Resolution 779 (1982)[1]

Role of national parliaments in the ratification of Council of Europe conventions and agreements

Parliamentary Assembly

The Assembly,

1. Considering that it has been endeavouring since 1949 to develop its relations with the national parliaments, of which it is an emanation, one reason for so doing being its anxiety to improve reciprocal information and to make sure that the work of the Council of Europe is followed up in the member states ;

2. Considering the importance of the 108 conventions, agreements and other legal instruments adopted in the Council of Europe since 1949 with a view to achieving the aims laid down for the organisation in its Statute, provided that they are ratified by as many states as possible within a reasonable time, and preferably without reservations ;

3. Considering that in most cases the procedure for the ratification of Council of Europe conventions and agreements entails the involvement in the member states of the executive and the legislative authorities ;

4. Bearing in mind the means of action at the disposal of national parliaments concerning :

4.1. speeding up the procedure for ratification of Council of Europe conventions and agreements ;

4.2. their effective implementation at national level ;

4.3. providing the Council of Europe with information concerning the ratification procedure to date ;

5. Recalling its Recommendation 870 (1979) and Order No. 382 (1979) on the ratification of conventions and agreements of the Council of Europe,

6. Invites national parliaments :

6.1. to expedite—where they are responsible for their orders of business—the examination of Council of Europe conventions and agreements whose ratification they are asked to approve ;

6.2. to bear in mind, where appropriate, the opinions which the Parliamentary Assembly has voiced on those instruments ;

6.3. to pay special attention to the scope of reservations which their governments intend to express on the instruments ;

6.4. to formulate new legislation in such a way as to make it possible to embody provisions contained in Council of Europe conventions and agreements in their national law, so as to make it easier for those conventions to be ratified at a later stage ;

6.5. to consider the case for including, in legislation to approve the ratification of conventions and agreements whose provisions are directly applicable in domestic law, measures whereby their application can be supervised, and sanctions in the event of failure to observe those provisions ;

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1. See Doc. 4915, report of the Committee on Parliamentary and Public Relations. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 2 July 1982.

6.6. to inform the Council of Europe of progress made towards the ratification of its conventions and agreements as soon as they are submitted to them by the governments ;

7. Furthermore, invites national delegations to the Parliamentary Assembly :

7.1. to act, in the manner that each deems most appropriate, so as to have an influence on the attitude of their respective governments in the implementation of Council of Europe conventions and agreements ;

7.2. to call on their governments, whenever it appears useful to do so, for information on the measures adopted to make the provisions of Council of Europe conventions and agreements to which their countries are party effective, and also on the application of those instruments by the national courts and administrations ;

7.3. to call on their governments to keep them informed at regular intervals on the reasons why they are standing by the reservations and restrictive declarations they have formulated concerning the conventions and agreements to which their countries are party.