



## Resolution 2277 (2019)<sup>1</sup>

# Role and mission of the Parliamentary Assembly: main challenges for the future

### Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2186 \(2017\)](#) on the call for a Council of Europe summit to reaffirm European unity and to defend and promote democratic security in Europe and reiterates that the Council of Europe, set up seventy years ago to achieve a greater unity among its member States on the basis of common values and principles, is today more necessary than ever to help meet major challenges in and resolve issues among the 47 member States, as well as to avoid creating new dividing lines.
2. The Parliamentary Assembly, as one of the two statutory organs of the Council of Europe, has itself played an essential role in developing European unity within diversity. It has largely contributed to the enlargement process of the Organisation since the fall of the Berlin Wall, in particular through the preparation of accession opinions for the other statutory organ, the Committee of Ministers, including a list of specific commitments undertaken by the authorities of the candidate States following negotiations with Assembly rapporteurs.
3. Thus, the Assembly, with its pluralistic composition of members of national parliaments, has become a unique, permanent and structured pan-European forum for interparliamentary dialogue among representatives of the citizens from all 47 member States with an important deliberative role regarding the many issues which fall within the aim and scope of the Organisation (Articles 1 and 3 of the Statute of the Council of Europe, ETS No. 1).
4. The Assembly refers to its [Recommendation 2114 \(2017\)](#) “Defending the *acquis* of the Council of Europe: preserving 65 years of successful intergovernmental co-operation” and recalls that the Assembly, being “the political engine” of the Organisation, shares with the Committee of Ministers and member States the responsibility for the development of the unique convention system of the Council of Europe, which has substantially helped to “improve the functioning of democratic institutions in Europe, to develop the rule of law throughout Europe and to protect and promote the rights of all European citizens and inhabitants”.
5. Having the obligation, under the European Convention on Human Rights (ETS No. 5), to elect the judges to the European Court of Human Rights, and having significantly contributed to the process of ensuring the execution of the Court’s judgments by member States, the Assembly plays – together with the Court and the Committee of Ministers, which has the primary responsibility for overseeing the execution of the Court’s judgments – a major role in the unique European system of the protection of human rights, the rule of law and democracy, which has become a beacon for the rest for the world.
6. The Assembly’s role as Europe’s guardian of human rights and democracy is further fulfilled through intensive fact-finding and election observation missions, as well as thematic or country-specific reports on the state of human rights, social rights, the rule of law and democracy in member States. These reports include concrete recommendations to the governments and parliaments of the States concerned – either directly or

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1. *Assembly debate* on 10 April 2019 (15th Sitting) (see [Doc. 14863](#), Committee on Political Affairs and Democracy, rapporteur: Mr Tiny Kox; [Doc. 14867](#), opinion of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Mr Mart van de Ven). *Text adopted by the Assembly* on 10 April 2019 (15th Sitting).

See also [Recommendation 2153 \(2019\)](#).



through recommendations to the Committee of Ministers – for the purpose of ensuring compliance with their binding obligations stemming from the Statute, the European Convention on Human Rights, the judgments of the Court and all other conventions to which they are a party.

7. However, seventy years after it was founded, the Council of Europe is in a deep political and financial crisis. It finds itself confronted with many challenges which seriously threaten the effectiveness of its statutory organs and of its mechanisms and instruments, and thus ultimately the statutory aims of the Organisation: dangerous conflicts within and between member States persist instead of being resolved by using, *inter alia*, the means of the Organisation; the multilateral implementation of international human rights standards, including through the European Court of Human Rights, is increasingly being challenged in member States; the respect for the Organisation's Statute and the European Convention on Human Rights is weakening; and the Assembly itself has not yet been able to effectively assist in overcoming these crises.

8. As regards the Council of Europe's pan-European mission, the intended "unity within diversity" has, as of 2014, been seriously put into question following the illegal annexation of Crimea by the Russian Federation, an act considered to be a clear violation of international law and the Council of Europe's Statute. Russia's decision to stop participating in the activities of the Assembly, in reaction to the Assembly's decision to apply sanctions vis-à-vis Russia's parliamentary delegation, has led to a rift within the Organisation with one member State being present in one statutory organ, the Committee of Ministers, while being absent in the other, the Assembly. As of June 2017, the Russian Government's decision, in reaction to this situation, to suspend payment of its contribution to the budget of the Organisation has led to a major budgetary crisis threatening the Council of Europe's key activities.

9. To face these challenges, promote security in Europe, reinvigorate trust in the Council of Europe and among member States and ensure the future of the Organisation, the Assembly:

9.1. calls on all member States to reaffirm, seventy years after the foundation of the Organisation, their commitment to the ideal of European unity and the values and principles of democracy, human rights and the rule of law, and support and further strengthen the Council of Europe as a unique pan-European organisation which upholds these values for the benefit of European citizens;

9.2. underlines that Council of Europe membership implies an obligation for all member States to participate in both statutory organs;

9.3. calls on the Russian Federation, in accordance with its statutory obligations, to appoint a delegation to the Assembly and to resume obligatory payment of its contribution to the Organisation's budget, failure of which may lead to the suspension of its representation rights in both statutory organs, should the Committee of Ministers decide to apply Article 9 of the Statute;

9.4. calls for intensified dialogue among all actors concerned in order to preserve the pan-European mission of the Council of Europe and avoid a situation in which the biggest member State would be asked to, or would choose to, leave the Organisation, with all the geopolitical implications and concrete consequences for Russian citizens this would have; welcomes in this respect the commitment and efforts made by the Finnish Presidency of the Committee of Ministers;

9.5. calls on the governments of member States to consider all available options to ensure the political relevance and financial sustainability of the Organisation so as to avoid seriously undermining its activities and thereby its effectiveness;

9.6. calls on its members to put this issue on the agenda of their national parliaments as a matter of urgency and urge their governments to act responsibly, in line with their obligations under the Council of Europe Statute, so as to ensure the Organisation's financial sustainability.

10. For its part, during these challenging times for the Organisation, the Assembly resolves to streamline, restructure and modernise its work and focus its activities on issues within the aim and scope of the Council of Europe which are politically relevant and likely to have an impact on the work of the Organisation and/or in the member States, for the benefit of European citizens.

11. Therefore, the Assembly, on the basis also of the findings of the Ad hoc Committee of its Bureau on the role and mission of the Parliamentary Assembly, considers that its work and activities should primarily focus on:

11.1. promoting the strengthening and further development of the Organisation's unique convention system, which has greatly contributed to the creation of a single legal space across the 47 member States, to the benefit of their citizens; this priority also includes the implementation of the judgments of

the European Court of Human Rights and of recommendations issued by the Organisation's standard-setting, monitoring and advisory bodies, as well as by the Council of Europe Commissioner for Human Rights;

11.2. helping to identify to what extent the current Council of Europe legal instruments should be prioritised and revised or whether new ones should be drafted, existing ones strengthened or implemented more effectively, or suspended because they have become obsolete, in order to better respond to new societal challenges or situations such as: artificial intelligence, the ever-increasing use of social media, disinformation, radicalisation and new phenomena linked to terrorism, climate change, migration and refugees;

11.3. promoting women's and children's rights and gender equality, and applying a human rights and gender-sensitive approach;

11.4. developing further and increasing its election observation tools and missions, in close co-operation with the European Commission for Democracy through Law (Venice Commission), in order to improve the legal framework of its member States on elections and referendums, electoral practice and compliance by member States with relevant recommendations;

11.5. defending the Organisation's system of values and standards against undemocratic and illiberal trends, political extremism and aggressive nationalism, discrimination, xenophobia, hate speech and other threats to the rule of law;

11.6. promoting the Council of Europe values of human rights, rule of law and democratic principles also in the Council of Europe's neighbourhood as a means of improving living conditions and stability in these regions and thus contributing to security and stability on the European continent.

12. In light of the above considerations, the Assembly;

12.1. resolves to review, based on proposals by its committees, their mandate, work programme and institutional representation in intergovernmental committees and other Council of Europe bodies in order to verify their political relevance and added value;

12.2. invites its committees to focus, in their reports, on proposals which can be translated into tangible action by the intergovernmental sector of the Organisation (standard-setting, advisory or monitoring bodies) so as to enhance their impact and visibility, and to accompany, where appropriate, criticism addressed to member States (on failures in the legislative field or in the implementation of legislation, or on violations of human rights, democratic principles and the rule of law) with proposals for support activities aimed at addressing these shortcomings or lack of compliance; in both cases, such proposals should be forwarded to the other statutory organ, the Committee of Ministers, through recommendations adopted by the Assembly.

13. Enhanced impact and visibility of the Assembly's work is only possible if the decisions it takes are being followed up, in particular by or through national parliaments. In this respect, the Assembly, on the basis of the findings of the Ad hoc Committee of its Bureau on the role and mission of the Parliamentary Assembly, and referring also to its [Resolution 1640 \(2008\)](#) "Use by Assembly members of their dual parliamentary role – both parliamentary and European", calls on:

13.1. the Secretary General of the Parliamentary Assembly to ensure that speakers of national parliaments are regularly informed of conclusions and proposals made in Assembly resolutions, especially those concerning their own country;

13.2. national parliamentary delegations to the Assembly to regularly report to their parliaments on their activities in the Assembly, preferably after each part-session, and to inform the Assembly's Bureau of the national follow-up given to Assembly resolutions at least once a year;

13.3. Assembly rapporteurs, in case of follow-up to country-specific proposals, to prepare, with the active involvement of the national delegation concerned, a memorandum on the follow-up given by the national parliaments and governments to their report, at the latest one year after its adoption by the Assembly;

13.4. its committees to increase their contacts with the relevant committees of national parliaments, including exchanges of views between respective chairpersons and/or rapporteurs;

13.5. political groups in the Assembly to encourage their members to ensure appropriate follow-up of the resolutions the group considers relevant and to consider creating their own follow-up mechanisms;

13.6. all its members to promote awareness and follow-up of Assembly and, more generally, Council of Europe activities, by explaining to their electorate the direct impact these activities may have on their daily life and acting as catalysts to change the mindsets of the electorate on a number of ethical issues.

14. Wishing to enhance the consistency and effectiveness of the decisions and activities of the Council of Europe and aware of the importance of local democracy and the central role that local and regional authorities play in relations with citizens, the Assembly decides to initiate a reflection on mechanisms for periodical consultations and permanent co-operation between the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe and their structures.

15. The Assembly notes that the Ad hoc Committee of its Bureau on the role and mission of the Parliamentary Assembly underlined the need to step up the political dialogue between the Assembly and the Committee of Ministers. It would in particular be necessary to promote synergies between the two statutory organs while respecting each other's prerogatives. In this respect, the Assembly:

15.1. welcomes the fact that contacts and dialogue with the Committee of Ministers have significantly intensified recently, at different levels and in different formats;

15.2. referring also to its [Resolution 2186 \(2017\)](#), as well as to the 1998 Committee of Wise Persons [Final Report](#) to the Committee of Ministers, notes that there is an urgent need to develop synergies and provide for joint action by the two statutory organs in order to strengthen the Organisation's ability to react more effectively in situations where a member State violates its statutory obligations or does not respect the fundamental principles and values upheld by the Council of Europe;

15.3. proposes to put into place, in such situations, in addition, a joint response procedure which could be triggered by either the Parliamentary Assembly, the Committee of Ministers or the Secretary General and in which all three of them would participate; this joint procedure could consist of a step-by-step process, starting with the notification of the member State concerned and including a number of concrete and well-defined steps such as co-ordinated dialogue with the State concerned, the setting-up of a special monitoring procedure, enhanced by a joint task force, the publication of a public statement and ultimately the decision to act under Articles 7, 8 or 9 of the Statute; a strict time frame would have to be fixed for each step by common agreement of the three parties; this joint procedure would ensure enhanced legitimacy, credibility, impact, relevance and synergy of the measures to be taken, both regarding the member State concerned and within the Organisation, without prejudice to each organ's existing separate powers and responsibilities; political action could also be combined, where appropriate, with technical support to the State concerned;

15.4. calls for a stronger and more structured co-ordination between the monitoring activities of the Assembly, the Committee of Ministers, the Secretary General and the Commissioner for Human Rights, as well as of the various specialised monitoring and advisory bodies and mechanisms of the Organisation, without prejudice to their independence.

16. As regards the need to step up political dialogue between the Assembly and the European Union, the Assembly:

16.1. considers that promotion of European Union accession to the European Convention on Human Rights should remain at the forefront of its political dialogue with the various European Union institutions as it will lead to a common legal space for human rights protection across the continent in the interest of all Europeans; welcomes the declared commitment, at the highest political level, from both the Council of Europe and the European Union institutions, in favour of this accession, which is a long-standing legal obligation for the European Union under the Lisbon Treaty with undeniable political consequences; urges the European Commission to transform this commitment into concrete action by submitting without further delay to the Council of the European Union consolidated proposals in reply to the legal issues raised by the Court of Justice of the European Union in December 2014, which would then be discussed in the framework of negotiations with the Council of Europe;

16.2. welcomes the European Commission Communication entitled "Further strengthening the Rule of Law within the Union" published on 3 April 2019, which includes several references to the work of the Council of Europe, in line also with the 2006 report "[Council of Europe-European Union: a sole ambition for the European continent](#)" and the [2007 Memorandum of Understanding between the Council of Europe and the European Union](#), and opens the way for the Council of Europe to advance concrete proposals on how to enhance the European Union rule of law toolbox; these proposals should also refer to relevant work by the Assembly, emanating from its Committee on the Honouring of Obligations

and Commitments by Member States of the Council of Europe (Monitoring Committee) or its general committees, in particular country-specific findings and recommendations included in country-specific or thematic reports and resolutions;

16.3. encourages ongoing discussions about the possibility for the European Union to make a non-earmarked contribution to the Council of Europe's work on the rule of law;

16.4. calls for increased participation of senior European Union officials, including European Commissioners, in relevant debates in the Assembly, as well as for more frequent exchanges of views between its committees and relevant committees from the European Parliament;

16.5. recalls its [Resolution 1836 \(2011\)](#) on the impact of the Lisbon Treaty on the Council of Europe and reiterates the proposals to set up an Assembly–European Parliament joint informal body to discuss topical issues of common interest, with a variable composition; organise, jointly with the European Parliament, interparliamentary conferences on specific topics of common interest; and enhance co-operation in joint electoral observation missions;

17. As regards co-operation with other international and/or regional organisations, the Assembly:

17.1. refers to its [Resolution 2271 \(2019\)](#) on strengthening co-operation with the United Nations in implementing the 2030 Agenda for Sustainable Development, which commits the Assembly to regularly reviewing the implementation of Sustainable Development Goals and fully playing its role as a platform for exchanging national experience and good practice, as well as to its [Resolution 2272 \(2019\)](#) "Implementation of the Sustainable Development Goals: synergy needed on the part of all stakeholders, from parliaments to local authorities", which seeks to mobilise national parliaments and local and regional authorities in support of Sustainable Development Goals;

17.2. welcomes the measures recently agreed with the Organisation for Economic Co-operation and Development (OECD), which provide for a stronger and more efficient institutional relationship between the two organisations, streamline procedures and make better use of both organisations' strengths;

17.3. considers it timely to evaluate its co-operation agreements with various international parliamentary assemblies or organisations with a view to possibly updating them and enhancing their effectiveness.