Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1710 (2010)[1]
Final version

Term of office of co-rapporteurs of the Monitoring Committee

Parliamentary Assembly

1. The monitoring procedure of the Parliamentary Assembly is a powerful tool through which it is possible to verify that Council of Europe member states fulfil their obligations assumed under the terms of the Statute of the Council of Europe, the European Convention on Human Rights (ETS No. 5) and all other Council of Europe conventions to which they are parties, as well as honour the specific commitments they may have entered into, upon accession to the Organisation. The strength of this procedure lies in the constant and comprehensive monitoring of the situation in the countries concerned by independent and impartial co-rapporteurs, appointed in accordance with objective and verifiable criteria.

2. The Assembly considers that, in order to increase the effectiveness of the monitoring procedure, the co-rapporteurs of the Monitoring Committee should be regularly renewed. This will ensure that a "fresh look" is given to the situation in a given country and that good and bad practices and experiences learnt in countries under monitoring are shared. Overall, this will contribute to developing a harmonised approach to different countries covered by the Assembly monitoring procedure. At the same time, the Assembly considers it necessary to incorporate the formal criteria used by the Monitoring Committee in the appointment of co-rapporteurs into Resolution 1115 (1997) on the setting up of an Assembly committee on the honouring of obligations and commitments by member states of the Council of Europe (Monitoring Committee).

3. The Assembly believes that post-monitoring dialogue is an essential element of the Assembly's monitoring procedure which helps stimulate progress towards better democracy and stronger respect for human rights and the rule of law in the member states which have fulfilled the specific commitments entered into upon accession. In order to harmonise the approach to monitoring and post-monitoring, the Assembly considers that rapporteurs engaged in post-monitoring dialogue should be appointed according to the same rules and criteria as the co-rapporteurs engaged in the monitoring procedure.

4. The Assembly considers that, in order to ensure the smooth running of the procedure, the Monitoring Committee should, as far as possible, aim to avoid replacing at the same time both co-rapporteurs engaged in the monitoring procedure with respect to a given state. However, should this happen, in order to ensure the continuity of the monitoring process, the committee should be allowed to extend, where appropriate and feasible, the term of office of one of the co-rapporteurs by a maximum of six months, in order to allow the new co-rapporteur to become acquainted with the file and take over her or his duties progressively.

5. In the light of the above considerations, the Assembly decides to modify Resolution 1115 (1997) and the specific terms of reference of the Monitoring Committee, appended thereto, as follows:

5.1. in Resolution 1115 (1997), paragraph 11 shall be modified as follows:

"11.1. The Monitoring Committee shall appoint two of its members co-rapporteurs in respect of each member state for which a monitoring procedure is initiated. Without prejudice to Rule 48.1 of the Rules of Procedure, the co-rapporteurs shall be appointed on the basis of the following criteria:

1. *Text adopted by the Standing Committee,* acting on behalf of the Assembly, on 12 March 2010 (see Doc. 12143, report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), rapporteur: Mr Agramunt; and Doc. 12167, opinion of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Mr Kumcuoğlu).

− no co-rapporteur shall deal with more than one state at the same time;

− no co-rapporteur shall belong to a neighbouring state or to a state with a special relationship with the state being monitored;

− the two co-rapporteurs shall come from different countries and belong to different political groups.

11.2. In respect of each member state under monitoring, the co-rapporteurs shall be appointed for no longer than five years. No member of the committee may be re-appointed co-rapporteur for a given state under the monitoring procedure within five years of the end of his or her previous term of office for the same state.

11.3. As far as possible, the committee should avoid replacing at the same time both co-rapporteurs engaged in a monitoring procedure with respect to a given state.

11.4. In the interest of the smooth running of the monitoring procedure, the committee may decide to extend, where appropriate and feasible, the term of office of one of the co-rapporteurs by a maximum of six months, in particular, in order to enable the latter to present a report which has already been included in the agenda of an Assembly part session.";

5.2. in Resolution 1115 (1997), a new paragraph 12 shall be introduced as follows:

"12.1. The Monitoring Committee shall appoint one of its members rapporteur on a member state engaged in the post-monitoring dialogue. A rapporteur on post-monitoring dialogue shall be appointed according to the same criteria as those established by the present resolution and the Rules of Procedure of the Assembly for the appointment of co-rapporteurs engaged in the monitoring procedure.

12.2. The term of office of the rapporteur for post-monitoring dialogue shall be no longer than five years. No member who was previously engaged in the monitoring procedure with respect to a given state may be appointed rapporteur on the post-monitoring dialogue with the same state unless the Monitoring Committee decides otherwise.

12.3. No member of the committee may be re-appointed rapporteur for a given state engaged in post-monitoring dialogue within five years of the end of his or her previous term of office for dialogue with the same state.

12.4. In the interest of the smooth running of the post-monitoring dialogue, the committee may decide to extend, where appropriate and feasible, the term of office of the rapporteur by a maximum of six months, in order to enable the latter to present a report which has already been included in the agenda and order of business of an Assembly part session.";

5.3. in the specific terms of reference of the Monitoring Committee, adopted by Resolution 1431 (2005) on the initiation of a monitoring procedure and post-monitoring dialogue, in the second sentence of paragraph 4, the words "the Chairperson, or if appropriate, a Vice-Chairperson of the Monitoring Committee" shall be replaced with the words "the rapporteur";

5.4. in the specific terms of reference of the Monitoring Committee, appended to the revised Resolution 1115 (1997), paragraph 9 shall be modified as follows:

"When reporting to the Assembly on post-monitoring dialogue carried out with a member state upon the decision of the Assembly, the Monitoring Committee shall prepare a report which includes a draft resolution stating whether the post-monitoring dialogue with this state should be concluded. The Assembly shall decide on this matter by a majority of votes cast."

6. In order to give time to the political groups of the Assembly to take the above amendments fully into account in the process of appointing candidates for membership in the Monitoring Committee, the Assembly decides that the amendments to Resolution 1115 (1997) shall enter into force at the opening of the 2010 June part-session (21-25 June 2010).

6.1. Given the need to avoid replacing both co-rapporteurs at the same time, if the terms of office of both co-rapporteurs of the Monitoring Committee with respect to a country under the monitoring procedure come to an end at the same time, the committee shall be allowed to proceed first with the replacement of the co-rapporteur whose term of office has been the longest. In this case, the term of office of the second co-rapporteur may be extended, where appropriate and feasible, by a maximum of six months.

6.2. As a transitional measure, the acting co-rapporteurs whose term of office expires on the day of the entry into force of the present amendments to Resolution 1115 (1997) shall be allowed to present their reports to the Assembly, if the relevant debates have been included in the agenda of the Assembly's 2010 June and September part-sessions.

6.3. For the purposes of the present resolution, the term of office of co-rapporteurs shall count from the day of appointment, even if this appointment took place before the date of the opening of the 2010 June part-session.

7. In the light of the changes which this resolution and Resolution 1698 (2009) on amendments of various provisions of the Parliamentary Assembly's Rules of Procedure have made to the monitoring and post-monitoring dialogue procedures and the Monitoring Committee's terms of reference, the Assembly considers it necessary to pursue the consideration being given to the harmonisation of all the relevant regulatory and para-regulatory provisions and asks its competent committee to submit any proposals in this respect.