



THE COUNCIL OF EUROPE AND THE EUROPEAN UNION

The **Council of Europe** (CoE) and the **European Union** (EU) are separate entities that perform different, yet complementary, roles.

| COUNCIL OF EUROPE | EUROPEAN UNION |
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| <p>Established in 1949, the Council of Europe is an international organisation comprising 47 European countries, 28 of which are Member States of the European Union. It was set up to promote democracy, protect human rights and the rule of law in Europe. The Council of Europe has produced a number of legal instruments, including the European Convention on Human Rights, European Social Charter, European Convention on Mutual Assistance in Criminal Matters and the European Convention on the Legal Status of Migrant Workers.</p> <p>http://www.coe.int/en/web/portal/home</p> | <p>The European Union evolved from a number of Treaties signed from 1951 to date. The European Coal & Steel Community, the European Atomic Energy Community and the European Economic Communities were the foundation Treaties which formed the basis of the European Communities established for post-war economic and political cooperation. The European Community officially renamed the European Union with the signing of the Maastricht Treaty in 1993, which also paved the way for the Euro and the single market. Besides the main treaties, the EU legal system also comprises of regulations, directives and other soft law instruments.</p> <p>https://europa.eu/european-union/index_en</p> |
| MAIN HUMAN RIGHTS INSTRUMENTS | |
| <p>The European Convention on Human Rights, the European Social Charter</p> <ul style="list-style-type: none"> The Council of Europe treaty securing civil and political rights is the European Convention on Human Rights (ECHR), signed in 1950. The ECHR sets forth a number of fundamental rights and freedoms that States undertake to secure to everyone within countries. The ECHR is directly incorporated into Maltese law, and therefore enforceable by Maltese Courts. http://www.echr.coe.int/pages/home.aspx?p=basictexts The CoE has also adopted the European Social Charter, containing economic, social and cultural rights. Although Malta accepted the Charter, it has not yet accepted its complaints mechanism, rendering it ineffective. https://www.coe.int/en/web/turin-european-social-charter | <p>The Charter of Fundamental Rights</p> <ul style="list-style-type: none"> The Charter of Fundamental Rights was annexed to the Lisbon Treaty in 2007. The Charter includes civil, political, economic, social and cultural rights, including more 'modern' rights such as the right to data protection, guarantees on bioethics, good governance and transparent administration. The Charter only applies only to (i) the institutions and bodies of the EU, and (ii) Member States when they are applying EU law. The Charter is part of the Maltese legal system and, as such, enforceable by Maltese Courts. http://ec.europa.eu/justice/fundamental-rights/charter/index_en.htm |
| MAIN COURT | MAIN COURTS |
| <ul style="list-style-type: none"> The European Court of Human Rights (ECtHR) in Strasbourg ensures the observance of the rights set forth in the ECHR. It hears cases filed by individuals against States. States are legally required to respect ECtHR judgments. http://www.echr.coe.int/Pages/home.aspx?p=home | <ul style="list-style-type: none"> The Courts of Justice of the European Union (CJEU) consist of three courts: the Court of Justice, the General Court and the Civil Service Tribunal. For individual complaints, national courts are normally responsible for applying EU law. In turn, Maltese courts are able to refer a matter to the CJEU where assistance with interpretation is required. http://curia.europa.eu/jcms/jcms/j_6/en/ |

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