



## Resolution 2537 (2024)<sup>1</sup>

# Relationship between the parliamentary majority and the opposition in a democracy

### Parliamentary Assembly

1. The promotion and consolidation of pluralist democracy are among the main objectives of the Council of Europe and its Parliamentary Assembly. The member States of the Council of Europe shall endeavour to develop common standards and practices aimed at promoting a free and pluralist parliamentary democracy, and the means for their implementation in national parliaments.
2. All national parliaments have provisions acknowledging the role of the opposition or the parliamentary minority in their dimension as political groups or individual parliamentarians that do not support the government.
3. The best way of ensuring that the opposition discharges its responsibilities is to extend and precisely define its rights. However, in only a few Council of Europe member States do the laws or constitution explicitly mention the role of the opposition. Some constitutions recognise the opposition only in outline, leaving much of the detail to be determined by ordinary legislation, statutory law or parliamentary rules of procedure, or by convention, custom and tradition.
4. While there are considerable differences in the political and institutional cultures and components of European States, it is however possible to identify certain general principles that govern the relationship between the parliamentary majority and its opposition and that reflect the common European constitutional heritage.
5. One major objective of parliamentary democracies is to create a situation where there is a shared commitment to the essential principles of democracy by the majority and minority and a common desire to make “their” parliament work properly for the public good. There is still a long way to go before this objective is reached in the wider Europe. A strengthened position for the opposition in parliaments would be beneficial for the system of checks and balances in democracies.
6. More than any other forum, parliament is the place where democracy manifests itself and, in our societies, there is hardly any debate that radically challenges the actual principle of representative democracy. Parliament is the institution that embodies society in the diversity of its composition and opinions, and which relays and channels this diversity in the political process. Its vocation is to regulate tensions and maintain an equilibrium between the competing claims of diversity and uniformity, individuality and collectivity, in order to enhance social cohesion and solidarity.
7. A democratic parliamentary system presumes an ethic of self-restraint on the part of the majority, with respect for the rights and interests of the minority. Not all possible advantages should be taken, nor are they taken in mature parliamentary systems. In parliaments where such a political culture exists, often with unwritten parliamentary conventions, there is less need for legal guarantees for the opposition and minority. In new democracies, without such democratic traditions, the need for formal rules protecting the opposition may often be stronger.

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1. *Assembly debate* on 15 April 2024 (9th sitting) (see [Doc. 15946](#), report of Committee on Political Affairs and Democracy, rapporteur: Ms Elvira Kovács). *Text adopted by the Assembly* on 15 April 2024 (9th sitting).



8. Opposition rights are considered as an institutionalised power possessed by the opposition in parliament, which encompasses and goes beyond the rights of individual legislators to speak and vote against government bills. Enshrining and clearly defining rights and guarantees in law is an effective tool for the functioning of the parliamentary opposition. Institutional procedures, recognition, legitimisation and institutionalisation of the parliamentary opposition are central to the very idea of constitutional democracy and an integral part of the political culture.

9. The legitimisation of the parliamentary opposition in the constitution, laws and rules of procedure provides, on the one hand, legal guarantees within government–opposition relations to limit the political influence of the parliamentary majority on the minority. On the other hand, by placing the opposition on an equal footing with the majority, it requires them to be jointly legally responsible for the exercise of power.

10. Effective opposition can help the government to avoid mistakes – or swiftly correct them – thereby improving governance outcomes. Therefore, the existence of an effective parliamentary opposition that is able to scrutinise the policy of a governing majority is a visible symbol of the salvation of the State political order and parliament itself.

11. The document “[Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist](#)” (“checklist”) is the result of long and careful work carried out by the European Commission for Democracy through Law (Venice Commission), which originated in Resolution 1601 (2008) “Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament” of the Assembly. The Venice Commission concluded that it is important to explore the ways and means by which the role of the parliamentary opposition can be better regulated and protected in a formal manner and that it is a worthy effort to introduce soft regulations in an area which is essential for the proper functioning of parliamentary democracy. The use of the checklist should be widely promoted among national parliaments, and the Assembly should contribute to this effort, directly and through its political groups.

12. In the light of these considerations, the Assembly:

12.1. welcomes the development of the Venice Commission’s Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist, and endorses this checklist as adopted;

12.2. disseminates and recommends the checklist to the parliaments of the Council of Europe member and observer States, as well as to the parliaments enjoying observer or partner for democracy status with the Assembly;

12.3. encourages member States to ensure that their democratic mechanisms are given political legitimacy through integrity, as trust in parliaments shapes both the stability and quality of democracy; only together can the parliamentary majority and opposition create inclusive, prosperous and sustainable societies;

12.4. invites the parliaments of the member States of the Council of Europe to promote the checklist and to take it into account when revising the relevant national rules or developing best practices;

12.5. encourages the parliaments of the member States of the Council of Europe to engage in a dialogue on how to improve the existing national rules on the relationship between the parliamentary majority and the opposition in a democracy.

13. As regards its own activities, the Assembly resolves to take into account the checklist in its monitoring work. It also resolves to play a greater role in promoting the checklist by:

13.1. inviting its political groups to revise their statutory rules and rules of procedure, and to include provisions specifying the procedure and requirements for, and the consequences of, switches in political affiliation and the suspension, expulsion or resignation of members;

13.2. encouraging its political groups to enhance discussions on how to improve the relationship between the parliamentary majority and the opposition in a democracy;

13.3. holding debates on how to develop the legal environment, including soft law, and the best practices determining the relationship between the parliamentary majority and the opposition in a democracy;

13.4. stepping up interparliamentary co-operation activities addressing the improvement of the relationship between the parliamentary majority and the opposition in a democracy;

13.5. continuing to review, in co-operation with the Venice Commission, the checklist and the issues raised in it, with a view to developing it further if required.