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EUROPEAN LEGAL STUDIES CENTER  
COLUMBIA UNIVERSITY SCHOOL OF LAW

THE TWO EUROPE OF HUMAN RIGHTS: THE EMERGING  
DIVISION OF TASKS BETWEEN THE COUNCIL OF EUROPE AND  
THE EUROPEAN UNION IN PROMOTING HUMAN RIGHTS IN  
EUROPE

Olivier De Schutter\*

*This article addresses the division of tasks between the Council of Europe and the European Union in the protection of fundamental rights in Europe. As part of its project to establish an area of freedom, security, and justice, the EU has recently sought to develop a more proactive fundamental rights policy. However, in the debate on the shape of the EU's fundamental rights policy, one issue that has repeatedly surfaced is the EU's relationship with the Council of Europe, the leading regional organization for standard-setting and monitoring in the field of human rights. In particular, some have questioned whether the principles of subsidiarity and proportionality which should guide the Union's exercise of the powers it shares with the member states should take into account either the fact that the Council of Europe has already defined standards in the area of fundamental rights for the EU member states, or the fact that the forum of the Council of Europe might be better suited than the EU for the development of new standards where new problems emerge. This study is an attempt to answer this question in a rapidly changing political environment.*

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