS Nos. 6, 7, 8 and 11.

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General Agreement on Privileges and Immunities of the Council of Europe ([ETS No. 2](#)), signed in Paris, on 2 September 1949.

Entry into force: 10 September 1952.

The Agreement, concluded in accordance with the provisions of the Statute of the Council of Europe (ETS No. 1), provides for the immunities and privileges necessary for the fulfilment of the function of the Representatives of the member States to the Committee of Ministers and the Parliamentary Assembly, as well as of the Secretariat. Among these immunities and privileges are the juridical personality of the Council of Europe, the immunity of jurisdiction, the inviolability of the buildings and premises of the Council.

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Protocol to the General Agreement on Privileges and Immunities of the Council of Europe ([ETS No. 10](#)), open for signature, in Strasbourg, on 6 November 1952.

Entry into force: 11 July 1956.

The Protocol extends the provisions of the General Agreement (ETS No. 2) to other categories of persons (Ministers' Deputies, Permanent Representative of the States). Moreover, it provides for the accession of the new members of the Council of Europe to the General Agreement.

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Second Protocol to the General Agreement on Privileges and Immunities of the Council of Europe ([ETS No. 22](#)), open for signature by the member States of the Council of Europe, in Paris, on 15 December 1956.

Entry into force: 15 December 1956.

The Second Protocol contains specific provisions concerning the privileges and immunities of the Members of the European Commission of Human Rights while exercising their functions.

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Third Protocol to the General Agreement on Privileges and Immunities of the Council of Europe ([ETS No. 28](#)), open in Strasbourg, on 6 March 1959.

Entry into force: 15 March 1963.

The Third Protocol contains specific provisions concerning the Council of Europe Resettlement Fund for National Refugees and Over-population (*since 1999 the name is Council of Europe Development Bank*).

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Fourth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe ([ETS No. 36](#)), open for signature, in Paris, on 16 December 1961.

Entry into force: 16 December 1961.

The Fourth Protocol contains specific provisions concerning the privileges and immunities of the Members of the European Court of Human Rights while exercising their functions.

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Fifth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe ([ETS No. 137](#)), open for signature, in Strasbourg, on 18 June 1990.

Entry into force: 1 November 1991.

The Fifth Protocol provides that the members of the European Commission of Human Rights and of the European Court of Human Rights are exempted from taxation on salaries, emoluments and allowances paid to them by the Council of Europe.

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Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe ([ETS No. 162](#)), open for signature, in Strasbourg, on 5 March 1996.

Entry into force: 1 November 1998.

The Sixth Protocol sets up the privileges and immunities granted to the Judges of the permanent Court of Human Rights during the discharge of their duties as well as during travels made during the discharge of their duties.