

Resolution 2169 (2017)¹

Recognition and implementation of the principle of accountability in the Parliamentary Assembly

Parliamentary Assembly

1. The members of the Parliamentary Assembly are required to act in the strictest compliance with the duties and obligations by which they are bound, as set out in particular in Rule 6.2.b (statement that members subscribe to the aims and basic principles of the Council of Europe), Rule 13 (members' ethical conduct) and Rule 22 (maintenance of order) of the Rules of Procedure, and in the Code of Conduct for Members of the Parliamentary Assembly. The Assembly believes that this requirement should be more stringent in respect of the President of the Parliamentary Assembly, but also in respect of other high elective offices such as the vice-presidencies of the Assembly and the chairmanships and vice-chairmanships of committees, as defined by the Rules of Procedure.

2. Just as in a representative democracy, the requirements of transparency, integrity, responsibility, primacy of the public interest, confidence and accountability constitute the foundation of the contract which binds an elective representative to citizens, the Assembly wishes to reiterate the importance of the principle of accountability which links those of its members who are elected to certain functions with those who have elected them. If this undertaking of accountability, which includes a duty of transparency and an obligation to account for one's acts, is not fulfilled, the Assembly cannot have any confidence in those it has elected to office. Representing an institution also means respecting it with integrity and honesty. Holding an elective office means acting with accountability from the first day to the last day of that office.

3. It is of the very essence of the democratic functioning of a parliament that the holders of elective offices – first and foremost its president, as well as those given key positions of responsibility, such as rapporteurs – are accountable to those who have elected them to those offices. Their election to the office in question can be assumed to reflect the trust placed in them, but this trust must not be construed as granting them *carte blanche*. The Assembly is convinced that the existing regulatory framework, which provides for numerous safeguards, the frequency of elections and the short duration of these elective offices, is not sufficient to ensure that office holders comply with the obligation to account for their actions.

4. In consideration of the above, the Assembly decides to institute a procedure to bring into play the institutional accountability of holders of elective offices within the Assembly and to dismiss them during their term of office. Such a procedure shall apply solely to high elective offices, namely the President of the Parliamentary Assembly, the Vice-Presidents of the Assembly, and the chairpersons and vice-chairpersons of the committees. It is in no regard a criminal measure and shall entail no other consequences than those explicitly provided for in the Rules of Procedure.

5. Accordingly, the Assembly decides to amend its Rules of Procedure as follows:

5.1. in Chapter XI "Exceptional procedures", after Rule 53, insert the following new Rule:

"Procedure for dismissing the President and Vice-Presidents of the Parliamentary Assembly"

1. *Assembly debate* on 27 June 2017 (21st Sitting) (see [Doc. 14338](#), report of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Ms Liliane Maury Pasquier). *Text adopted by the Assembly* on 27 June 2017 (21st Sitting).



1. *The Assembly may terminate the functions of the President of the Parliamentary Assembly or a Vice-President of the Assembly on the ground that he or she no longer enjoys the confidence of the Assembly, be it that he or she no longer fulfils the conditions required for the exercise of that office or is guilty of serious misconduct by seriously or repeatedly violating the provisions of the Code of Conduct for Members of the Parliamentary Assembly.*

A motion for dismissal concerning the same person and based on the same grounds may be tabled only once in the course of an ordinary session of the Assembly.

2. *A motion for dismissal shall be presented in both official languages and signed by at least one tenth of the component members (representatives and substitutes) of the Assembly belonging to at least three political groups and ten national delegations.*

The motion for dismissal shall be published as an official document within twenty-four working hours, forwarded to the member concerned and referred to the Committee on Rules of Procedure, Immunities and Institutional Affairs, which shall give an opinion on its admissibility. The committee hears the member concerned; the absence of the duly invited member at the meeting is not a valid ground for postponing the committee's decision. The committee's opinion shall be approved within twenty-four hours following the reference, if it is decided in the course of a part-session of the Assembly, or otherwise at the meeting which immediately follows the reference. The motion for dismissal shall be put to the vote of the Assembly within twenty-four hours after the approval of the committee's opinion if it is issued in the course of a part-session of the Assembly, or otherwise at the opening of the part-session which immediately follows the approval of the committee's opinion.

3. *A motion for dismissal, presented in both official languages, may also be signed by at least one fifth of the component members (representatives and substitutes) of the Assembly belonging to a least three political groups and fifteen national delegations.*

The motion for dismissal shall be published as an official document within twenty-four working hours and forwarded to the member concerned. It shall be put to the vote of the Assembly within twenty-four hours after its publication, if it is issued in the course of a part-session of the Assembly, or otherwise at the opening of the part-session which immediately follows its publication.

4. *After the publication of the motion for dismissal and until the final decision on the motion is taken, the President or Vice-President ceases to chair the meetings of the Assembly.*

5. *The provisions of Rules 27.5 (alteration of the agenda), 33 (discussion and consideration of texts), 34 (amendments and sub-amendments) and 37 (procedural motions) shall not apply.*

6. *Only the first signatory of the motion, the chairperson of the Committee on Rules of Procedure, Immunities and Institutional Affairs or a representative appointed by the committee, the chairperson of each political group or a representative appointed by the group, and the member to whom the procedure relates may be heard in the debate.*

7. *The Assembly shall decide by using the electronic voting system, in accordance with the quorum conditions laid down in Rule 42.3 and by a two-thirds majority of the votes cast.*

8. *The voluntary resignation of the member concerned from his or her office shall terminate the procedure.*

9. *The dismissal of the President or Vice-President of the Assembly shall take effect immediately after the announcement that the motion has been carried.*

10. *A President of the Parliamentary Assembly who has been dismissed may not rely on the provisions of Rule 20.3. He or she shall not be eligible for re-election to the office of President or for election to the offices of Vice-President of the Assembly, or of chairperson or vice-chairperson of a committee. He or she shall not be granted the title of Honorary President of the Parliamentary Assembly. A President or Vice-President of the Assembly who has been dismissed from office may not be granted the title of honorary associate of the Parliamentary Assembly.”;*

5.2. in Chapter XI “Exceptional procedures”, following the preceding Rule, insert the following new Rule:

“Procedure for dismissing chairpersons and vice-chairpersons of committees

1. A committee may terminate the office of its chairperson or a vice-chairperson at the request of one third of the full members of the committee belonging to at least three political groups and five national delegations on the ground that he or she no longer enjoys the confidence of the committee, be it that he or she no longer fulfils the conditions required for the exercise of that office or is guilty of serious misconduct by seriously or repeatedly violating the provisions of the Code of Conduct for Members of the Parliamentary Assembly.

A motion for dismissal concerning the same person and based on the same grounds may be presented only once in the course of an ordinary session of the Assembly.

2. The motion for dismissal shall be sent to the members of the committee at least one week before the date of the meeting for which its signatories have requested it be placed on the agenda.

3. After the motion for dismissal has been released and until the final decision on the motion is taken, the chairperson or vice-chairperson ceases to chair the meetings of the committee.

4. The dismissal shall be pronounced by the committee under the quorum conditions laid down in Rule 47.3, and by a two-thirds majority of the votes cast. It shall have immediate effect. Rule 47.2 on secret ballot shall not apply.

5. The voluntary resignation of the chairperson or vice-chairperson concerned from his or her office shall terminate the procedure.

6. A committee chairperson or vice-chairperson who has been dismissed shall not be eligible for election or re-election to the position of chairperson or vice-chairperson of a committee. He or she may not be granted the title of honorary associate of the Parliamentary Assembly.”;

5.3. amend Rule 15.5 as follows:

“The President shall remain in office until the opening of the next ordinary session. Should the office of President fall vacant, **or if the President is unable to discharge his/her duties, the most senior Vice-President** shall act as President until the election of a new President at the following part-session [footnote: **if the most senior Vice-President is unable to assume the functions of the President, the task will be entrusted to the next most senior Vice-President**]. The President so elected shall remain in office until the opening of the next ordinary session. The President may be re-elected once for a further term, consecutive or not. However, a President elected in the course of a session for an incomplete term may be re-elected for two further terms.”;

5.4. amend the first sentence of Rule 16.7 as follows:

“Except when the delegation to which a Vice-President belongs is renewed in the course of the session, **or in the event of dismissal pursuant to Rule [54]**, Vice-Presidents shall remain in office until the opening of the next ordinary session.”;

5.5. amend Rule 20.3 as follows:

“The immediate past President, as long as he or she remains a representative or substitute in the Assembly without interruption **and provided that he or she has not been dismissed from office pursuant to Rule [54]**, shall be an ex officio member of the Committee on Political Affairs and Democracy, the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) and the Committee on Rules of Procedure, Immunities and Institutional Affairs. Rule 44.6 shall not apply to him or her.”;

and amend, accordingly, the footnotes to Rule 44.1;

5.6. in Rule 24.2.c, insert the following footnote:

“motions tabled by representatives or substitutes [including motions tabled pursuant to Rule [54]]”;

5.7. amend Rule 41.a as follows:

[the following majorities are required:] “for the adoption of a draft recommendation or a draft opinion to the Committee of Ministers, for the adoption of urgent procedure, for an alteration to the agenda, for the setting up of a committee, the fixing of the date for the opening or resumption of ordinary sessions **and a decision to dismiss the holder of an elective office**, a majority of two thirds of the votes cast;”

- 5.8. at the end of Rule 46.7, add the following sentence:

“A chairperson or vice-chairperson of a committee who has been dismissed from office pursuant to Rule [55] may not be a candidate for the office of chairperson or vice-chairperson of a committee or a sub-committee.”;

- 5.9. amend Rule 47.3 as follows:

*“A committee may deliberate and take decisions when one third of its members are present; however, if so requested by one sixth of its members before voting begins on a draft opinion, recommendation or resolution as a whole, or on the election **or dismissal** of the chairperson or vice-chairpersons, the vote may be taken only if a majority of committee members are present.”*

6. This resolution shall take effect upon its adoption. Its provisions shall apply to the current offices of the President and Vice-Presidents of the Parliamentary Assembly and the chairpersons and vice-chairpersons of committees.