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The other European election

As the guardian of human rights and democracy, the Council of Europe represents 'Europe's conscience'. This year, it might find itself at a crossroads

Elections to the European Parliament will take place in June. But across the river from the European Parliament in Strasbourg, at the Council of Europe's 'Palace of Europe', three key figures step into the spotlight for another important European election: Didier Reynders, Alain Berset and Indrek Saar. Their candidacies for Secretary General of the Council of Europe could tip the scales in determining how governments and European political parties fill key positions and shape the organisation's role on the European and international stage this year.

Misunderstood and chronically underestimated, the Council of Europe – an international organisation completely independent of the European Union – still stands in the shadow of its namesakes, the European Council (consisting of the heads of state and government of the EU countries) and the Council of the EU (consisting of the ministers of the national governments of the EU). Founded in May 1949, it was the first European post-war organisation. Today, the Council of Europe has 46 members: all EU member states and all European states, including Turkey, but with the exception of Belarus and Kosovo, belong to the organisation.

A toothless tiger?

Despite its historical importance and the creation of groundbreaking standards such as the European Convention on Human Rights, which enshrined a comprehensive catalogue of fundamental human rights in the member states and created a unique avenue for possibility of complaint, it has suffered under waning influence and faced growing criticism in recent years. Derided as a 'toothless tiger', it seemed to be falling behind, especially compared to the EU.

But Russia's invasion of Ukraine and the turning point it triggered have brought the Council of Europe back into the spotlight of international

politics. The unprecedented expulsion of Russia from the organisation in March 2022 sent an unmistakable message to the world: the Council of Europe is determined to defend its fundamental principles. The political earthquake has given new urgency to the importance of this organisation and positioned it as an essential dialogue forum for Ukraine, the Western Balkans and the Caucasus.

A dance of giants: the Council of Europe and the EU

The relations between the EU and the Council of Europe resemble a challenging dance on important but different diplomatic levels. The Council of Europe, the older and more experienced dancer, rightly prides itself on its independence and its rich repertoire of measures to protect human rights, promote the rule of law and strengthen democracy. Although it has neither sovereign rights nor legislative powers, it is the undisputed master of drafting conventions, which, in turn, must be ratified by the member states. The EU, the younger and more dynamic partner, is moving with economic and political strength. In this choreography, the Council of Europe often has to bow to the dominant EU lead — or so it seems at first glance.

But the EU, whose scope for action was expanded by the Lisbon Treaty, regularly refers to common standards and uses compliance and control mechanisms such as election observations by the Council of Europe. The Council of Europe thus provides the norms and standards, while the EU uses its political and economic power to enforce them in its foreign relations.

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The European Court of Human Rights in Strasbourg shines like a rule of law jewel, even if overloaded with thousands of cases. Contrary to widespread belief, the Court is a sharp sword in the Council of Europe's arsenal, which acts as the appointed guardian and seal-keeper of human rights in Europe. The sharpness of its blade is demonstrated by the fact that all 46 member states have ratified the European Convention on Human Rights, meaning that the Court's rulings are binding for all these states and governments.

A striking example is the 2021 'Big Brother Watch' ruling against the United Kingdom. The Court decided that mass surveillance by British

intelligence violated the right to privacy and freedom of expression. The ruling had far-reaching consequences for surveillance practices in Europe and set new standards for the delicate balance between national security and civil liberties — the supposedly 'toothless tiger' presents itself as a fierce human rights defender. And the long-standing threats from hardliners in British Prime Minister Rishi Sunak's Tory Party to leave the organisation only further confirm its influence in day-to-day politics.

In the current political tide, however, the Council of Europe is faced with dwindling respect for democratic rules and constitutional principles. This becomes especially apparent at times when member states simply ignore recommendations, actively obstruct investigations into human rights situations or don't implement the rulings of the Human Rights Court. A look at countries like Hungary, Turkey and, until recently, Poland offers a vivid example. In addition to many practical questions, this also raises more fundamental questions, such as: how many violations of the organisation's norms and rules can be tolerated without undermining the credibility of the Council of Europe?

Setting the course for the future

Amid this turmoil, the Parliamentary Assembly will elect a new Secretary General of the Council of Europe this year. Since 2019, Croatian Marija Pejčinović Burić has held the position, being responsible for external representation, strategic planning and the programme and budget of the Council of Europe. Now, three candidates have thrown their hats into the ring: Belgian EU Justice Commissioner Didier Reynders, former Swiss President Alain Berset and former Estonian Culture Minister Indrek Saar. In a next step, the Committee of Ministers will interview the candidates in March 2024 and make a recommendation to the Parliamentary Assembly.

Other important steps for the future of the Council of Europe were already taken in January 2024. In the second round of voting, the Parliamentary Assembly elected the Irish Michael O'Flaherty as the new Commissioner for Human Rights and the Greek Theodoros Rousopoulos as the new President of the Parliamentary Assembly. In his inaugural speech, Rousopoulos made it clear that, in addition to Ukraine and dealing with the crimes committed there, increasing the organisation's visibility will be the top priority.

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The election of the Secretary General in June and his taking office in September 2024 are much more than formalities. They will have a decisive influence on the future of the Council

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of Europe. At a time when authoritarian regimes are on the rise and the pillars of democracy and human rights are faltering, the Council of Europe must aspire to be more than a symbolic bulwark. It faces the tasks of asserting itself as an indispensable bulwark in the fight for human rights and democracy and of increasing its strategic importance. But how can it succeed?

One answer could be found within the rapidly developing digitalisation, in which the Council of Europe already plays a key role. In revising the Data Protection Convention, the Council of Europe ensures that modern issues, such as big data and AI-powered surveillance systems, are addressed to protect citizens' privacy and fundamental rights. The organisation is also nearing the completion of negotiations on an AI convention that will ensure that the use of AI in both the public and private sectors is transparent and in accordance with human rights.

Another example is the adaption to new forms of cybercrime. Given increasing cyberattacks on critical infrastructure, the Council of Europe has to create a framework to help member states strengthen their digital defence strategies while respecting citizens' rights. These complex tasks, as well as the coordinated cooperation between the various institutions, require appropriate financial resources, which are currently clearly lacking.

2024 will undoubtedly be a crucial year for the Council of Europe. Although the election of the new Secretary General may attract less attention than the European Parliament election in the glass building next door, it is still of immense importance. How and with what measures the new Secretary General will meet the enormous challenges of the present not only determines the future of the organisation but also has potentially far-reaching effects on the entire political development of Europe.



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