



Resolution 1115 (1997)¹

Setting up of an Assembly committee on the honouring of obligations and commitments by member states of the Council of Europe (Monitoring Committee)

Parliamentary Assembly

1. The Parliamentary Assembly stresses that it is important for the Council of Europe to ensure full compliance with the undertakings made by all its member states, in a spirit of co-operation and non-discrimination.
2. At present the Assembly procedure for monitoring the obligations and commitments of member states is governed by Order No. 508 (1995).
3. It emphasises that several general committees are competent for many questions relating to member states' obligations and commitments and that the monitoring procedure established by Order No. 508 has created a considerable workload for the committees concerned.
4. It therefore decides to constitute an Assembly committee on the honouring of obligations and commitments by member states of the Council of Europe ("Monitoring Committee").
5. The Monitoring Committee shall be responsible for verifying 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 Council of Europe conventions to which they are parties, as well as the honouring of the commitments entered into by the authorities of member states upon their accession to the Council of Europe.
6. This committee, whose terms of reference are appended, shall be composed of sixty-five members of the Assembly and of the chairpersons of the Political Affairs Committee and the Committee on Legal Affairs and Human Rights. In derogation of Rule 43, paragraph 4, there shall be no alternates for the committee.
7. Nominations shall be drawn up by the political groups of the Assembly and addressed to the President of the Assembly who shall submit them to the Bureau. To enable the Bureau to arrive at the desired balance in drawing up the final list, more names can be proposed than the number of places on the list.
8. On the basis of the list of candidates, the Bureau shall appoint the sixty-five members by applying the apportionment ratio based on the so-called "D'Hondt principle". The Bureau shall also aim at ensuring a regional balance. The appointments shall be submitted to the Assembly for ratification.
9. The Monitoring Committee shall appoint two of its members as co-rapporteurs for the purpose of preparing a written opinion to the Bureau on whether a monitoring procedure should be opened or not. The appointment of the co-rapporteurs shall aim at ensuring a political and regional balance.
10. When a monitoring procedure is initiated, two members of the parliamentary delegation of the member state concerned (to represent the governing majority and the opposition) shall be invited to take part, without the right to vote, in the relevant debates of the committee unless one or both are already represented on the committee. By analogy with Rule 6, paragraph 8, no member of the parliamentary delegation of the member state concerned shall participate in a vote on any question concerning this state.

1. Assembly debate on 29 January 1997 (5th Sitting) (see [Doc. 7722](#), report by the Committee on Rules of Procedure, rapporteur: Mrs Lentz-Cornette). Text adopted by the Assembly on 29 January 1997 (5th Sitting).



11. The Monitoring Committee shall appoint two of its members co-rapporteurs in respect of each member state for which a monitoring procedure is initiated. When rapporteurs are engaged in monitoring a particular country, they shall remain members of the committee until the Assembly takes a decision on the relevant report, provided they are still members of the Assembly.

12. The Assembly may penalise persistent failure to honour obligations and commitments accepted, and lack of co-operation in its monitoring process, by adopting a resolution and/or a recommendation, by the non-ratification of the credentials of a national parliamentary delegation at the beginning of its next ordinary session or by the annulment of ratified credentials in the course of the same ordinary session in accordance with Rule 6 of the Rules of Procedure. Should the member state continue not to respect its commitments, the Assembly may address a recommendation to the Committee of Ministers requesting it to take the appropriate action in accordance with Articles 8 and 9 of the Statute of the Council of Europe.

13. The Assembly instructs the Monitoring Committee to report to it once a year on the general progress of the monitoring procedures, and at least once every two years on each country being monitored.

14. Any monitoring procedures still pending in the Committee on Legal Affairs and Human Rights, for report, and in the Political Affairs Committee and the Committee on Relations with European Non-Member Countries, for opinion, shall be handed over to the Monitoring Committee and concluded by it.

15. The Assembly also decides to amend as follows its Rules of Procedure:

15.1. in Rule 43, at the end of paragraph 1, to add the following text: "Committee on the honouring of obligations and commitments by member states of the Council of Europe (Monitoring Committee) (number of seats: 65²),";

15.2. in Rule 43, after paragraph 2, to add the following new paragraph : "3. In accordance with [Resolution 1115 \(1997\)](#), the Assembly shall set up a committee on the honouring of obligations and commitments by member states of the Council of Europe (Monitoring Committee)."

16. This resolution abrogates Order No. 508. It shall enter into force on the last day of the second part of the Assembly 1997 Ordinary Session (25 April 1997). In the meantime and as from the adoption of the present resolution, no monitoring procedure may be initiated on the basis of Order No. 508.

Terms of reference of the Assembly Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)

Recalling the basic values which are the Council of Europe's raison d'être, particularly pluralist parliamentary democracy, which is a political, legal and cultural system based on respect of human rights, the rule of law and everyone's right to take part in public life, and which entails the active commitment of each individual and their government to values such as equality, social integration, tolerance and respect for diversity,

17. The committee is responsible for seeking to ensure:

17.1. 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;

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

18. An application to initiate a monitoring procedure may originate from:

18.1. the general committees of the Assembly and from the Monitoring Committee by reasoned written application to the Bureau;

18.2. not less than ten members of the Assembly representing at least two national delegations and two political groups, through the tabling of a motion for a resolution or recommendation ;

18.3. the Bureau of the Assembly

19. Applications (other than those made by the Monitoring Committee itself) are to be considered by the Monitoring Committee which, after the appointment of two co-rapporteurs and after carrying out the necessary investigations, will prepare a written opinion for the Bureau. In the light of the committee's opinion, the Bureau will take a decision on whether to initiate a monitoring procedure and if that is the case will refer the matter,

2. Plus the ex officio members.

subject to ratification by the Assembly, to the Monitoring Committee for report. At the same time, or subsequently, the Bureau will decide, subject to ratification by the Assembly, and when strictly necessary, on the committee(s) to which the matter may possibly be referred to for an opinion. A negative decision by the Bureau needs to be con-firmed by the Assembly. The Monitoring Committee may also be instructed to carry out a monitoring procedure by a decision pursuant to a text adopted by the Assembly or the Standing Committee.

20. Except in special circumstances, a monitoring procedure should not commence until six months after a member state's accession to the Council of Europe.

21. In accordance with Rule 46, the Monitoring Committee may set up sub-committees on the monitoring of specific obligations and commitments of member states or groups of member states.

22. The committee's conclusions should contain a summary of its position and give rise to an official Assembly document including a draft resolution and/or recommendation as appropriate (see Rule 47).

23. The committee will state in its reports whether the monitoring procedure in respect of a given country is to be considered completed.

24. Memoranda and drafts by the Monitoring Committee, unless the Bureau decides otherwise, will be treated as confidential until the competent authorities of the country concerned have had reasonable time (up to three months) to submit their comments and until these have been discussed in the Monitoring Committee.

25. The Monitoring Committee may establish contacts with the subsidiary bodies of the Committee of Ministers which are competent to monitor member states' obligations and commitments, the European Commission for Democracy through Law (Venice Commission), and the relevant international institutions.