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## Modification of various provisions of the Assembly's Rules of Procedure

### Report<sup>1</sup>

Committee on Rules of Procedure, Immunities and Institutional Affairs

Rapporteur: Ms Yevheniia KRAVCHUK, Ukraine, Alliance of Liberals and Democrats for Europe

### Contents

	Page
A. Draft resolution .....	2
B. Explanatory memorandum by Ms Yevheniia Kravchuk, rapporteur .....	5
1. Introduction .....	5
2. Modifications to strengthen the youth perspective in the work of the Parliamentary Assembly .....	5
2.1. Introduction .....	5
2.2. Amendments needed to the Rules of Procedure .....	6
3. Modifications to improve transparency and engagement with civil society .....	7
3.1. An Assembly code of conduct for interest representatives .....	7
3.2. Conduct of members of the Assembly when dealing with interest representatives .....	8
3.3. Improving the accessibility of committee hearings and encouraging exchanges with civil society .....	9
3.4. Making it easier for civil society to participate in part-sessions of the Assembly .....	10
3.5. Declassifying introductory memoranda and minutes of public hearings .....	10
4. Criteria for appointment of Assembly Vice-Presidents .....	10
5. Criteria for appointment of chairpersons and vice-chairpersons of committees and sub-committees .....	11
6. The application of the rules on appointments to chairpersons of networks, alliances and platforms ....	12
7. The use of the urgent procedure for statutory opinions .....	12
8. Representation in the Venice Commission .....	13

1. Bureau decision: Reference 4824 of 28 June 2024.



## A. Draft resolution<sup>2</sup>

1. The Parliamentary Assembly reiterates that its actions and decisions shall be based on clear, consistent and effective parliamentary rules and procedures. It recalls that it has regularly amended its rules in recent years in order to accommodate changes in parliamentary practice, clarify the rules and procedures where their application or interpretation has raised difficulties, or to address specific problems. It therefore intends to take due account of proposals submitted by its members, national delegations, political groups and committees, and make the necessary adjustments to its Rules of Procedure.

2. Having regard to the above considerations and in order to give effect to [Resolution 2553 \(2024\)](#) “Strengthening the youth perspective in the work of the Parliamentary Assembly” and, in particular, to enable the establishment and full participation of youth rapporteurs in the work of the Assembly, the Assembly decides to amend its Rules of Procedure as follows:

2.1. in Rule 50, after paragraph 50.7, add the following paragraph:

*“All general committees (other than the Committee on the election of Judges to the European Court of Human Rights) may appoint one youth rapporteur, whose role is to present a youth perspective, as relevant, in discussions on reports for which that committee is seized for report. A youth rapporteur for a given committee shall be appointed for a mandate of two years, renewable a maximum of once in that committee. The appointment of a youth rapporteur is subject to the same criteria for appointment as set out in Rule 50.1, with the additional criteria of seeking to encourage young members of the Assembly to take on such roles.”;*

2.2. in appendix III (code of conduct for rapporteurs of the Parliamentary Assembly), after paragraph 4, add the following paragraph:

*“Application of this code to youth rapporteurs:*

*- Paragraphs 1 and 4 of this code shall apply mutatis mutandis to youth rapporteurs.*

*- A youth rapporteur shall recuse themselves from intervening as a youth rapporteur in respect of any report in which they may have a perceived, potential or actual conflict of interest that cannot be adequately addressed through a declaration of interests or through taking specific measures.”.*

3. In order to simplify and harmonise the approach, the duration of the mandate of general rapporteurs is amended to align it with the approach taken to youth rapporteurs. The Assembly decides to replace Rule 50.7 with the following text:

*“Committees may appoint one or more general rapporteurs whose terms of reference they shall determine beforehand. The terms of reference shall be submitted to the Bureau for approval and its decision shall be subject to ratification by the Assembly. A general rapporteur shall be appointed for a mandate of two years, renewable a maximum of once. The appointment of a general rapporteur is subject to the criteria set out in Rule 50.1.”.*

4. In order to give effect to [Resolution 2579 \(2024\)](#) “Civil society and the Parliamentary Assembly: towards greater transparency and engagement”, the Assembly intends to continue its work, in order to develop a code of conduct for interest representatives for the Assembly once progress has been made on the framework code of conduct for interest representatives for the Council of Europe. The Assembly notes that this work could additionally consider how to improve its engagement with civil society as follow up to the 4th Summit of the Heads of State and Government of the Council of Europe and the Secretary General’s Roadmap on Civil Society engagement with the Council of Europe 2024-2027. The Assembly would welcome the resuming of the briefing sessions organised by the Conference of International Non-Governmental Organisations (INGOs) of the Council of Europe for its members in the margin of the Assembly’s past-sessions.

5. The Assembly encourages committees to seek to engage with a diverse range of voices and interlocutors, including civil society actors active in their thematic areas. It recalls that such exchanges can be conducted within the context of hearings, exchanges of views, meetings with rapporteurs, and as part of a

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2. Draft resolution adopted unanimously by the committee on 19 March 2025.

general exchange of views with civil society to help inform the committees' work programme. The Assembly decides to revise its Rules of Procedure to clarify which meetings are *in camera* by adding, at the end of Rule 48.3, the following sentence:

*"The Committee on Rules of Procedure, Immunities and Institutional Affairs considers individual cases in camera."*

6. In order to promote gender equality in senior roles within the Assembly, whilst simplifying the rules relating to the composition of national delegations, the Assembly decides to replace the last sentence of Rule 16.3 with the following sentence:

*"For every three successive Vice-Presidents that a national delegation proposes, at least one must be a woman and one must be a man."*

7. In order to ensure the effective functioning of the Assembly and that there are sufficient numbers of eligible candidates for roles in the bureaux of committees, the Assembly decides to replace Rule 46.7 with the following text:

*"- The chairperson and the vice-chairpersons of a committee shall remain in office until the opening of the next ordinary session of the Assembly. They may be re-elected for one further term, consecutive or not. A committee chairperson or vice-chairperson elected in the course of a session for an incomplete term may be re-elected for two further terms.*

*- A former chairperson of a committee may stand for the office of chairperson or vice-chairperson of any committee on expiry of a period of two years.. A former vice-chairperson of a committee may stand for the office of vice-chairperson of the same committee on expiry of a period of two years.*

*- 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."*

8. To ensure consistency in respect of sub-committees, the Assembly decides to replace the sixth sentence of Rule 49.7 with the following sentences:

*"A former chairperson of a sub-committee may stand for the office of chairperson or vice-chairperson of the same sub-committee on expiry of a period of two years. A former vice-chairperson of a sub-committee may stand for the office of vice-chairperson of the same sub-committee on expiry of a period of two years."*

9. To ensure that the Rules of Procedure adequately take due account of networks, platforms and alliances, the Assembly decides to add, at the end of Rule 49, the following paragraph:

*"- The provisions of the Rules of Procedure applicable to sub-committees and the members of their bureaux shall apply, mutatis mutandis, to networks, platforms and alliances established by the Assembly, unless otherwise provided."*

10. Emphasising that it is not in general advisable to use the urgent procedure for statutory opinions, the Assembly decides to amend its Rules of Procedure as follows:

10.1. replace Rule 50.4 with the following text:

*"The report of a committee shall contain an explanatory memorandum by the rapporteur. A report prepared under the urgent procedure should contain an explanatory memorandum only if it relates to a statutory opinion. The committee shall take note of the explanatory memorandum. Any dissenting opinions expressed in the committee shall be included therein at the request of their authors, preferably in the body of the explanatory memorandum, but otherwise in an appendix."*

10.2. at the end of Rule 51.1, add the following two sentences (noting that the provision relating to the complementary joint procedure is not new as it is currently in the footnote to Rule 51.1):

*"A motion to initiate a complementary joint procedure between the Committee of Ministers and the Parliamentary Assembly in response to a serious violation by a member State of its statutory obligations cannot be the subject of a request for urgent procedure. The urgent procedure should not be used for a statutory opinion unless there are exceptional circumstances justifying its use."*

11. In order to properly align committee representation in the European Commission for Democracy through Law (Venice Commission) and its Council for Democratic Elections with the thematic scope of the concerned committees' terms of reference, the Assembly decides to replace, in part B of Appendix VIII to the Rules of Procedure, "Specific Terms of Reference of Assembly Committees" ([Resolution 1842 \(2011\)](#) as modified by [Resolution 2022 \(2014\)](#)), Chapter (IX) "Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)", paragraph 8 with the following sentence:

*"The committee shall share the Assembly representation in the European Commission for Democracy through Law (Venice Commission) and in its Council for Democratic Elections."*

12. The Assembly decides that the amendments to the Rules of Procedure set out in this Resolution shall enter into force upon their adoption.

## B. Explanatory memorandum by Ms Yevheniia Kravchuk, rapporteur

### 1. Introduction

1. By a decision of the Parliamentary Assembly of 28 June 2024, a report on the modification of various provisions of the Assembly's Rules of Procedure was referred to the Committee on Rules of Procedure, Immunities and Institutional Affairs ("Rules Committee"). This referral concerned, in particular, follow-up to [Resolution 2553 \(2024\)](#) "Strengthening the youth perspective in the work of the Parliamentary Assembly" (see chapter 2). I was appointed rapporteur on 1 October 2024. The Assembly also referred, to be taken into account in this report, follow-up to [Resolution 2579 \(2024\)](#) "Civil society and the Parliamentary Assembly: towards greater transparency and engagement" (see chapter 3). During the meeting of the Rules Committee on 28 January 2025, the committee took note of the request that, in the context of this report, it examine issues relating to the criteria for appointment of Assembly Vice-Presidents (chapter 4) and chairs and vice-chairs of committees and sub-committees (chapter 5). Further pertinent matters have arisen in the course of this work, including the application of the Rules of Procedure to networks, alliances and platforms (chapter 6), the use of the urgent procedure for statutory opinions (chapter 7) and the representation of committees in the European Commission for Democracy through Law (Venice Commission) (chapter 8).

## 2. Modifications to strengthen the youth perspective in the work of the Parliamentary Assembly

### 2.1. Introduction

2. [Resolution 2553 \(2024\)](#) "Strengthening the youth perspective in the work of the Parliamentary Assembly" recommends a number of measures aimed at improving the good functioning of democracy through better involving the perspective of young people, and, in part, seeks to implement the conclusions of the 4th Summit of Heads of State and Government of the Council of Europe by including a youth perspective in Council of Europe deliberations. I was rapporteur for opinion, and I greatly appreciated the work done by the rapporteur of the Committee on Political Affairs and Democracy, Mr Anastasios Chatzivasileiou (Greece, EPP/CD), in furthering this important issue. [Resolution 2553 \(2024\)](#) and the associated report highlight that the Assembly derives its legitimacy from the representative parliamentary nature of its members, who are all democratically elected. Any modification to the Rules of Procedure must not undermine the essential nature of the Assembly, as the deliberative organ of the Council of Europe, composed of members of national parliaments.

3. Paragraph 8 of [Resolution 2553 \(2024\)](#) proposes specific changes to the functioning of the Assembly which require an amendment to its Rules of Procedure – in particular to establish a youth rapporteur for each of the Assembly's general committees and to grant that youth rapporteur enhanced speaking rights during plenary debates. Other proposals within paragraph 8 of that resolution relating to the speakers list will require amendments to Appendix I of the Rules of Procedure (additional provisions relating to Assembly debates) which fall to be amended and adopted by the Bureau. Further work will be required by the Secretariat and the Bureau to make the necessary changes in relation to the speakers list that are needed to accommodate the new role of youth rapporteurs.

4. Other proposals within paragraph 8 of [Resolution 2553 \(2024\)](#) do not require an amendment to the Assembly's Rules of Procedure, but can be dealt with administratively, namely:

- Paragraph 8.1 encourages the youth rapporteurs to engage and liaise with the youth sector and structures of the Council of Europe, including members of the Advisory Committee on Youth (CCJ, French acronym for Comité consultatif sur la jeunesse) – a body composed of representatives of NGOs representing youth interests and operating under terms of reference set out by the Committee of Ministers of the Council of Europe.
- Paragraph 8.4 provides that the youth rapporteurs should hold an annual meeting with the CCJ to discuss the reports under preparation in the Assembly, to identify new issues for debate and to envisage joint initiatives and co-operation activities, as part of the PACE-Youth Participation Mechanism (PACE: Parliamentary Assembly of the Council of Europe). Suitable care will be needed to ensure that the appropriate confidentiality of Assembly business is respected – care will be needed in particular when dealing with sensitive reports and procedures, such as reports of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) (Monitoring Committee). I do not consider that any specific changes to the Rules of Procedure are needed for the youth rapporteurs to meet with CCJ, nor should any changes be required to the confidentiality rules, as those should be respected in any such discussion.

- Paragraph 8.5 asks that the Bureau of the Assembly be invited to hold a strategic exchange of views, annually, with the joint bureaux of the CCJ and the European Steering Committee for Youth (CDEJ), together with the youth rapporteurs. The CDEJ is composed of representatives of public authorities responsible for youth issues from the States parties to the European Cultural Convention (ETS No. 18) (namely the member States of the Council of Europe, as well as the Russian Federation, Belarus, Kazakhstan and the Holy See).
- Paragraph 8.6 provides that the Assembly should hold a debate on a specific theme agreed during that annual strategic exchange of views and that this should involve “the participation of the members of the CCJ”. Given the significant pressures on time for debate, unless that debate relates to a report, I suggest that such a debate could most usefully take place on the Friday of a part-session. A designated member of the CCJ could then be invited as a guest speaker to participate in the debate on behalf of the CCJ.

## **2.2. Amendments needed to the Rules of Procedure**

5. According to [Resolution 2553 \(2024\)](#), each of the Assembly’s general committees (with the exception of the Committee on the Election of Judges to the European Court of Human Rights) would appoint one youth rapporteur from among its members (full members or alternates). The youth rapporteur would be responsible for (a) engaging and liaising with the youth sector through the PACE-Youth Participation mechanism; (b) presenting a youth perspective in debates on reports within the committee; and (c) during plenary debates where the committee is seized for report, for registering on the speakers list to present the youth perspective. Appointments as a youth rapporteur should be made for a maximum period of two years. Youth rapporteur appointments should be subject to the same conditions for appointment as for other rapporteurs (namely when appointing a youth rapporteur, the committee should have regard, as for all rapporteur roles, to the criteria of competence and availability, fair representation of political groups (based on the d’Hondt system), gender-balanced representation, geographical and national balance (see the third sentence of Rule 50.1 of the Rules of Procedure)). In addition, committees should also seek to have regard to the age of candidates to ensure that young members of the Assembly are given appropriate visibility in its work. Youth rapporteurs should also be subject to the code of conduct for rapporteurs and may be similarly removed. Rule 50 should thus be amended to provide a paragraph after 50.7 to read as follows:

*“All general committees (other than the Committee on the election of Judges to the European Court of Human Rights) may appoint one youth rapporteur, whose role is to present a youth perspective, as relevant, in discussions on reports for which that committee is seized for report. A youth rapporteur for a given committee shall be appointed for a mandate of two years, renewable a maximum of once in that committee. The appointment of a youth rapporteur is subject to the same criteria for appointment as set out in Rule 50.1, with the additional criteria of seeking to encourage young members of the Assembly to take on such roles.”*

6. In order to make the rules easier to understand and operate, and in the spirit of the ongoing work to modernise and streamline the Rules of Procedure, the provisions on the length of the mandate for general rapporteurs should be aligned with those for youth rapporteurs and thus I additionally propose in the resolution a similar amendment to Rule 50.7.

7. Whilst [Resolution 2553 \(2024\)](#) suggested that youth rapporteurs make a declaration of interests upon appointment, such a declaration alone may risk being inadequate – the youth rapporteurs will be seeking to intervene as youth rapporteurs on individual reports – thus, their declarations should be tailored to those reports under consideration by the committee and updated as needed. Other relevant provisions of the code of conduct for rapporteurs should also apply to youth rapporteurs – specifically those relating to rules of conduct and penalties for breaching the rules. Appendix III (code of conduct for rapporteurs of the Parliamentary Assembly) should be amended to add the following paragraph after paragraph 4:

*“Application of this code to youth rapporteurs: Paragraphs 1 and 4 of this code shall apply mutatis mutandis to youth rapporteurs.”*

8. Specific consideration is necessary for youth rapporteurs appointed in respect of a committee where there could be reports presenting a higher risk of a potential conflict of interest such as country-specific reports in the Committee on the honouring of obligations and commitments by Member States of the Council of Europe (Monitoring Committee). For example, a youth rapporteur should recuse themselves from

intervening as a youth rapporteur on any report into their country of residence or nationality, or any State or issue in respect of which they have a particular conflict of interest. At the end of the proposed paragraph in Appendix III (code of conduct for rapporteurs of the Parliamentary Assembly) add the following sentences:

*“A youth rapporteur shall recuse themselves from intervening as a youth rapporteur in respect of any report in which they may have a perceived, potential or actual conflict of interest that cannot be adequately addressed through a declaration of interests or through taking specific measures.”*

### 3. Modifications to improve transparency and engagement with civil society

9. [Resolution 2579 \(2024\)](#) “Civil society and the Parliamentary Assembly: towards greater transparency and engagement” (rapporteur: Ms Azadeh Rojhan, Sweden, SOC) contains a number of proposals aimed at increasing exchanges between the Assembly and interest representatives (lobbyists and civil society) and improving the transparency of such exchanges. It is noteworthy that engagement with civil society is also a priority for the Council of Europe coming out of the 4th Summit of Heads of State and Government, and that follow-up work is being undertaken as part of the Secretary General’s Roadmap on the Civil Society engagement with the Council of Europe 2024-2027. Many provisions of [Resolution 2579 \(2024\)](#) do not require a specific response from the Rules Committee (paragraphs 1-6, 12-13). I have considered the possible implications of paragraphs 7-11 below and suggested how the Assembly might best respond to these elements of the resolution.

#### 3.1. An Assembly code of conduct for interest representatives

10. Paragraph 7 of [Resolution 2579 \(2024\)](#) provides that *“[n]oting the need to increase the transparency of the work of interest representatives, the Assembly resolves to ensure that their co-operation with the Assembly is governed by a code of conduct, taking into account the possible development of a framework code of conduct applicable to the Organisation as a whole.”* Paragraph 8 of [Resolution 2579](#) provides:

*“The code of conduct applicable to interest representatives who engage with the Assembly should ensure the protection of freedom of expression and of association, and comply with relevant international standards (including Recommendation CM/Rec(2017)2 of the Committee of Ministers to member States on the legal regulation of lobbying activities in the context of public decision making)”. At a minimum, the future code should:*

*8.1. require interest representatives to declare their name and who they work for, the interests and objectives they promote, and the legal or natural persons that they represent, when interacting with parliamentarians, their staff or members of the secretariats of the Assembly and its political groups;*

*8.2. require interest representatives to act honestly and in good faith;*

*8.3. prohibit interest representatives from having conflicts of interest;*

*8.4. prohibit interest representatives from using undue pressure, offensive language or other improper behaviour;*

*8.5. prohibit interest representatives from inducing parliamentarians, their staff or members of the secretariats of the Assembly and its political groups from contravening the rules and standards applicable to them.”*

11. Some details of those ideas will need to be worked through, for example as regards the following matters:

- in relation to paragraph 8.1, consideration should be given as to how this declaratory requirement should work in practice;
- further thought will also be needed to understand what “conflict of interest” means for the purposes of paragraph 8.3. By definition, interest representatives have an interest and potentially a conflict of interests as compared to someone who is not a lobbyist for a particular interest, therefore some careful consideration will be needed to clarify what conflicts of interest are envisaged and whether transparency obligations or specific prohibitions might be needed to address these concerns;
- definition may be needed for certain terms: “under pressure”, “offensive language” or “improper behaviour” in paragraph 8.4 or “inducing” in paragraph 8.5 – noting that some of these terms and language come from the EU provisions relating to interest representatives, which could form a useful starting point for developing an Assembly position;

- it would also be necessary to consider the sanctions for a failure to comply with the code, being mindful of well-aided concerns about failures by certain visitors to respect the provisions on access to certain areas of the Palais de l'Europe and concerns at the risk of Assembly attendance being used to legitimise organisations who might not otherwise be viewed as credible civil society actors;
- it will also be useful to consider the relationship between the existing Assembly rules on gifts and conduct, and the provisions of any new code of conduct for interest representatives (especially the proposals on inducement in paragraph 8.5).

12. Work is still ongoing within the Council of Europe to develop the framework ethical standards/code of conduct for interest representatives applicable to the Organisation in light of the Secretary General's Roadmap and [Guidance note on civil society participation in the intergovernmental work of the Council of Europe of the Steering Committee on Democracy \(CDDEM\)](#). This work aims to introduce a framework of values and responsibilities regarding the modalities of civil society participation in the work of Council of Europe's intergovernmental committees and subordinate bodies, outlining the roles and responsibilities of the Organisation and of civil society in terms of, for example, access to documents, transparency, confidentiality, accountability and civil society's protection from harm. I welcome this work and encourage the Organisation to endeavour to seek a harmonised set of standards for civil society engagement if possible. I understand that the Secretariat will be involved in following this work to develop a framework code of conduct for interest representatives for the Council of Europe and in considering its relevance and application to the Assembly. I propose that the Rules Committee should remain seized of this issue, noting that this may require a bespoke report to develop a code of conduct for interest representatives for the Assembly or to supplement the framework code adopted for the Organisation.

### **3.2. Conduct of members of the Assembly when dealing with interest representatives**

13. Paragraph 9 of [Resolution 2579 \(2024\)](#) provides:

*“The Assembly further resolves to examine possible changes to the code of conduct for members of the Assembly which would increase the transparency of exchanges with interest representatives, also in compliance with the principles of Recommendation CM/Rec(2017)2, for example, by extending the prohibition on the seeking or taking of instructions to a wider range of members fulfilling important functions, such as chairpersons of committees and sub-committees, leaders of political groups, members of the Bureau of the Assembly and the President of the Assembly.”*

14. At present, the code of conduct for members of the Parliamentary Assembly (appendix II to the Rules of Procedure) requires members to take decisions solely in the public interest without being bound by any instructions that would jeopardise their ability to respect the code (paragraph 5.2), not to use their public office for their, or anyone else's private gain (paragraph 5.5), to declare any relevant interests relating to their public functions and take steps to resolve any conflicts arising in a way that protects the public interest (paragraph 5.6). Paragraphs 7 and 9 prohibit any action which would cause damage to the reputation and integrity of the Assembly and make provision on avoiding conflicts of interest. Paragraph 11 provides that *“[n]o member shall act as a paid advocate in any work of the Assembly”*. Paragraphs 12 and 13 contain further provision preventing members from using their position in the Assembly to further any person or entity's interests in a manner incompatible with the code. The code of conduct therefore currently contains a number of measures designed to prevent inappropriate influence upon members of the Assembly.

15. The code of conduct for rapporteurs (appendix III) goes further and includes an undertaking *“not to seek or accept instructions from any government or governmental or non-governmental organisation or pressure group or individual”*. The draft report “Respect for the rule of law and the fight against corruption within the Council of Europe” (rapporteur: Mr Frank Schwabe, Germany, SOC) also currently before the Rules Committee, envisages making changes to apply all the provisions of paragraph 1 of appendix III to the President and Vice-Presidents of the Assembly and to chairpersons and vice-chairpersons of committees and sub-committees (*mutatis mutandis*). This would therefore address the concerns expressed in paragraph 9 of [Resolution 2579 \(2024\)](#) and I support this proposed amendment in Mr Schwabe's draft report. However, the proposed amendments in Mr Schwabe's report, as discussed most recently in committee in January, do not extend these provisions to chairpersons of political groups – I therefore invite the committee to consider, in the context of Mr Schwabe's report, whether those provisions should additionally cover chairpersons of political groups. It goes without saying that these additional rules should only affect those individuals when acting in the capacity of President, Vice-President, chairperson or vice-chairperson, as the case may be.

16. In his draft report, Mr Schwabe further proposes that rapporteurs publish a list of interest representatives that they have met during the process of drafting a report (whilst acknowledging that there may be good reasons for not doing so in appropriate cases). I support the corresponding amendment in Mr Schwabe's draft report which encourages greater transparency, as envisaged by paragraph 9 of [Resolution 2579 \(2024\)](#).

### **3.3. Improving the accessibility of committee hearings and encouraging exchanges with civil society**

17. Paragraph 10 of [Resolution 2579 \(2024\)](#) provides

*“Noting the need to review and further reinforce its outreach to, and meaningful engagement with, civil society, the Assembly resolves to: (1) make more committee meetings open to the public, by agreeing that all committee hearings will be open to the public as a general rule and considering including such a principle in the Rules of Procedure of the Assembly; (2) examine the feasibility of regular exchanges between civil society and Assembly members, for example with the Presidential Committee or the Bureau of the Assembly.”*

18. Rule 48.3 of the Rules of Procedure currently provides for committee meetings to be held in private unless a committee decides otherwise, and for certain meetings to be *in camera* – for example the meetings of the Monitoring Committee and of the Committee on the Election of Judges to the European Court of Human Rights, as well as code of conduct cases in the Rules Committee (paragraph 23 of the code of conduct in Appendix II). There are good reasons for these provisions and therefore it seems unwise to seek to change them. Indeed immunities cases as well as code of conduct cases are held *in camera* as they can concern personal matters relating to an individual. Therefore, it could be appropriate to add to Rule 48.3 a clarification that

*“The Committee on Rules of Procedure, Immunities and Institutional Affairs considers individual cases in camera.”*

19. For other hearings, I agree that more could be done to encourage hearings being open to the public, where appropriate. I recognise that there could be capacity, security or other restrictions on access to a meeting room in certain locations. I therefore consider that it remains appropriate to leave this decision to the committee, but I encourage committees to actively consider how to make hearings accessible to the public. Given that our Organisation covers 46 member States and a vast geographic area, accessibility to the public is arguably improved more by the online accessibility of committee hearings (for example through placing the recording of a hearing on YouTube), rather than through the physical attendance of a small number of individuals who are able to be present at any given meeting location.

20. In that context, I note that paragraph 11.4 of [Resolution 2579 \(2024\)](#) provides:

*“that the Assembly resolves to examine further steps to increase the accessibility of its work, including by ... making the Assembly's work more accessible online, including through greater use of live-streaming of public hearings, making introductory memoranda and other committee documents available on the Assembly's website at an earlier stage, creating a user-friendly web page that describes reports currently under preparation and how external actors can make an input to them, and making it possible to subscribe to e-mail updates for the work of each committee.”*

21. I agree that better online accessibility of committee hearings could improve the accessibility and visibility of Assembly work and whilst live-streaming can be very expensive, the placing of a recording on YouTube is less costly and similarly effective. As these considerations are central to the ongoing work of the Rules Committee in the context of the report entitled “Increasing members' active participation in and contribution to the work of the Parliamentary Assembly and its committees” (rapporteur: Ms. Petra Bayr (Austria, SOC)), I invite the Rules Committee and the rapporteur to consider this point further.

22. In relation to the holding of regular exchanges between committees and civil society, I welcome this, whilst noting that the core civil society interlocutors could vary between one committee's subject areas and another. Consequently, I consider that exchanges between civil society and committees are best done at committee level, focussing on themes relevant to that committee (rather than the Presidential Committee or the Bureau that focus on more organisational aspects of the Assembly's work). I encourage all committees to engage with civil society actors active in their thematic areas, including through inviting civil society representatives to speak at relevant hearings and exchanges of views, and through the engagement of individual rapporteurs with civil society. Specifically, I encourage regular exchanges of views with civil society (and preferably a diverse and broad section of civil society actors) outside of the context of a specific report so

that committees are appropriately informed about issues of concern to civil society to help inform the committee's overall work programme. This does not require a modification to the Rules of Procedure as committees may already examine any matter within their terms of reference (Rule 45.1 of the Rules of Procedure).

### **3.4. Making it easier for civil society to participate in part-sessions of the Assembly**

23. Paragraph 11.1 and 11.2 of [Resolution 2579 \(2024\)](#) provide that

*“The Assembly resolves to examine further steps to increase the accessibility of its work, including by:*

*11.1. making it easier for civil society to participate in part-sessions of the Assembly, for example by providing civil society representatives with the opportunity to register directly to have access to Council of Europe premises, simplifying the process for civil society to participate and organise side events (by decreasing the time that such requests need to be made in advance and by making more rooms available), providing a dedicated office space for civil society and allowing civil society to reserve meeting rooms;*

*11.2. making more information available to civil society members attending the Assembly's sessions, such as through information sessions for civil society at the beginning of each Assembly session conducted by the Secretariat and by producing a practical written guide on how to engage with the Assembly;”.*

24. I note that the Assembly is a political organ of the Council of Europe composed of democratically elected members of parliament. Therefore, whilst it is important for it to engage with civil society, this should not change the nature of its composition nor of its debates. In this context it is also important to note the work of the [World Forum for Democracy](#) (the Council of Europe platform for bringing together political decision makers and activists) and the [Conference of International Non-Governmental Organisation \(INGOs\) of the Council of Europe](#). It is important that the Assembly engages with these two bodies and does not seek to duplicate the valuable work being done with civil society in these fora.

25. Members of the Conference of INGOs have badges to access the Council of Europe premises and the Conference of INGOs has an office in the Council of Europe. The Conference of INGOs has, in the past, organised a briefing session for its members in the margins of part-sessions of the Assembly and it is open to the Conference of INGOs to continue this practice. I encourage greater reflection to explore how NGOs can best engage with the work of the Assembly, for example, in organising a briefing of NGOs (as envisaged in paragraph 11.2).

26. Whilst I support the idea of guides to explain the work of the Assembly, I do not think that any guides should be limited to civil society but should also be useful for the wider public. I encourage further reflection on this in the context of the ongoing work on the report “Increasing members' active participation in and contribution to the work of the Parliamentary Assembly and its committees”.

### **3.5. Declassifying introductory memoranda and minutes of public hearings**

27. Paragraph 11.3 of [Resolution 2579 \(2024\)](#) provides that the Assembly resolves to examine further steps to increase the accessibility of its work, including by “*ensuring that introductory memoranda and minutes of public hearings are declassified as a general rule*”.

28. This suggestion furthers the cause of improved transparency and public engagement in the work of the Assembly. However, at present, committees can and do declassify documents, but it should remain the decision of the committee as some documents, rightly, are not intended for immediate declassification.

## **4. Criteria for appointment of Assembly Vice-Presidents**

29. At present there are two different sets of criteria for gender thresholds applicable to national delegations:

- Rule 6.2.b requires national delegations to be composed of a certain minimum number of members from each gender (25 to 37.5% depending on the size of the national delegation). Failing this, the credentials of the national delegation are likely to be successfully challenged on procedural grounds.

- Rule 16.3 provides that a national delegation with fewer than 40% women, cannot nominate a man as a Vice-President. In reality it imposes a requirement of 40 to 50% women on national delegations, depending on the size of the delegation, and in effect requires 50% women for delegations with 8 members or fewer.

30. The impact of falling below the 40% in Rule 16.3 does not deprive a national delegation of its right to nominate a Vice-President – only of its ability to choose a man over a woman for the role of Vice-President. However, this could be impactful where the female member(s) of a given delegation are all from the opposition, which can occur more easily in small delegations. As such, this can affect the appropriateness of opposition members representing the national delegation in the Bureau, and thus have an impact on political party/fair representation considerations. In some cases, this is leading to Vice-President positions remaining unfilled, which is in turn having a negative impact on the operation of the Assembly during part-sessions due to the increased strain this places on the President and the Vice-Presidents. This issue was consequently raised in discussions in the Rules Committee.

31. Removing Rule 16.3 would be a backwards step for gender parity within the Assembly and I would not support this. Moreover, disapplying Rule 16.3 for some delegations could be seen as an unfair outcome. It is arguably more important that the Assembly look to improve gender balance through an internal mechanism supporting improved gender balance in appointments to significant roles within the Assembly.

32. For example, the Assembly could require all delegations to propose for Vice-President a person of the opposition gender of their last Vice-President (option A) – this would ensure an equal split of men and women vice-presidents of the Assembly, whilst ensuring that national delegations had sufficient time to prepare as they would be aware well in advance of their next vice-presidency and therefore the need to ensure there was a suitable man or woman in the delegation able to assume that role. However, I acknowledge that a strict yearly rotation could be too forced or artificial and could lead to rather short mandates, negatively affecting the value of experience in the role of Vice-President. Instead, I propose requiring that for every three Vice-Presidents that a national delegation puts forward, there must be at least one of each gender (Option B). All delegations should be well aware in due time of their impending Vice-President role so that they can prepare and this therefore should not come as a surprise, whilst it would allow a person to be Vice-President for two successive vice-presidencies. Whilst the criterion would be applied starting in January 2026, the gender of the relevant country's previous two Vice-Presidents would be relevant in determining the choice of nominees for the Vice-President role as from January 2026. On a practical note, the Table Office could send reminders to the national delegation secretary so that they are aware of the requirements a year ahead of a Vice-President role. Thus, the national delegation could take steps to ensure they have an appropriate person of the relevant gender to assume the role of Vice-President for that year. I therefore propose amending the Rules of Procedure by replacing the final sentence of Rule 16.3 with the following sentence:

*“For every three successive Vice-Presidents that a national delegation proposes, at least one must be a woman and one must be a man.”*

This provision is to have effect from January 2026.

## **5. Criteria for appointment of chairpersons and vice-chairpersons of committees and sub-committees**

33. The criteria for appointment of chairpersons and vice-chairpersons of committees and sub-committees have, over time, become rather intricate and complex. Whilst it is understandable that the Rules of Procedure have evolved to encourage greater participation from a more diverse number of members of the Assembly, the result is that it is becoming increasingly difficult to find members who are eligible to be chairperson or vice-chairperson. For example, in the Rules Committee, we currently have two vacant vice-chairpersons due to a lack of any eligible candidates from the relevant political group. Such situations have led to committees lacking any chairperson or vice-chairperson to chair meetings of the committee and are thus impeding the effective functioning of the Assembly. The rules on eligibility should continue to encourage significant roles in the Assembly to be shared and to encourage active participation from a substantial number of our members. However, they should not prevent the good functioning of the Assembly nor prevent the positive impact that engaged members can bring.

34. Rule 46.7 currently provides:

*“The chairperson and the vice-chairpersons of a committee shall remain in office until the opening of the next ordinary session of the Assembly. They may be re-elected for one further term, consecutive or not. A committee chairperson or vice-chairperson elected in the course of a session for an incomplete term may be re-elected for two further terms. A former chairperson of a committee may stand for the*

*office of chairperson or vice-chairperson of the same committee on expiry of a period of four years, or of another committee on expiry of a period of two years, for two further terms, consecutive or not. A former vice-chairperson of a committee may stand for the office of vice-chairperson of the same committee on expiry of a period of four years, or of another committee on expiry of a period of two years, for two further terms, consecutive or not. 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.”*

35. I propose splitting Rule 46.7 into separate provisions that are easier to read and reducing the periods of time during which a member is unable to take on a bureau role in a committee, as follows:

*“- The chairperson and the vice-chairpersons of a committee shall remain in office until the opening of the next ordinary session of the Assembly. They may be re-elected for one further term, consecutive or not. A committee chairperson or vice-chairperson elected in the course of a session for an incomplete term may be re-elected for two further terms.*

*- A former chairperson of a committee may stand for the office of chairperson or vice-chairperson of any committee on expiry of a period of two years. A former vice-chairperson of a committee may stand for the office of vice-chairperson of the same committee on expiry of a period of two years.*

*- 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.”*

36. To ensure consistency in relation to sub-committees, I further propose replacing the sixth sentence of Rule 49.7 with the following sentence:

*“A former chairperson of a sub-committee may stand for the office of chairperson or vice-chairperson of the same sub-committee on expiry of a period of two years. A former vice-chairperson of a sub-committee may stand for the office of vice-chairperson of the same sub-committee on expiry of a period of two years.”*

## **6. The application of the rules on appointments to chairpersons of networks, alliances and platforms**

37. The Assembly has developed the use of networks, platforms and alliances as a means of furthering particular strands of its work.<sup>3</sup> In practice, the functioning of these networks, platforms and alliances is broadly the same as for running a sub-committee, subject to specific provisions in their terms of reference. The networks, platforms and alliances thus have no independent decision-making powers. However, the Rules of Procedure are silent as to how the rules apply to these networks, platforms and alliances. In particular, it seems obvious that rules applicable to chairpersons and vice-chairpersons of sub-committees should apply in the same way to chairpersons and vice-chairpersons of networks, platforms and alliances. I propose adding a provision at the end of Rule 49:

*“- The provisions of the Rules of Procedure applicable to sub-committees and the members of their bureaux shall apply, mutatis mutandis, to networks, platforms and alliances established by the Assembly, unless otherwise provided.”*

## **7. The use of the urgent procedure for statutory opinions**

38. An important role of the Assembly relates to statutory opinions, which can require careful consideration of important legal texts. It is therefore not advisable to use the urgent procedure for statutory opinions – which often relate to texts that have been negotiated over the course of many years. I acknowledge that there may be circumstances where for pressing reasons, there is a political will for the Assembly to use the urgent

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3. For example, the Network on election observation/parliamentary network for free and fair elections established by the Bureau; the parliamentary network women free from violence, the no hate parliamentary alliance, and the parliamentary platform for the rights of LGBTI persons in Europe, all established under the Committee on Equality and Non-Discrimination.

procedure even for statutory opinions. However, in such cases it is necessary to interpret Rule 50.4 as nonetheless requiring an explanatory memorandum for a report relating to a statutory opinion, even if the urgent procedure is used. In light of the above, I propose the following amendments:

- replace Rule 50.4 with the following text:

*“The report of a committee shall contain an explanatory memorandum by the rapporteur. A report prepared under the urgent procedure should contain an explanatory memorandum only if it relates to a statutory opinion. The committee shall take note of the explanatory memorandum. Any dissenting opinions expressed in the committee shall be included therein at the request of their authors, preferably in the body of the explanatory memorandum, but otherwise in an appendix.”*

- at the end of Rule 51.1, add the following sentence:

*“A motion to initiate a complementary joint procedure between the Committee of Ministers and the Parliamentary Assembly in response to a serious violation by a member State of its statutory obligations cannot be the subject of a request for urgent procedure. The urgent procedure should not be used for a statutory opinion unless there are exceptional circumstances justifying its use.”*

## 8. Representation in the Venice Commission

39. Representation of the Assembly in the Venice Commission and its Council for Democratic Elections is set out in the terms of reference of committees ([Resolution 1842 \(2011\)](#) as modified by [Resolution 2002 \(2014\)](#)) and as set out in Appendix VIII to the Rules of Procedure). The terms of reference currently provide for the Committee on Legal Affairs and Human Rights to share in the representation of the Assembly to the Venice Commission; and for the Committee on Political Affairs and Democracy, the Committee on Legal Affairs and Human Rights and the Monitoring Committee to share in the representation of the Assembly to the Council for Democratic Elections of the Venice Commission.

40. It is important that committees of the Assembly should be represented in bodies of the Council of Europe relevant to the topics falling within their terms of reference, whilst being conscious of ensuring effective use of Council of Europe resources in funding such travel and representation. The Monitoring Committee makes good use of the opinions of the Venice Commission and therefore, in addition to the Committee for Legal Affairs and Human Rights, should represent the Assembly in the Venice Commission given the importance of the latter’s work to both committees. The work of the Council for Democratic Elections of the Venice Commission relates more to electoral matters. Although this amendment will expand the representation of the Assembly at the Venice Commission, it is nonetheless important to keep these representational roles under review to ensure that the Assembly is sending appropriate representations to contribute to the work of the Venice Commission and its Council for Democratic Elections and avoid unnecessary duplication.

41. I propose replacing, in part B of Appendix VIII to the Rules of Procedure, “Specific Terms of Reference of Assembly Committees” ([Resolution 1842 \(2011\)](#) as modified by [Resolution 2022 \(2014\)](#)), Chapter (IX) “Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)”, paragraph 8 with the following sentence:

*“The committee shall share the Assembly representation in the European Commission for Democracy through Law (Venice Commission) and in its Council for Democratic Elections.”*