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22 June 2009

Progress report of the Bureau of the Assembly and of the Standing Committee (30 April-22 June 2009)

Progress report

Bureau of the Assembly

Rapporteur: Mr Davit HARUTYUNYAN, Armenia, European Democrat Group

1. Introduction

1. The Bureau met on 22 June in Strasbourg.

2. Functioning of the Assembly

2.1. Progress report of the Bureau of the Assembly and of the Standing Committee (30 April-22 June 2009)

2. On 22 June, the Bureau approved the Progress report.

2.2. Third Part of the 2009 Ordinary Session of the Assembly (Strasbourg, 22-26 June 2009)

3. On 22 June, the Bureau:

- i. *The election process for the Secretary General of the Council of Europe*

- a. took note of a letter from Mr Zbogar, Minister of Foreign Affairs of Slovenia, Chairperson of the Committee of Ministers, following the meeting held in Brussels on 18 June 2009 between the Presidential Committee of the Assembly and the Bureau of the Committee of Ministers at ministerial level;
- b. decided to ask the opinion of the Venice Commission on the respect by the Committee of Ministers of the rules regarding the current process for the election of the Secretary General of the Council of Europe.

- ii. *Requests for debates under urgent procedure*

- a. "The election process for the Secretary General of the Council of Europe" (submitted by 20 parliamentarians): decided to recommend to the Assembly not to hold a debate under urgent procedure on this matter;
- b. "The situation in Iran" (submitted by 20 parliamentarians): decided to recommend to the Assembly to hold a debate under urgent procedure on this matter and proposed to refer it to the Political Affairs Committee for report;

- iii. *Election of a judge to the European Court of Human Rights in respect of San Marino*: took note of the report of the Sub-Committee on the election of judges, including the recommendations contained in it, and decided to forward it to Assembly members;

- iv. *Draft agenda*: decided to withdraw the point on the election of the Secretary General of the Council of Europe of the agenda and approved the updated draft agenda;



- v. *Joint Committee (Thursday 24 June at 6.30 pm)*: agreed with the President concerning the items to be proposed to the Committee of Ministers for inclusion on the agenda:
- a. Follow-up to the Communication by Mr Zbogar, Minister of Foreign Affairs of Slovenia, Chairperson of the Committee of Ministers, before the Assembly on 22 June 2009;
 - b. Situation in Belarus;
 - c. "Partner for Democracy" status with the Parliamentary Assembly.

2.3. Resolution 1376 (2004) relating to "Cyprus"

4. On 22 June, the Bureau took note of letters from the two Turkish Cypriot political parties informing the President of the Assembly of the names of the "elected representatives of the Turkish Cypriot community" entitled to sit in the Assembly, namely Mr Ertugruloglu (National Unity Party) and Mr Caglar (Republican Turkish Party) to be submitted to the Assembly for its approval within the framework of the progress report.

2.4. Composition of the Monitoring Committee and the Committee on Rules of Procedure, Immunities and Institutional Affairs

5. On 22 June, the Bureau approved the lists of members as proposed by political groups for ratification by the Assembly.

2.5. Assembly representatives for official activities

i. Appointment of Assembly representatives for official activities

6. On 22 June, in reply to formal invitations, the Bureau took the following decisions:
- a. Mrs Brasseur (Luxembourg, ALDE): meeting 2009 of the Council of Europe on the religious dimension of the intercultural dialogue (Strasbourg, 29-30 June 2009);
 - b. Mrs John-Calame (Switzerland, SOC) and Mr Mignon (France, EPP/DC): XXXV session of the Parliamentary Assembly of the francophony (Paris, 2-6 July 2009, without costs for the Assembly);
 - c. Mr Marty (Switzerland, ALDE), Mr Gross (Switzerland, SOC) and Mr Ivanic (Bosnia and Herzegovina), EPP/CD): 4th Summer University (Strasbourg, 6-10 July 2009, without costs for the Assembly for Mr Marty and Mr Gross);
 - d. Mrs Lundgren (Sweden, ALDE): 18th Baltic Sea Parliamentary Conference (Nyborg (Denmark), 30 August -1 September 2009).

3. Elections

3.1. Bulgaria: observation of the parliamentary elections (5 July 2009)

7. On 22 June, the Bureau:
- a. took note that the competent authorities of Bulgaria until now failed to issue an invitation for the assembly to observe these elections and in these circumstances decided to cancel the observation mission;
 - b. decided to refer the matter to the Monitoring Committee in the context of its on-going post-monitoring dialogue, with a view to a possible debate at the October part-session, as foreseen in the rules;
 - c. adopted a declaration on this matter (Appendix II).

3.2. Moldova: observation of the parliamentary elections (29 July 2009)

8. On 22 June, subject to receipt of an invitation, decided to observe these elections and to set-up an ad hoc committee to observe these elections composed of 20 members, according to the "D'Hondt" system.

4. Other matters

4.1. Comments on the Draft Code of good practice for civic participation in the decision-making process

9. On 22 June, the Bureau approved the comments transmitted by the Political Affairs Committee (Appendix III).

4.2. Communications

10. On 22 June, the Bureau took note of communications by the President and the Secretary General of the Council of Europe as well as the Secretary General of the Parliamentary Assembly.

Appendix 1 – References to committees

On 22 June, the Bureau approved the following references and modifications of references, subject to ratification by the Assembly:

i. References to committees

1. The problem of political prisoners in Europe and the necessity to investigate the issue of political prisoners in Armenia

Motion for a resolution presented by Mr R. Huseynov and others

[Doc. 11898](#), to the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) *to be taken into account in the preparation of the report on "Honouring of obligations and commitments by Armenia"*

2. The situation of the Turkish minority in Rhodes (Rodos) and Kos (Istanköy)

Motion for a resolution presented by Mr Gross and others

[Doc. 11904](#), to the Committee on Legal Affairs and Human Rights for a report on the situation of the muslim minority (they regard themselves as Turks) in Rhodes and Kos

3. The definition of political prisoners

Motion for a resolution presented by Mr Agramunt and others

[Doc. 11922](#), for consultation of the Committee on Legal Affairs and Human Rights *on a possible follow-up*

4. The strategy, governance and functioning of the Council of Europe Development Bank (CEB)

Motion for a recommendation presented by Mr Elzinga and others

[Doc. 11923](#), to the Committee on Economic Affairs and Development *for report*

ii. Reply after consultation

1. The reform of the Common Fisheries Policy

Motion for a resolution presented by Mr Korkeaoja and others

[Doc. 11902](#), to the Committee on the Environment, Agriculture and Local and Regional Affairs *for report*

iii. Extension of references

1. For a Europe-wide sex offenders register

Motion for a resolution presented by Mrs Pernaska and others

[Doc. 11400](#), Ref. 3382 of 23 November 2007 – Validity: 23 November 2009, extension until 31 March 2010

2. Minority protection in Europe: best practices and deficiencies in implementation of common standards

Motion for a recommendation presented by Mr Cilevičs and others

[Doc. 11261](#), Ref. 3355 of 25 June 2007 – Validity: 25 June 2009, extension until 31 December 2009

3. Copyright in Europe

Motion for a resolution presented by Mr Bodewig and others

[Doc. 11272](#), Ref. 3360 of 25 June 2007 – Validity: 25 June 2009, extension until 31 December 2009

Appendix 2 – Parliamentary elections in Bulgaria (5 July 2009): Assembly Bureau concerned over Sofia’s lack of co-operation

Strasbourg, 22 June 2009. The Bureau of the Parliamentary Assembly of the Council of Europe (PACE), meeting in Strasbourg on 22 June 2009, expressed its disappointment that the competent authorities of Bulgaria had until now failed to issue an invitation for PACE to observe the forthcoming parliamentary elections of 5 July 2009 and considered this to be a clear case of lack of cooperation with PACE.

The Bureau recalls that Bulgaria is subject to a post-monitoring dialogue and that, in accordance with the existing rules, the Bureau decided, on 27 April 2009, to observe the 5 July elections and set up a twenty member ad hoc committee for that purpose, a decision on which the Bulgarian side was fully aware. The Bureau considers that the non-issuance of a timely invitation is indicative of Bulgaria’s unwillingness to subject the functioning of its democracy to international scrutiny at such an important juncture.

The Bureau recalled that, under the existing rules, observation of elections and referenda on a national level is an inalienable right of the Assembly. A State’s lack of cooperation or its refusal to accept a PACE election observation mission should give rise to a debate at the part-session or the Standing Committee meeting following the elections in question. The debate may result in sanctions that could include the challenge of credentials of the national delegation concerned on the basis of Rule 8.2.b (lack of cooperation under the Assembly’s monitoring procedure).

The Bureau decided to refer the matter to the Monitoring Committee in the context of its on-going post-monitoring dialogue, with a view to a possible debate at the October Part-Session, as foreseen in the rules.

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Political Affairs Committee – Contribution on the Draft Code of Good Practice for Civil Participation in the Decision-Making Process

Prepared by Mr Göran LINDBLAD, Sweden, Group of the European People's Party

I. INTRODUCTION

1. The draft Code of Good Practice for Civil participation in the Decision-Making Process has been prepared by the Conference of International Non-Governmental Organisations (INGOs) following the conclusions of the meeting of the 2007 Forum for the Future of Democracy (FFD) in Stockholm and Sigtuna, and [Resolution 1589 \(2007\)](#) of the Parliamentary Assembly on co-operation between the Parliamentary Assembly and the Conference of INGOs.

2. The following comments are in response to the request of the Conference of INGOs addressed to the FFD's stakeholders including the PACE, the Committee of Ministers and the CoE Congress for Local and Regional Authorities to give their respective views on the draft Code prior to its final adoption foreseen for September 2009.

3. The principal objective of the Code is to establish, at the European level, a set of principles, tools and mechanisms which would, on the one hand, contribute to the creation of favourable conditions for civil participation, and on the other hand, provide useful pointers for NGOs – from local to international level – in their dialogue with parliament, government and public authorities.

4. The Parliamentary Assembly has devoted a good deal of its work to the questions of democracy and civil participation. The debates on the state of democracy in Europe, held every two years, launched in 2007, are of particular relevance¹. The above mentioned report on the co-operation between the Parliamentary Assembly and the Conference of INGOs² is also an obvious reference. Furthermore, a report on e-democracy³ and [Resolution 1653 \(2008\)](#) directly refer to questions included in the Code. Reference can also be made to the report on the Code of good practice for political parties⁴; indeed, a number of questions regarding external and internal conditions for the proper functioning of the democratic process and practices are common to both political parties and NGOs.

II. GENERAL REMARKS

5. One of the major concerns of contemporary democracies is the alienation of citizens from political processes. Representative democracies tend to limit citizens' participation to the act of voting every four or five years. In this context, civil society constitutes an important element of the democratic process. It provides citizens with an alternative way, alongside those of political parties and lobbies, of channelling different views and securing a variety of interests in the political decision-making process.

6. Civil participation cannot replace representative democracy in favour of participatory democracy. But it can enhance and strengthen representative democracy, and it can largely contribute to increasing citizens' empowerment. However, in order to achieve this goal, a number of external and internal conditions must be met.

7. The Code of Good Practice for Civil Participation in the Decision Making Process should, in my view, firstly identify the conditions of a legal, political, economic and social nature, which have to be established in order to ensure that NGOs and other actors of civil society can function properly and accomplish their tasks in the democratic process. The recommendations in this respect should be addressed directly to the legislative and executive authorities at different levels, be it regional, national or international.

1. See [Doc. 11202 \(2007\)](#) and [Doc. 11203 \(2007\)](#).

2. See [Doc. 11441 \(2007\)](#).

3. See [Doc. 11783 \(2008\)](#).

4. See [Doc. 11210 \(2007\)](#).

8. In addition, the Code should draw up a set of principles and guidelines on the conduct which could be recommended directly to NGOs in Council of Europe member states with a view to promoting internal democracy, accountability and transparency, thus increasing their legitimacy in the political process. They should be addressed by the NGOs themselves, either in a statutory manner or through examples of good practice.

9. In my view, the draft Code fails to address exhaustively these two essential issues and its present structure is somewhat vague and confusing.

III. FRAMEWORK FOR CIVIL PARTICIPATION

10. The draft Code points out that “NGOs and organised civil society are essential contributors to the development and the realisation of democracy and human rights”. While this is very true, it should also be stressed that they cannot exist and accomplish their role without the existence of democracy and respect for human rights.

11. Indeed, in order to enable independent civil society to constitute an important element of a democratic system, adequate conditions must already be established in every country.

12. Firstly, a number of core principles and basic standards of democracy have to be implemented. These include individual freedoms (freedom of expression, freedom of assembly and freedom of association). Unfortunately, there have been worrying accounts of restrictions of these basic rights in Council of Europe member states. The Code should make it clear that they constitute the necessary precondition for the functioning of civil society.

13. Similarly, the legislation imposing excessive state control over NGOs, which is the case in some Council of Europe member states, constitutes an obstacle to the democratic process and should be revised. The Code fails to underscore this point.

14. Equally, the State has an obligation to introduce rules which would create adequate legal conditions for the independence and legitimacy of an organised civil society. This refers primarily to the financing of NGOs and their independence, and imposing on them certain rules ensuring internal and external transparency and institutional accountability.

15. The draft Code identifies four gradual levels of civil participation, from the least developed to the most participatory. These are: information, consultation, dialogue and partnership. By way of a general remark, I feel that recognition of the importance of the e-dimension of these processes is missing in the draft Code.

16. Indeed, as it was acknowledged at the 2008 FFD held in Madrid, e-tools offer great potential for improving democratic practice and participation of an organised civil society. They can largely contribute to the transparency, accountability and responsiveness of institutions, as well as to the promotion of citizens' engagement and to increasing empowerment and the accessibility and inclusiveness of the democratic process.

17. In order to fully benefit from their potential, e-tools should be integrated by all participants of the political process, including the authorities at all levels and organised civil society.

18. Of course, this requires a good deal of commitment by all stakeholders, including the development of political vision for the application of Information and Communication Technologies (ICT) in the political process, the introduction of relevant legislation, the establishment of good practices, the promotion of social networking activities, with a view to building on the ideas of e-democracy developed within civil society and, last but not least, ensuring that adequate financial resources are set aside.

19. The most important question is to what extent the political participation of organised civil society is translated into genuine influence on the decision-making process.

20. The draft Code defines well the different steps in the political decision-making process and elaborates on them. However there is a highly political question which seems to have been overlooked in the text, namely the right of citizens to launch new laws or influence the existing ones. Such a possibility is foreseen in some national legislations, but, does not exist in the majority of Council of Europe member states.

IV. CONDUCT OF CIVIL SOCIETY PARTICIPANTS

21. Good practices for internal accountability and transparency within NGOs are particularly important as they enhance the credibility of organised civil society and its legitimacy in the democratic process. In parallel to the external legislation on this subject, good practices should be introduced by NGOs themselves. There are frequent loopholes and shortcomings in the law which enable its circumvention if organisations do not voluntarily adopt certain measures in this respect.

22. The internal rules of NGOs should be guided by clarity, transparency, accountability and independence.

23. The interaction with society at large should be based on respect for democratic values and dialogue. NGOs should be sensitised regarding the responsibility they bear in this respect. The increase in violent actions encouraged by some NGOs is of utmost concern.

24. Similarly, good practices with regard to the media and information flow should be established.

V. CONCLUSIONS

25. The Assembly should welcome the elaboration of the draft Code of Good Practice for Civil Participation in the Decision Making Process. There is a clear need for guidelines and good practices in this field. The Conference for INGOs should therefore be commended for having undertaken the difficult task of drawing up this text.

26. The Assembly should also express its satisfaction at the decision of the Conference to consult all the stakeholders in the FFD process before the text is finalised. This is very much in line with the spirit of co-operation and dialogue which should prevail in the political process.

27. That said, I consider that the draft Code could and should be completed. At present, it focuses on ways of influencing the political decision-making process. In my view it overlooks the conditions which have to be met in order to successfully apply the matrix of civil participation within the political process. These conditions include a number of basic elements for an enabling environment and the conduct of civil society participants.

28. Furthermore, the question of the implementation of e-tools should be given more recognition as an important factor for potentially increasing civil participation in the decision-making process.

29. Finally, I think that the structure of the Code should be revised with a view to making it clearer and more readable.

Appendix 4 – Memorandum of Understanding on co-operation between the Parliamentary Assembly of the Council of Europe and the European Association of Former Members of Parliament of the Member States of the Council of Europe

1. The purpose of this *Memorandum* is to increase co-operation between the Parliamentary Assembly of the Council of Europe and the European Association of Former Members of Parliament of the Member States of the Council of Europe, particularly with a view to promoting dialogue and enhancing a partnership which is beneficial to both parties.
2. The European Association of Former Members of Parliament reaffirms the importance it attaches to the core objectives of the Council of Europe and the Parliamentary Assembly, namely protecting human rights, parliamentary democracy and the rule of law and promoting awareness of a European identity based on shared values and transcending cultural differences.
3. The European Association of Former Members of Parliament shall be run under the patronage of the President of the Parliamentary Assembly of the Council of Europe.
4. One of its chief aims shall be to make the work of the Parliamentary Assembly of the Council of Europe better known, particularly through the regular exchange of information via Internet sites.
5. For the purpose of its activities, the Parliamentary Assembly may, if it wishes, call on the experience and expertise of members of the Association.
6. The European Association of Former Members of Parliament may appoint representatives to attend plenary sessions of the Parliamentary Assembly of the Council of Europe, as well as other public meetings dealing with topics on which the Association is working. It may also invite the Parliamentary Assembly to take part in any colloquies or seminars it holds.
7. The Secretariat of the Parliamentary Assembly of the Council of Europe shall facilitate the dissemination of statements and declarations arising from colloquies or seminars held by the Association.
8. The Secretariat of the Association shall call on the Assembly Secretariat to help it organise some of its meetings on Council of Europe premises.
9. This *Memorandum* shall enter into force on the day of its signature.

Done in Strasbourg on ...

Camille Dimmer, President of the FP-AP

Roland Roblain, Secretary General of the FP-AP

Lluís Maria de Puig, President of the Parliamentary Assembly

Mateo Sorinas, Secretary General of the Parliamentary Assembly