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The terms of reference of Parliamentary Assembly committees – implementation of Resolution 1822 (2011) on the reform of the Parliamentary Assembly

Report¹

Committee on Rules of Procedure, Immunities and Institutional Affairs

Rapporteur: Mr Egidijus VAREIKIS, Lithuania, Group of the European People's Party

Summary

In adopting [Resolution 1822 \(2011\)](#) on the reform of the Parliamentary Assembly, the Assembly took various measures in order to strengthen its political relevance, visibility and effectiveness, and rationalise the use of its operational resources. In order to implement some of these decisions, which include a reduction in the number of committees from 10 to eight and a transfer of competences, the Assembly is invited to revise the general and specific terms of reference of its committees.

Regarding the general terms of reference, special emphasis is placed on committees' institutional relations and working relations, both inside and outside the Council of Europe, and on the follow-up to adopted texts. Committees will be entitled to appoint general rapporteurs covering a particular topic.

Regarding the specific terms of reference, the Assembly is also invited to adopt the terms of reference of the newly created Committee on Social Affairs, Health and Sustainable Development, and revise the terms of reference of the other committees affected by the restructuring.

1. Reference to committee: Bureau decision, Reference 3792 of 24 June 2011.



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A. Draft resolution²

1. In adopting [Resolution 1822 \(2011\)](#) on the reform of the Parliamentary Assembly, the Parliamentary Assembly sought to redefine the context within which it operates, in particular by modifying the structure of its committees, in order to strengthen its political relevance and effectiveness, make it more visible, improve its members' involvement and participation, and rationalise the use of its operational resources.
2. The Assembly accordingly adopts the revised terms of reference of the Assembly committees, both general and specific, as set out in the appendix to this resolution.
3. The Assembly further decides to amend its Rules of Procedure regarding the appointment of its committees, the composition of its Committee on Rules of Procedure, Immunities and Institutional Affairs, the creation of the office of general rapporteur and, in general, the incorporation into the Rules of Procedure of the changes made to the committees' fields of competence. It therefore refers to Resolution ... (2011) on the amendment of various provisions of the Parliamentary Assembly's Rules of Procedure.
4. The Assembly likewise decides that the reports currently being prepared by committees in areas that are the subject of a review of their respective terms of reference or a transfer from another committee may be given a one-year extension of the original deadline. It will be for the Assembly's Bureau to re-examine the references to committees for report in the light of their new competences, including in cases where there is a conflict of competence between committees.
5. The present resolution supersedes and replaces [Resolution 1425 \(2005\)](#) on the revision of the terms of reference of Assembly committees and will enter into force at the opening of the Assembly's 2012 ordinary session on 23 January 2012.

Appendix

General terms of reference applicable to all Assembly committees

6. The Assembly decides to revise the general terms of reference applicable to all its committees as follows:
 - 6.1. Committees may examine any matter within their specific terms of reference (Rule 43.1 of the Rules of Procedure) and, possibly, table information reports on these matters (Rule 48.6).
 - 6.2. Committees shall only prepare reports for debate in the Assembly:
 - 6.2.1. on matters referred to them (Rule 25);
 - 6.2.2. when so instructed by texts adopted by the Assembly (taking account of Rule 24.1.b);
 - 6.2.3. when stipulated by the Assembly's Rules of Procedure;
 - 6.2.4. when mandated to do so by their specific terms of reference.
 - 6.3. The committees ensure the appropriate follow-up to resolutions and recommendations adopted by the Assembly in the fields covered by their specific terms of reference.
 - 6.4. Committees may organise conferences and other events on matters within their specific terms of reference and which are linked to their work programme, subject to availability of funds.
 - 6.5. Committees shall establish and maintain working relations with:
 - 6.5.1. the competent bodies (committees, etc.) of national parliaments of member states;
 - 6.5.2. the competent bodies (committees, etc.) of European parliamentary assemblies (European Parliament, OSCE Parliamentary Assembly, CIS Interparliamentary Assembly and others) and of the Interparliamentary Union (IPU);
 - 6.5.3. subject to decision by the Bureau of the Assembly, the competent bodies (committees, etc.) of national parliaments holding special guest, observer or partner for democracy status;
 - 6.5.4. subject to decision by the Bureau of the Assembly, the competent bodies (committees, etc.) of national parliaments of non-member states.
 - 6.6. Committees shall follow the activities of the Committee of Ministers in the fields covered by their specific terms of reference.

2. Draft resolution adopted unanimously by the committee on 5 September 2011.

- 6.7. Committees shall follow the activities of, and maintain working relations with:
 - 6.7.1. the relevant rapporteur groups, working groups and liaison committees of the Ministers' Deputies and rapporteurs of the Ministers' Deputies;
 - 6.7.2. the relevant Council of Europe structures and bodies such as the European Court of Human Rights, the Congress of Local and Regional Authorities of the Council of Europe, the Commissioner for Human Rights, the Council of Europe partial agreements, the Council of Europe monitoring bodies and the relevant Council of Europe expert committees.
- 6.8. Committees are entitled to be represented in the Assembly's delegations to the relevant European conferences of specialised ministers and to follow their activities.
- 6.9. Committees shall follow the activities of, and maintain working relations with, the European and international organisations and bodies which carry out activities in the fields covered by their specific terms of reference, in particular the European Union, the OSCE, the United Nations and their agencies and institutions.
- 6.10. Committees are entitled to develop and maintain working relations with the European and international non-governmental organisations which carry out activities in the fields covered by their specific terms of reference.
- 6.11. Committees shall promote the ratification and the implementation by Council of Europe member states of relevant conventions covered by their specific terms of reference.

Specific terms of reference of the Assembly committees

7. The Assembly also decides to revise the specific terms of reference of its committees as follows:
 - 7.1. *Committee on Political Affairs and Democracy (AS/Pol)*
 - 7.1.1. The committee shall consider the general policy of the Council of Europe and all political matters which fall within the competence of the Organisation. It shall report on urgent political situations and crises in Council of Europe member states.
 - 7.1.2. The committee shall in particular consider:
 - 7.1.2.1. requests for membership of the Council of Europe;
 - 7.1.2.2. requests for granting observer status with the Council of Europe and with the Parliamentary Assembly, subject to the provisions of Rule 59 of the Assembly's Rules of Procedure;
 - 7.1.2.3. requests for special guest status with the Parliamentary Assembly, in accordance with Rule 58.3 of the Rules of Procedure;
 - 7.1.2.4. requests for partner for democracy status with the Parliamentary Assembly, in accordance with Rule 60.7 of the Rules of Procedure;
 - 7.1.2.5. questions relating to the state of democracy and the functioning and development of democratic institutions in Europe, as well as in the observer states and in the states whose parliaments enjoy observer or partner for democracy status;
 - 7.1.2.6. major political challenges to modern society;
 - 7.1.2.7. issues related to democratic stability in Europe;
 - 7.1.2.8. issues related to deep/soft security in Europe;
 - 7.1.2.9. the prevention and settlement of crises and conflicts in, between, or having an impact on, member and observer states, as well as non-member states whose parliaments enjoy, or seek to acquire, observer or partner for democracy status.
 - 7.1.3. The committee shall prepare reports on the activities of the Organisation for Economic Co-operation and Development (OECD) and the European Bank for Reconstruction and Development (EBRD). For the preparation of the reports and the debates in the Assembly, the committee maintains relations with the OECD and the EBRD, and with parliaments of non-member states participating in these debates.
 - 7.1.4. The committee shall consider the situation in states which are not members of the Council of Europe in the light of the fundamental values upheld by the Council of Europe, make proposals and, subject to approval by the Bureau, take political action to promote these values.

7.1.5. The committee may propose to the Bureau the conclusion of co-operation agreements, or other ways of stepping up co-operation, with parliaments of non-member states and international interparliamentary institutions.

7.1.6. The committee shall share the Assembly representation in the European Commission against Racism and Intolerance (ECRI) and in the Council for Democratic Elections of the European Commission for Democracy through Law (Venice Commission).

7.2. *Committee on Legal Affairs and Human Rights (AS/Jur)*

7.2.1. The committee shall consider all legal and human rights matters (including proposals for and the preparation of statutory opinions on draft Council of Europe conventions) which fall within the competence of the Council of Europe.

7.2.2. The committee shall in particular consider:

7.2.2.1. all matters concerning the human rights treaties and mechanisms of the Council of Europe, notably the European Convention on Human Rights and its protocols, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and other international instruments;

7.2.2.2. other issues concerning the state of human rights and fundamental freedoms and the rule of law in Europe, as well as in the observer states and in the states whose parliaments enjoy observer or partner for democracy status, including allegations of serious human rights violations of a systemic or otherwise widespread nature;

7.2.2.3. the functioning of national and international judicial institutions (as well as ombudspersons and national human rights institutions), the police, detention centres and prisons in the member states of the Council of Europe;

7.2.2.4. national and international criminal law and criminology; the treatment of offenders and conditions of detention (including pre-trial detention); alternatives to imprisonment;

7.2.2.5. legal and human rights issues relating to the fight against terrorism.

7.2.3. The committee shall give an opinion on the law, legal practice and the observance of human rights and fundamental freedoms of applicant states for membership of the Council of Europe, and of states whose parliaments seek to acquire partner for democracy status with the Parliamentary Assembly, to assess compliance with Council of Europe standards.

7.2.4. The committee shall promote Council of Europe standard-setting legal instruments in the field of respect for human rights, fundamental freedoms and the rule of law in non-member states.

7.2.5. The committee shall be in charge of interviewing all candidates for posts of judges to the European Court of Human Rights and for the Council of Europe Commissioner for Human Rights, before their election by the Assembly. It shall also examine the curricula vitae of candidates to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

7.2.6. The committee shall follow the activities of the European Ombudsmen Conference.

7.2.7. The committee shall share the Assembly representation in the European Commission for Democracy through Law (Venice Commission) and in the Council for Democratic Elections of the Venice Commission.

7.2.8. The committee shall represent the Assembly in the Council of Europe Group of States against Corruption (GRECO) and shall participate in the work of the European Commission for the Efficiency of Justice (CEPEJ).

7.2.9. The committee shall represent the Assembly in, and follow the work of, the relevant expert committees of the Council of Europe.

7.3. *Committee on Social Affairs, Health and Sustainable Development (AS/Soc)*

7.3.1. The Committee shall consider issues relating to social rights and policies, public health, sustainable development, economic co-operation and development, local and regional democracy and good governance in these fields, having special regard to the situation of the more vulnerable groups in society.

7.3.2. The Committee shall in particular consider:

7.3.2.1. the implementation and possible development within the member states and at European level of the rights guaranteed by the (revised) European Social Charter and the contribution of social cohesion to democratic security;

7.3.2.2. the promotion of sustainable development including: protection of biodiversity; forward-looking management of the environment and natural resources; climate change; co-operation for development; "greening" the economy; as well as relevant sectoral policies (e.g. energy, transport, tourism, trade);

7.3.2.3. access to adequate and affordable health services and effective management of public health risks and opportunities (e.g. food security, natural and technological disasters, counterfeits, drugs, epidemics, pollution, biomedicine);

7.3.2.4. policies aimed at: improving social cohesion (e.g. employment, social dialogue, social security, pensions); supporting groups which are in need of special protection (e.g. children, the elderly, families); and fostering solidarity between generations, taking into account demographic, economic and social trends;

7.3.2.5. good governance and democratic practices at local and regional level.

7.3.3. The Committee shall follow the activities and maintain working relations with the Congress of Local and Regional Authorities of the Council of Europe and with European and international organisations, agencies and associations of local and regional authorities.

7.3.4. The Committee shall report regularly on the activities of the Council of Europe Development Bank.

7.3.5. The Committee shall share the Assembly representation in the European Centre for Global Interdependence and Solidarity (North-South Centre).

7.3.6. The committee shall represent the Assembly in, and follow the work of, the relevant expert committees of the Council of Europe.

7.3.7. The Committee shall, on behalf of the Assembly, select the candidates for, and the winners of, the Europe Prize and related awards for local authorities.

7.4. *Committee on Migration, Refugees and Displaced Persons (AS/Mig)*

7.4.1. The committee shall consider all relevant matters relating to migration, asylum and displacement in Europe and in other relevant parts of the world, focusing in particular on the persons affected and their rights. It shall work and propose legal and political solutions and actions for closer European co-operation in these fields, as well as, when relevant, with non-European countries, in keeping with the human rights and humanitarian values of the Council of Europe.

7.4.2. The committee shall in particular consider:

7.4.2.1. questions relating to migration, including the rights of migrants, during the migration process;

7.4.2.2. issues linked to the asylum process in Europe and the rights of asylum seekers and refugees;

7.4.2.3. the situation of internally displaced persons in Europe and their rights and humanitarian needs;

7.4.2.4. co-operation between countries of origin, transit and destination;

7.4.2.5. community relations in multicultural societies, including the situation and integration of migrants and their social, economic and civil and political rights;

7.4.2.6. humanitarian law and humanitarian issues;

7.4.3. The committee shall represent the Assembly in, and follow the work of, the relevant expert committees of the Council of Europe.

7.5. *Committee on Culture, Science, Education and Media (AS/Cult)*

7.5.1. The committee shall consider issues relating to culture, science, education, youth, sport and media in Europe and shall encourage cultural co-operation and intercultural dialogue within Europe and between Europe and other relevant parts of the world, in particular the Mediterranean area.

7.5.2. The committee shall in particular consider:

- 7.5.2.1. culture, education and youth policies and associated rights;
- 7.5.2.2. cultural diversity and intercultural dialogue;
- 7.5.2.3. management of cultural heritage;
- 7.5.2.4. higher education and research policies;
- 7.5.2.5. the ethics of scientific and technological developments;
- 7.5.2.6. sport and society;
- 7.5.2.7. freedom of expression and information, media freedom and ethics;
- 7.5.2.8. internet governance and security;

7.5.3. The committee shall, on behalf of the Assembly, decide on the annual award of the Council of Europe Museum Prize.

7.5.4. The committee shall share the Assembly representation in the European Commission against Racism and Intolerance (ECRI) and the European Centre for Global Interdependence and Solidarity (North-South Centre).

7.5.5. The committee shall represent the Assembly in the Council of Europe's Committee for Works of Art (C-ART).

7.5.6. The committee shall represent the Assembly in, and follow the work of, the relevant expert committees of the Council of Europe.

7.6. *Committee on Equality and Non-Discrimination (AS/Ega)*

7.6.1. The committee shall consider questions of equality and non-discrimination on any ground such as sex, sexual orientation and gender identity, race, colour, language, religion, political or other opinion, national or social origin, ethnicity, belonging to a national minority, property, birth, age, disability or other status.

7.6.2. The committee shall, in particular, consider:

- 7.6.2.1. questions relating to the promotion of equality and equal opportunities across the board;
- 7.6.2.2. all matters affecting equality between women and men, including: political representation, economic empowerment, violence against women and gender-related crimes, trafficking in women and sexual and reproductive health issues related to women's rights and freedoms;
- 7.6.2.3. questions regarding national and other minorities, including Roma and travellers;
- 7.6.2.4. questions relating to the prevention and fight against racism, racial discrimination, xenophobia, antisemitism and intolerance in Europe.

7.6.3. The committee shall follow up on the compliance of the Council of Europe, its bodies, as well as its member and observer states and states whose parliaments enjoy observer or partner for democracy status, with the recommendations of the Parliamentary Assembly relating to equality and non-discrimination.

7.6.4. The committee shall promote gender mainstreaming in the work of the Assembly so that a gender equality perspective is incorporated at all levels and in all fields. The committee shall also promote a balanced representation of women and men in the Assembly structures.

- 7.6.5. The committee shall establish and maintain working relations with national equality bodies.
- 7.6.6. The committee shall share the Assembly representation in the European Commission against Racism and Intolerance (ECRI).
- 7.6.7. The committee shall represent the Assembly in, and follow the work of, the relevant expert committees of the Council of Europe.
- 7.6.8. The committee shall, on behalf of the Assembly, choose the winners of the Gender Equality Prize.
- 7.7. *Committee on Rules of Procedure, Immunities and Institutional Affairs (AS/Pro)*
- 7.7.1. The committee shall ensure that the Assembly's Rules of Procedure are applied properly and that they – as well as the ancillary texts to the rules – remain consonant with the Assembly's practice. It shall consider proposed amendments to the rules, in accordance with Rule 66 of the Rules of Procedure.
- 7.7.2. The committee shall, in particular:
- 7.7.2.1. advise the Bureau of the Assembly (following its request) on all matters of procedure or report to the Assembly or the Standing Committee on questions of interpretation or modification of the Rules of Procedure;
 - 7.7.2.2. report to the Assembly on any contested credentials of representatives and substitutes, in accordance with Rule 7.2 of the Rules of Procedure, and give its opinion on any challenge of still unratified credentials and any requests for annulment of previous ratifications of credentials on substantive grounds, in accordance with Rules 8.3 and 9.2 of the Rules of Procedure;
 - 7.7.2.3. report to the Bureau on any contested credentials of members of special guest delegations, after a joint meeting with the Committee on Political Affairs and Democracy, in accordance with Rule 58.6 of the Rules of Procedure;
 - 7.7.2.4. consider questions relating to the privileges and immunities of members of the Assembly, including those connected to the General Agreement on Privileges and Immunities of the Council of Europe of 2 September 1949 and its protocol of 6 November 1952;
 - 7.7.2.5. consider requests for waiver of immunity referred to it under Rule 65 of the Rules of Procedure;
 - 7.7.2.6. consider questions concerning the right of representatives and substitutes to participate in meetings and the reimbursement of travel costs by national parliaments or governments;
 - 7.7.2.7. keep under review the Assembly's committee structure and the functioning of the Assembly's system of committees, and report on proposals for the setting up of new committees.
- 7.7.3. The committee shall, upon instruction from the Bureau of the Assembly, update the terms of reference of Assembly committees.
- 7.7.4. The committee shall report on Council of Europe budgetary and financial matters. The committee in particular prepares the Assembly's opinion on the Council of Europe's draft budget and the resolution on the Assembly's expenditure and examines questions related to the Assembly's budgetary competences.
- 7.7.5. The committee shall consider questions of an institutional character referred to it by the Assembly or its Bureau.
- 7.7.6. The committee shall follow the evolution at European and international level of legal instruments concerning privileges and immunities of parliamentarians.

7.8. *Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) (AS/Mon)*

7.8.1. The committee is responsible for seeking to ensure:

7.8.1.1. the fulfilment of the obligations assumed by the member states under the terms of the Council of Europe Statute, the European Convention on Human Rights and all other conventions concluded within the Organisation to which they are parties;

7.8.1.2. the honouring of the commitments entered into by the authorities of member states on their accession to the Council of Europe.

7.8.2. The committee may propose to the Assembly the initiation or reopening of a monitoring procedure when a member state is not fulfilling its obligations or not honouring its commitments.

7.8.3. The committee shall also consider applications to open a monitoring procedure originating from:

7.8.3.1. the general committees of the Assembly by reasoned written application to the Bureau;

7.8.3.2. no fewer than twenty members of the Assembly representing at least six national delegations and two political groups, through the tabling of a motion for a resolution or recommendation;

7.8.3.3. the Bureau of the Assembly.

7.8.4. The committee may also be instructed to carry out a monitoring procedure by decision pursuant to a text adopted by the Assembly or the Standing Committee.

7.8.5. The committee shall report to the Assembly once a year on the general progress of the monitoring procedure, at least once every two years on each country being monitored and at least once every four years on each country being involved in a post-monitoring dialogue.

7.8.6. Once a post-monitoring dialogue with a member state has been decided on by the Assembly, the committee shall pursue this dialogue on the follow-up undertaken by the authorities of that state to the steps recommended by the Assembly in its adopted texts closing the monitoring procedure, or on any other issues arising from that state's obligations. It shall subsequently report to the Bureau of the Assembly.

7.8.7. The committee shall follow the activities of and maintain working relations with the subsidiary bodies of the Committee of Ministers which are competent to monitor member states' obligations and commitments, and with the relevant international institutions.

7.8.8. The committee shall share the Assembly representation in the Council for Democratic Elections of the European Commission for Democracy through Law (Venice Commission).

B. Explanatory memorandum by Mr Vareikis, rapporteur

1. Introduction

1. On 22 June 2011, the Parliamentary Assembly adopted [Resolution 1822 \(2011\)](#) on the reform of the Parliamentary Assembly. On 24 June, as proposed by the Bureau, it instructed the Committee on Rules of Procedure, Immunities and Institutional Affairs to prepare a report on the implementation of this resolution and “the necessary modifications of the Rules of Procedure, which shall include: revised terms of reference of committees, ... transitional arrangements and recent issues relating to the interpretation of the Rules such as committees' standing mandates and deadlines for the preparation of reports”.
2. At its meeting on 23 June 2011, the Committee on Rules of Procedure, anticipating the Assembly decisions, appointed two rapporteurs, one of whom – Mr Egidijus Vareikis – was assigned a report on the terms of reference of Assembly committees, and the other – Mr Andreas Gross – a report on the amendment of various provisions of the Assembly's Rules of Procedure.
3. In adopting [Resolution 1822 \(2011\)](#) on the reform of the Parliamentary Assembly, the Assembly sought to redefine the context within which it operates, in particular by modifying the structure of its committees, in order to strengthen its political relevance and effectiveness, make it more visible, improve its members' involvement and participation, and rationalise the use of its operational resources, including budgetary resources.
4. The terms of reference of Assembly committees were formally compiled and adopted by the Assembly for the first time in November 1998.³ Before that, these terms of reference had been either informal or contained in various documents dating from various periods.⁴
5. In 2000, the Assembly decided to revise its working methods and committee structure, leading to a reduction in the number of committees from 14 to 10.⁵ As a result, the terms of reference of several committees affected by the restructuring were also revised.⁶
6. Lastly, in 2005, the Assembly revised the terms of reference of its committees, not least in order to clarify and harmonise the scope of their powers and responsibilities in matters relating to institutional relations.⁷
7. This report is based on a similar approach. Its purpose, pursuant to the recent Assembly decision to modify its committee structure (paragraph 6.4 of [Resolution 1822 \(2011\)](#)), is to submit to the Assembly the revised terms of reference of its eight remaining committees, having regard also to the changes that have taken place in committees' fields of activity since the terms of reference were last revised.
8. In this report, particular attention was given to harmonising the committees' terms of reference and ensuring that they were consistent, bearing in mind that the aim of the Assembly's reform is to improve the effectiveness of the Assembly and its bodies, and make them more visible. Providing a coherent definition, in their specific terms of reference, of committees' fields of action and their competences with regard to institutional relations and working relations contributes to this objective and also paves the way for optimum use of resources, including budgetary resources.
9. The present report seeks to take account of this whole context in order to determine the relevant aspects of committees' terms of reference.

3. See [Resolution 1176 \(1998\)](#) and the report of the Committee on Rules of Procedure and Immunities ([Doc. 8178](#)), which is a follow-up to the report by the same committee on the committee structure of the Assembly ([Doc. 7723](#)) and to [Resolution 1107 \(1997\)](#).

4. The formal adoption of terms of reference for all committees was spurred by the creation of two new committees (the Monitoring Committee and the Committee on Equal Opportunities for Women and Men) under resolutions containing detailed terms of reference ([Resolution 1115 \(1997\)](#) and [Resolution 1144 \(1998\)](#)).

5. See [Resolution 1220 \(2000\)](#) on reform of the Assembly's working methods and its committee structure.

6. See [Resolution 1235 \(2000\)](#) and the report of the Committee on Rules of Procedure and Immunities ([Doc. 8869](#)) on terms of reference of Assembly committees – implementation of [Resolution 1220](#).

7. See [Resolution 1425 \(2005\)](#) and the report of the Committee on Rules of Procedure and Immunities ([Doc. 10379](#)) on the revision of the terms of reference of Assembly committees.

2. General terms of reference of committees

10. The preparation of this report is a good opportunity to update the general terms of reference applicable to all committees (something that had not been done since 2005) in order to take account of certain elements contained in [Resolution 1822 \(2011\)](#).

11. The proposed changes relate mainly to the field of institutional relations. They intend to clarify the scope of committees' activities in this area, by determining the types of relations that committees have with organisations, institutions and their bodies, both inside and outside the Council of Europe – and in particular to differentiate between institutional representation of the Assembly through its committees, on the one hand, and the establishment of working relations and follow-up to activities, on the other – so as to then standardise committees' specific terms of reference in this respect, through similar provisions.

12. Accordingly, four categories of partners have been identified:

- European parliamentary assemblies and national parliaments (of member or non-member states), with which the committees “establish and maintain working relations” (paragraph 5);
- Council of Europe bodies (the European Court of Human Rights, the Congress of Local and Regional Authorities of the Council of Europe, the Commissioner for Human Rights), subordinate structures (the Council of Europe partial agreements, the Council of Europe monitoring bodies and the committees of experts) and structures of the Committee of Ministers (the relevant rapporteur groups, working groups and liaison committees of the Ministers' Deputies and rapporteurs of the Ministers' Deputies), whose activities are followed by the committees and with which they maintain working relations (paragraph 7);
- European and international organisations whose activities are followed by the committees and with which they maintain working relations (paragraph 9);
- European and international non-governmental organisations with which the committees “establish and maintain working relations” (paragraph 10).⁸

13. All the committees have thus been placed on an equal footing and have the same terms of reference when it comes to establishing working relations in their respective fields of competence. As regards institutional representation, however, it is the committees' specific terms of reference which determine precisely what their competences are in such matters, and identify the institutions in which the committees are to represent the Assembly.

14. In committees' general terms of reference, emphasis is also placed on the committees' responsibility for providing follow-up to resolutions and recommendations adopted in their respective fields of competence. The committees are likewise expected to promote the ratification and implementation by Council of Europe member states of the relevant conventions in the fields covered by their specific terms of reference. This is a new provision, which merely endorses, however, an already widespread practice in committees, namely the practice of working to promote the main standard-setting instruments of the Council of Europe.

3. Specific terms of reference of committees

15. In [Resolution 1822 \(2011\)](#), the Assembly adopted the following decisions:

- to reduce the number of Assembly committees from 10 to eight, by merging three committees: the Committee on Economic Affairs and Development, the Committee on Social, Health and Family Affairs and the Committee on the Environment, Agriculture and Local and Regional Affairs – into a single Committee on Social Affairs, Health and Sustainable Development;
- to transfer budgetary and financial matters from the Committee on Economic Affairs and Development to the Committee on Rules of Procedure, Immunities and Institutional Affairs;
- to transfer responsibility for preparing the annual report on the activities of the OECD and the report on the activities of the EBRD from the Committee on Economic Affairs and Development to the Political Affairs Committee;
- to transform the Committee on Migration, Refugees and Population into the Committee on Migration, Refugees and Displaced Persons and to transfer the issue of population to the new Committee on Social Affairs, Health and Sustainable Development;

8. This provision, which appears in the general terms of reference of committees, reproduces the content of Rule 43.5 of the Rules of Procedure. Therefore this rule needs to be removed from the Rules of Procedure.

- to transform the Committee on Equal Opportunities for Women and Men into the Committee on Equality and Non-Discrimination, and to transfer to it issues related to the rights of national and other minorities and to discrimination in all areas hitherto assigned to the Committee on Legal Affairs and Human Rights;
- to deal with “deep security” issues.

16. All of the decisions – merger of committees and transfer of competences – have been taken into account in the draft specific terms of reference set out in the appendix to the draft resolution. It should be noted that the terms of reference of all the committees are affected by the reform, albeit to widely varying degrees.

17. As mentioned in the introduction, however, the committees themselves were anxious that this revision exercise should not be confined solely to the decisions taken by the Assembly in [Resolution 1822](#). Rather they wished to make the most of this opportunity, so that the terms of reference were brought into line with changes in their work programmes and better reflected future priorities.

18. At the same time, the layout of the information provided in committees’ specific terms of reference has been revised, so as to present it in a clearer, more concise and standardised manner. In future, there will be no brief history of the committees in the specific terms of reference. For the information of Assembly members, this has been included in the appendix to the present report. Nor will the terms of reference contain a list of the international organisations with which the committees have working relations. This matter is now covered by committees’ general terms of reference, under which they have a basic responsibility to maintain working relations in the areas covered by their specific terms of reference.

19. As regards “deep security” issues, the explanatory memorandum of the report on the reform of the Parliamentary Assembly considers that the Assembly should be able to consider such issues within a framework spanning the whole continent of Europe.⁹ The report invites the Committee on Rules of Procedure, Immunities and Institutional Affairs to “consider the practical modalities of the implementation of this proposal, for example in the form of a sub-committee, a forum or a congress”. The Committee on Rules of Procedure considered that it is the responsibility of the Committee on Political Affairs and Democracy to address this topical issue and examine, within its specific mandate, the framework of such a reflection.

4. Other implications of the restructuring of committees

4.1. Transitional measures regarding the implications for committees’ work programmes

4.1.1. Extension of the time limit for reference to committee in the case of certain reports

20. The merger of three committees into a new Committee on Social Affairs, Health and Sustainable Development and, broadly speaking, the changes made to the terms of reference of other committees will have repercussions for the work programmes of the committees concerned: transfer of reports currently being prepared from one committee to another, possible combining of references for a single report, scrapping of references for opinion, etc. This should lead in some cases to committees appointing new rapporteurs.

21. Since Rule 25.3 of the Rules of Procedure establishes the principle that “A reference to committee shall lapse in two years”, the Assembly should be asked that the reports currently being prepared by committees in areas that are the subject of a review of their respective terms of reference may be given a one-year extension of the original deadline. It will be for the Assembly Bureau to re-examine the references to committees for report in the light of their new competences, including in cases where there is a conflict of competence between committees.

4.1.2. Apportionment of reports

22. It is for the Bureau, in accordance with Rule 43.3 of the Rules of Procedure¹⁰, to clarify issues relating to the competence of committees whose terms of reference have been amended, with regard to issues that had previously been referred to them for report. A detailed memorandum, listing the reports currently being prepared by the committees concerned, will be prepared by the Assembly secretariat and submitted to the Assembly Bureau for decision (and then to the Assembly for ratification) before the end of 2011.

9. See [Doc. 12627](#), paragraph 9 of the explanatory memorandum.

4.2. Names of committees

23. Since one of the aims of the reform is to make the Assembly more visible, the committee found it advisable to look at the names of some committees in order to better reflect their fields of competence. This is the case of the Political Affairs Committee, which would be renamed as the Committee on Political Affairs and Democracy, and of the Committee on Culture, Science and Education, which would be renamed as the Committee on Culture, Science, Education and Media. These proposals are also dealt with in the committee report on amendment of various provisions of the Rules of Procedure of the Parliamentary Assembly¹¹ regarding their inclusion in the Rules of Procedure.

4.3. Appointment of Assembly general rapporteurs

24. This same desire to make the Assembly more visible in its actions and decisions – at a time when the Assembly is also looking at ways of improving its communication policy – should likewise prompt us to consider whether the committees should appoint general rapporteurs to cover a particular field or topic. A general rapporteur could, for instance, act as spokesperson for the Assembly in its dealings with the Council of Europe's Committee of Ministers, Council of Europe institutions (working groups and rapporteur groups of the Committee of Ministers, Congress of Local and Regional Authorities), the Secretary General of the Council of Europe, or external institutions (in particular national parliaments and international organisations). Furthermore, a general rapporteur may be an identifiable point of contact for the media and the public, with a view to ensuring continuity in the follow-up given to the Assembly's actions, decisions and recommendations in the relevant field.

25. A distinction needs to be made here between the notion of general rapporteur – on a particular topic – and standing rapporteur, because the idea is not to allow a rapporteur, the author of a report, to remain in the job for an unlimited period, but rather to enable him or her to be identified as a spokesperson responsible for promoting the Assembly's decisions on a particular issue, for gathering information in this regard and reporting back to the committee on developments on the issue, as part of committees' scrutiny of the action taken on texts adopted by the Assembly on the basis of their reports (Rule 43.2 of the Rules of Procedure).

26. The office of general rapporteur must not interfere with the competences of the Bureau in matters relating to external relations (see Rule 13.1 of the Rules of Procedure and the guidelines relating to the external relations of the Parliamentary Assembly) or those of the President of the Assembly (Rule 19.1 of the Rules of Procedure).

27. Lastly, this office will not prevent rapporteurs from remaining in charge of the follow-up to his or her report for a term of one year after the adoption of the text by the Assembly, as suggested in Resolution (1822) (paragraph 5.2.1) and is discussed in the report on the amendment of various provisions of the Assembly's Rules of Procedure.¹² In any event, the general rapporteur is not intended to replace the rapporteur. Committees must be asked to limit the number of general rapporteurs they appoint and it will be for the Bureau to assess whether they should appoint a general rapporteur, on the basis of the terms of reference submitted to it by the committee in question.

28. Accordingly, it might be possible for the committees concerned to appoint one or more general rapporteurs, on the following conditions:

- the committees must determine the terms of reference, purpose and term of office of such rapporteurs beforehand;
- these terms of reference are submitted for approval to the Bureau, whose decision would be subject to ratification by the Assembly.

29. A look at the specific terms of reference of the committees reveals some examples of areas where committees might appoint a general rapporteur: the implementation of judgments of the European Court of Human Rights (Committee on Legal Affairs and Human Rights), the budget and intergovernmental work (Committee on Rules of Procedure, Immunities and Institutional Affairs), media freedom (Committee on Culture, Science, Education and Media), local democracy, climate change (Committee on Social Affairs, Health and Sustainable Development).

10. Rule 43.3: "... should a conflict arise over the competence of two or more committees, the question shall be submitted to the Bureau for decision which may refer it to the Assembly".

11. See [Doc. 12716](#), rapporteur: Mr Andreas Gross.

12. *Ibid.*

5. Conclusion

30. At its meeting on 5 September 2011, the Committee on Rules of Procedure considered the draft report prepared by the rapporteur and unanimously adopted the revised draft terms of reference of all the committees, which appear in the appendix to the draft resolution.

31. The Assembly is also requested to decide that the reports currently being prepared by committees in areas that are the subject of a review of their respective terms of reference or a transfer from another committee be may be given a one-year extension of the original deadline. A detailed memorandum, listing the reports affected by the changes in committees' fields of competence or by a conflict of competence between committees, will be prepared by the secretariat and submitted to the Assembly's Bureau before the end of 2011 for decision to refer or to extend references.

32. Lastly, the Assembly should be invited to decide that the resolution, once adopted, will supersede [Resolution 1425 \(2005\)](#), which had previously defined and revised the terms of reference of Assembly committees, and will enter into force at the opening of the Assembly's 2012 ordinary session, on 23 January 2012.

Appendix – Historical background of the Parliamentary Assembly committees

At its constitutive session,¹³ in 1949, the Parliamentary Assembly decided to establish six general committees: Committee on General Affairs, Committee on Rules of Procedure and Privileges, Committee on Economic Questions, Committee on Social Questions, Committee on Cultural and Scientific Questions, Committee on Legal and Administrative Questions.¹⁴

The Assembly decided to set up the Committee on Population and Refugees in 1952 and the Committee on Budgetary Affairs and Administration in 1954 ([Resolution 50](#)).

In 1956, the Assembly reviewed the structure of its committees for the first time ([Resolution 105](#) on rationalising the constitution and terms of reference of Assembly committees) with 10 general committees: General Affairs Committee, Economic Committee, Social Committee, Legal Committee, Cultural Committee, Committee on Rules of Procedure, Committee on Agriculture, Committee on Local Authorities, Committee on non-represented Nations, Committee on the Budget.

In 1957, the General Affairs Committee was renamed the Political Committee.¹⁵ The Assembly decided the following year to re-establish the Committee on Population and Refugees ([Resolution 144 \(1958\)](#)) and in 1961 to restore the previous name of the Cultural Committee to Cultural and Scientific Committee ([Resolution 197](#)).

In 1966, two committees were appointed to replace the Cultural and Scientific Committee, namely the Cultural Committee and the Committee on Science and Technology, bringing the total number of general committees to 12 ([Resolution 326](#)).

In 1968 the Assembly decided again to carry out a general review of the structure of all its committees ([Resolution 373](#) on the rationalisation of Assembly committees, sub-committees and working parties) bringing the total to 13, the Working Party on Parliamentary and Public relations being given the status of a general committee: Political Affairs Committee, Committee on Economic Affairs and Development, Committee on Social and Health Questions, Legal Affairs Committee, Committee on Culture and Education, Committee on Science and Technology, Committee on Regional Planning and Local Authorities, Committee on Rules of Procedure, Committee on Agriculture, Committee on European Non-Member Countries, Committee on Parliamentary and Public Relations, Committee on Population and Refugees, Committee on the Budget.

No major reform was made for over 30 years regarding the structure and mandates of Assembly committees; however, several committees were renamed and given additional competences:

- in 1974, the Committee on the Budget was renamed the Committee on the Budget and the Intergovernmental Work Programme;
- in 1979, the Committee on Population and Refugees became the Committee on Migration, Refugees and Demography ([Resolution 685](#)) and the Committee on European Non-Member Countries was renamed the Committee on Relations with European Non-Member Countries ([Resolution 702](#));
- in 1986, the Committee on Regional Planning and Local Authorities was renamed the Committee on the Environment, Regional Planning and Local Authorities;
- in 1988, the Committee on Social and Health Questions became the Social, Health and Family Affairs Committee;
- in 1989, the Legal Affairs Committee became the Committee on Legal Affairs and Human Rights;
- lastly, in 1994, the Committee on Agriculture was renamed the Committee on Agriculture and Rural Development (Order 496).

In 1997, the Assembly adopted [Resolution 1107](#) on the committee structure in the Assembly and decided to set up a committee on the honouring of obligations and commitments by member states of the Council of Europe (Monitoring Committee) and to abolish the Committee on Relations with European Non-Member Countries, keeping the format to a total 13 committees.

The following year, the Assembly decided to set up a Committee on Equal Opportunities for Women and Men ([Resolution 1144 \(1998\)](#)). With [Resolution 1176 \(1998\)](#) it further defined the terms of reference of its 14 committees: Political Affairs Committee, Committee on Economic Affairs and Development, Social, Health and

13. Seventh sitting, 18 August 1949.

14. In addition to these general committees established at the beginning of each ordinary session, the Assembly was entitled to set up special committees for specific purposes (now known as ad hoc committees).

15. Following an initiative by the Bureau, ratified by the Assembly on 29 April 1957.

Family Affairs Committee, Committee on Legal Affairs and Human Rights, Committee on Culture and Education, Committee on Science and Technology, Committee on the Environment, Regional Planning and Local Authorities, Committee on Migration, Refugees and Demography, Committee on Rules of Procedure and Immunities, Committee on Agriculture and Rural Development, Committee on Parliamentary and Public Relations, Committee on the Budget, Committee on Equal Opportunities for Women and Men, Committee on the honouring of obligations and commitments by member states of the Council of Europe.

In 2000, the Assembly undertook to reform its working methods and committee structure. In [Resolution 1220 \(2000\)](#), it decided to reduce the number of committees from 14 to 10.¹⁶ To this end, the Committee on the Budget and the Committee on Parliamentary and Public Relations were both abolished, the Committee on Science and Technology was merged with the Committee on Culture and Education (under the new title Committee on Culture, Science and Education), while the Committee on Agriculture, Rural Development and Food was merged with the Committee on the Environment, Regional Planning and Local Authorities (under the new title Committee on the Environment and Agriculture).

The last modification made to the terms of reference of Assembly committees, before the ongoing reforms, was undertaken in 2005 ([Resolution 1425](#)). On that occasion, and for the first time, the Assembly adopted general terms of reference applicable to all Assembly committees, in addition to their specific terms of reference.

[Resolution 1822 \(2011\)](#) reduces the number of committees to eight. This report establishes the terms of reference of the following committees:

I. Committee on Political Affairs and Democracy (AS/Pol)

This committee is the successor to the General Affairs Committee that was established in 1949. Its title was changed to Political Committee in 1957 and to Political Affairs Committee in 1968.

II. Committee on Legal Affairs and Human Rights (AS/Jur)

This committee was established in 1949 with the title Legal and Administrative Questions and known from 1956 until 1968 as the Legal Committee, and from 1968 until 1989 as the Legal Affairs Committee, when the title was changed to the Committee on Legal Affairs and Human Rights.

III. Committee on Social Affairs, Health and Sustainable Development (AS/Soc)

This Committee is the successor to three committees – the Committee on Economic Affairs and Development, the Committee on Social, Health and Family Affairs and the Committee on the Environment, Agriculture and Local and Regional Affairs – whose merger was decided by the Assembly in 2011 ([Resolution 1822](#)).

- The Committee on Economic Questions was established in 1949. Its title was changed in 1956 to Economic Committee and again in 1968 to Committee on Economic Affairs and Development in order to clarify that it was the committee responsible for developing countries. It kept this name till 2011.
- The committee on social questions was established in 1949. It was known as the Social Committee from 1956 to 1968 and then became the Committee on Social and Health Questions until 1988. It was then renamed as the Social, Health and Family Affairs Committee at its own request to reflect its increasing preoccupation with matters relating to children, young people and the family.
- A Special Committee on Municipal and Regional Affairs was established in 1953. It became a general committee in 1956 named the Committee on Local Authorities. The subject of regional planning was added to the committee's title in 1968; the environment was added in 1986. It was named the Committee on the Environment, Regional Planning and Local Authorities from 1998 until 2001.

The Special Committee on Agriculture was created in 1949 and again as from 1952. It became a general committee in 1956 named the Committee on Agriculture. Its title was changed to Committee on Agriculture and Rural Development in 1994 and it was renamed the Committee on Agriculture, Rural Development and Food in April 2000.

16. Political Affairs Committee; Committee on Legal Affairs and Human Rights; Committee on Economic Affairs and Development; Social, Health and Family Affairs Committee; Committee on Migration, Refugees and Demography; Committee on Culture, Science and Education; Committee on Environment and Agriculture; Committee on Equal Opportunities for Women and Men; Committee on Rules of Procedure and Immunities; and Committee on the honouring of obligations and commitments by member states of the Council of Europe (Monitoring Committee).

In 2001, the Committee on the Environment, Agriculture and Local and Regional Affairs was set up when the Committee on Environment and Agriculture merged with the Committee on Agriculture, Rural Development and Food.

IV. Committee on Migration, Refugees and Displaced Persons (AS/Mig)

During the ordinary sessions of the Assembly in 1950 and 1951, a Special Committee on Refugee Questions was appointed. In 1952, the Assembly decided to set up the Committee on Population and Refugees as a general committee. However, the committee was abolished in 1956, but was set up again two years later. In 1979 ([Resolution 685](#)), the committee was given the title Committee on Migration, Refugees and Demography in order to reflect its growing concern with general migration problems. In 2003, the word “demography” was replaced by “population”. In 2011 ([Resolution 1822](#)), the title of the Committee was changed to the Committee on Migration, Refugees and Displaced Persons, in order to reflect the political importance of highlighting and dealing with the issue of displaced persons in Europe alongside migration and refugees.

V. Committee on Culture, Science, Education and Media (AS/Cult)

This Committee was appointed in 1949 as the Committee on Cultural and Scientific Questions. It was renamed in 1956 as the Cultural Committee and again in 1961 as the Cultural and Scientific Committee ([Resolution 197](#)). In 1966, the Assembly established a Cultural Committee and a Committee on Science and Technology, with separated terms of reference ([Resolution 326](#)). In 1968, the Cultural Committee was renamed the Committee on Culture and Education. In 2001, the Committee on Culture and Education and the Committee on Science and Technology merged under the name Committee on Culture, Science and Education.

VI. Committee on Equality and Non-Discrimination (AS/Ega)

This Committee is the successor to the Committee on Equal Opportunities for Women and Men, created in 1998 by [Resolution 1144](#). Its mandate was enlarged in 2011 by [Resolution 1822](#) to cover all equality and non-discrimination issues.

VII. Committee on Rules of Procedure, Immunities and Institutional Affairs (AS/Pro)

This committee was established in 1949 as the Committee on Rules of Procedure and Privileges. The part of the title concerning “privileges” was removed in 1956. The words “and Immunities” were added to the committee’s title in 1998 ([Resolution 1176](#)). The words “and Institutional Affairs” were added in 2008 ([Resolution 1583](#)). Its mandate was enlarged in 2011 by [Resolution 1822](#) to cover budgetary and financial matters.

Budgetary and administrative matters were dealt with by the Committee on the Budget between 1954 and 2001, with its own terms of reference – which between 1974 and 1998 included the intergovernmental work programme of the Council of Europe – and from 2001 until 2011 by the Committee on Economic Affairs and Development.

VIII. Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) (AS/Mon)

Established by [Resolution 1115 \(1997\)](#). The appendix to [Resolution 1115](#), which includes the committee’s terms for reference, was modified by [Resolution 1431 \(2005\)](#) and [Resolution 1515 \(2006\)](#).