



Resolution 1854 (2011)¹

Final version

Ensuring protection against attacks on a person's honour and reputation

Parliamentary Assembly

1. Freedom of expression, enshrined in Article 10 of the European Convention on Human Rights (ETS No. 5), as interpreted by the European Court of Human Rights, is a fundamental right and one of the pillars of a democratic society, to which the Parliamentary Assembly has on many occasions expressed its deep commitment. The freedom of public debate and the right to communicate and publish freely constitute the cornerstone of democracy in so far as they guarantee the pluralism of political expression.
2. Freedom of expression, “while precious for all, is particularly so for an elected representative of the people”, as stated by the European Court of Human Rights, is essential for the discharge of parliamentarians’ duties and is an essential precondition for their independence. Nonetheless, the immunity attached to parliamentarians’ freedom to express their opinions and cast their votes should not be misused for aims other than its primary purpose, which is the protection of free debate in the public interest.
3. This freedom should be exercised with a sense of responsibility vis-à-vis another fundamental right, also enshrined in the European Convention on Human Rights, namely the right to respect for private life. Accordingly, it is imperative to strike a fair balance between freedom of expression in the Assembly and the protection of a person’s reputation and honour. Indeed, statements which are totally unfounded and unrelated to the context of the debate do not contribute to the constructive dialogue in which the members of the Assembly are engaged.
4. Certain serious allegations regarding members of the Assembly or persons who are not members of the Assembly have recently been made by Assembly members. The people against whom the allegations were made considered these allegations to be an affront to their honour and reputation.
5. The Assembly’s Rules of Procedure comprise provisions relating to the discipline of members in plenary sittings, granting the President of the Assembly certain prerogatives so as to ensure the smooth conduct of debates. The Assembly notes, however, that there is a case for supplementing the current provisions in order to be able, where necessary, to effectively prevent any attacks on a person’s honour and reputation which may occur in the plenary sittings of the Assembly or in committee meetings.
6. Furthermore, the Assembly considers it necessary to provide for a mechanism whereby an individual who believes that his or her reputation or honour has been harmed by statements made in an Assembly debate can, subject to certain conditions, have a right of reply.
7. Accordingly, the Assembly decides to amend its Rules of Procedure as follows:
 - 7.1. in Rule 21.6, after the words “Words or expressions which affront human dignity”, add the words “, undermine the right to respect for private life,”;

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 25 November 2011 (see [Doc. 12703](#), report of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Mrs Bemelmans-Videc).



7.2. replace Rule 45.6 with the following:

“The chairperson shall open, suspend and close the meeting and shall direct the committee’s debates. He or she may take part in the committee’s debates. He or she does not participate in a vote except in the case of a tie. He or she shall ensure observance of the Rules and maintain order.”

8. Furthermore, the Assembly decides to supplement the additional provisions relating to Assembly debates, by introducing a right of reply in the event of a violation of the right to respect for private life:

“vii. Protection against attacks on a person’s honour and reputation (Rule 21.6 of the Rules of Procedure) – right of reply

1. Any member of the Assembly who has been named or referred to directly and considers that his or her reputation has been adversely affected by a statement made in the course of a debate by another member may ask the President of the Assembly the authorisation to take the floor for not more than two minutes at the end of the debate. The President has the discretion to decide on how to respond to such a request. He or she may ask the person who made the statement to provide an explanation.

2. Any person who has been named or referred to directly and considers that his or her reputation has been adversely affected by a statement made in the course of a debate by a member of the Assembly may submit a written request to the President of the Assembly for an appropriate response to be included in the official report.

3. The written request shall be reasoned, make reference to the impugned statement in the report and shall not contain any vexatious or offensive wording; it shall be submitted within three months of the date of the sitting during which the statement at issue was made.

4. The President shall examine the request and decide:–

either to include in the report a note in respect of the impugned statement along the following model: “By letter dated ..., [person’s name] disagrees with the assertion/statement appearing in this report, on the ground that ...”;

– or not to include such a note.

5. This provision shall not apply if the words spoken have been struck from the report in accordance with Rule 21.6.”

9. These amendments to the Rules of Procedure shall enter into force with effect from the opening of the Assembly’s 2012 ordinary session.