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

Report[1]
Committee on Rules, Ethics and Immunities
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1. Reference to committee: Bureau decision, Reference 4969 of 24 April 2026.

A. Draft resolution[2]

1. The actions and decisions of the Parliamentary Assembly must be based on clear, consistent and effective rules and procedures. The Assembly has regularly amended its Rules of Procedure in recent years in order to accommodate changes in its practice, clarify the rules and procedures where their application or interpretation has raised difficulties or address specific problems. Most recently the Assembly restructured and streamlined its Rules of Procedure through its Resolution 2656 (2026) "Restructuring and streamlining of the Assembly's Rules of Procedure", the provisions of which will enter into force at the opening of the 2027 session.

2. In order to give effect to Resolution 2648 (2026) "Procedure for the election of judges to the European Court of Human Rights", the Assembly decides to amend Appendix X "Elections by the Parliamentary Assembly", to its Rules of Procedure as follows:

2.1. replace the title of Appendix X with the following title: "*Modalities relating to elections by the Parliamentary Assembly*";

2.2. in part v "Candidates for the European Court of Human Rights", after paragraph 6, insert the following text:

"Once a list of candidates has been submitted to the Assembly and the deadline set by the Secretary General of the Assembly for the submission of the list has expired, the list cannot be withdrawn or modified by the State concerned on its own initiative. After that date, the State may only modify the list if asked to do so in order to replace a candidate who has withdrawn, as set out below."

If a candidate withdraws their candidacy after the deadline set by the Secretary General of the Assembly for the submission of the list of candidates but before the Committee on the Election of Judges to the European Court of Human Rights publishes its recommendation, the State shall be invited to replace the candidate who has withdrawn with another candidate, who will have to be assessed by the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights and interviewed by the committee, together with the other candidates who remain on the list.

A candidate may not withdraw their candidacy after the publication of the committee's recommendation. Any purported withdrawal shall not have any impact on the Assembly's election procedure."

3. To ensure better harmonised and consistent rules, and to give effect to the restructuring and streamlining of its complementary texts as follow up to Resolution 2656 (2026), the Assembly decides:

3.1. in Rule C.9.4 of the Rules on the functioning of committees, to replace the words "if a majority of committee members are present" with "if there is quorum";

3.2. to adopt its restructured "Modalities relating to elections by the Parliamentary Assembly" contained in the appendix to this resolution.

4. In light of recent experience and in order to provide greater clarity for deadlines for the tabling of amendments to texts for adoption in Standing Committee, and to ensure such deadlines allow for the translation and publication of the compendium in time for the debate, the Assembly decides to amend its Rules of Procedure as follows:

4.1. in Rule 34.6 insert a fourth bullet point, as follows:

"for debates in Standing Committee, not later than 24 hours before the start of the Standing Committee."

5. In order to ensure that the gender composition requirement for thematic committees allows sufficient flexibility also for smaller delegations, the Assembly decides to amend its Rules of Procedure as follows:

5.1. in Rule C.1.4.b of the Rules on the functioning of committees replace the words "each committee" with the words "thematic committees".

6. The Assembly decides that the amendments to the Rules of Procedure contained in paragraphs 2 and 4 of this resolution shall enter into force upon adoption. The amendments to the Rules of Procedure set out in paragraphs 3 and 5 of this Resolution shall enter into force at the opening of the January 2027 part-session.

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2. Draft resolution adopted unanimously by the committee on 3 September 2026.

Appendix to the draft resolution: Modalities relating to elections by the Parliamentary Assembly

I. ELECTION PROCEDURE

Schedule of elections

1. The agenda of a part-session sets down the schedules for the elections. One election takes place over one or two successive sittings on the same day.

Location of elections

2. Elections shall be held in the Chamber, unless there are exceptional reasons for not doing so.

3. A voting register and a ballot box shall be placed in the area behind the Chair. Designated members of the Secretariat of the Assembly shall be in attendance.

4. Access to the voting operations zone (around the voting booths and the table on which the ballot box and voting register are placed) shall be restricted to voting Assembly members, the Table Office, designated members of the Secretariat of the Assembly and tellers appointed by the political groups.

Voting procedure

5. Assembly members (representatives and authorised substitutes) will not be called individually to vote.

6. Assembly members (representatives and authorised substitutes) shall present their identity badge to the member of the Secretariat of the Assembly, who shall verify that they are entitled to vote according to the voting register and give them a ballot paper and an envelope.

7. Once the Assembly member has selected or marked the ballot paper, the member shall place the ballot paper in the envelope, present their identity badge to the member of the Secretariat of the Assembly to sign the voting register (manually or electronically) and then put the ballot paper in the ballot box.

8. A substitute may only vote if they are registered for the election concerned. By signing the register in place of a representative, a substitute shall prevent that representative from voting. A same Assembly member (representative or authorised substitute) can only vote once during a ballot.

9. Any question of eligibility to vote shall be referred, if necessary, to the President, whose decision shall be final; no points of order may be raised.

10. At the end of the scheduled time the President shall ask whether any other member still has to vote and, when the votes of any members queuing to vote at end of the scheduled time have been cast, the President shall announce that the voting is closed.

Counting the votes and tellers

11. Prior to the elections, each political group appoints one teller (and one substitute) to participate in the vote-counting process; their names are notified in advance to the President of the Assembly, who informs the Assembly accordingly. The tellers must not be appointed from a country concerned by the election, including from the country of origin of candidates or from a country that submitted a candidature, ensuring full independence and impartiality.

12. The tellers shall be responsible for checking the voting register, collating and counting the votes, assisted by the designated members of the Secretariat of the Assembly, whilst acting in full confidentiality. These operations shall take place outside the Chamber immediately after the voting is declared closed.

Announcing the result of the election

13. The result will be handed to the Secretary General of the Assembly and shall be announced by the President at the beginning of the following sitting, at the latest.

Record of the election

14. The list of members who took part in the vote shall be published together with the result of the election on the Assembly website.

15. The list of members who have signed electronically (and, where relevant, the voting register with manual signatures) shall be made available to any Assembly member on request. A copy of these documents shall be addressed to any candidate for election on request.

II. ELECTIONS OF THE SECRETARY GENERAL, DEPUTY SECRETARY GENERAL AND SECRETARY GENERAL OF THE ASSEMBLY

A. Relevant texts

i. Regulations relating to the appointment of the Secretary General, Deputy Secretary General and Secretary General of the Assembly[3]

1. Submission of candidatures

a. When a vacancy occurs in any of the three senior posts of the Secretariat General, appointments to which are made by the Consultative (Parliamentary) Assembly on the recommendation of the Committee of Ministers, or in the case provided for in clause 8.b below, candidates may be proposed to the Committee of Ministers:

i. by one or more Member Governments;

ii. by the Secretary General, in respect of the posts of Deputy Secretary General and Secretary General of the Assembly.

Furthermore, when the post of Secretary General of the Consultative (Parliamentary) Assembly falls vacant, or in the case provided for in clause 8.b, proposals may be submitted to the Committee of Ministers by one or more groups of representatives to the Consultative (Parliamentary) Assembly; they should bear not less than five and not more than ten signatures.

The Secretary General may only propose candidates who are already permanent or temporary members of the Secretariat General.

Candidates from the Secretariat General may also be sponsored by one or more Member Governments, provided that in the case of the Deputy Secretary General or Secretary General of the Consultative (Parliamentary) Assembly, the Secretary General has been previously consulted and has given his/her assent.

b. Member Governments and Assembly representatives shall send their proposals to the Secretary General, who will forward them, together with his/her own, to the Committee of Ministers.

2. Criteria determining the choice of candidates

The following criteria shall determine the choice of candidates:

a. The recruitment of persons of the highest ability and integrity and suitability for the post to be filled.

b. The qualifications and experience of persons already employed by the Council of Europe shall be taken into consideration, so that members of the Secretariat may have reasonable prospects of promotion.

c. The desirability of ensuring an equitable geographical allocation of appointments among nationals of the member states subject to the overriding interests of efficiency. No office in the Secretariat shall be considered to be the prerogative of any particular member state.

3. Preliminary examination of candidatures by the Committee of Ministers

The Committee of Ministers shall examine the list of candidates. The latter may be summoned to an interview by the Committee itself or by a Sub-Committee appointed for the purpose.

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3. Regulations adopted by the Committee of Ministers (43rd Meeting of the Ministers' Deputies on 3 to 6 December 1956) with the agreement of the Assembly, subsequently amended as to paragraphs 1 and 8 as a result of a proposal by the Assembly (Recommendation 289 of 23 September 1961), by the Committee of Ministers (107th Meeting of the Ministers' Deputies on 13 to 20 March 1962), with the agreement of the Standing Committee (Meeting of 30 March 1962). By Resolution (49) 20, the Committee of Ministers, pending the amendment of articles 36 and 37 of the Statute, authorised the Assembly to appoint, on the recommendation of the Committee of Ministers, a Chief of the Administrative Services (Clerk) of the Assembly, having the rank of Deputy Secretary General. In January 2000 this title was replaced by Secretary General of the Assembly.

4. Consultation of the Assembly by the Committee of Ministers

Before transmitting to the Consultative (Parliamentary) Assembly a recommendation for the appointment of any one of the three senior officials of the Secretariat General, the Committee of Ministers shall consult the Assembly on the subject through the medium of the Joint Committee.

This consultation shall take place, unless otherwise agreed to by the Joint Committee, not less than thirty days before the date of the opening of the [Part-]Session during which the Assembly will be called upon to make the appointment.

5. Nomination of candidates

a. Unless it has been otherwise agreed after discussion in the Joint Committee, the Committee of Ministers shall draw up a list containing at least two names, which shall be submitted to the Assembly.

b. In the case of candidates for the posts of Secretary General and Deputy Secretary General, the Committee of Ministers shall be free to list the names in order of preference, should it so desire.

6. Procedure in the Bureau

The proposals submitted to the Assembly by the Committee of Ministers shall be examined by the Bureau, which may summon candidates to an interview. The Bureau shall then transmit the proposals to the Assembly, indicating, if it thinks fit and where appropriate, its own order of preference and the order of preference of the Committee of Ministers with regard to the candidates.

7. Procedure in the Assembly

a. The Assembly shall proceed to make the appointment.

b. Voting shall be by secret ballot.

c. An absolute majority of the votes cast shall be required at the first ballot and a relative majority at the second.

8. Term of office and possible re-appointment

a. The three senior officials shall henceforth be appointed for a period of five years.

b. Not less than six months before the expiry of the term of any such official, the procedure laid down in the preceding clauses shall be set in motion; the official may be put forward again as a candidate in accordance with clause 1, and his term may always be renewed for a period specified in advance by agreement between the Assembly and the Committee of Ministers in the Joint Committee.

ii. Rules and procedures for the future elections of the Secretary General of the Council of Europe – Joint interpretative statement

(adopted by the Parliamentary Assembly on 12 March 2010 and by the Committee of Ministers on 24 March 2010)

Having regard to the Statute of the Council of Europe (ETS No. 1), in particular Article 36.b;

Having regard to the Regulations relating to the appointment of the Secretary General, Deputy Secretary General and Secretary General of the Assembly having the rank of Deputy Secretary General which were adopted by the Committee of Ministers in 1956 with the agreement of the Assembly;

Having regard to the proposals for enhanced dialogue and co-operation between the Parliamentary Assembly and the Committee of Ministers, as they appear in document CM (2009)142 and the appendix to Parliamentary Assembly Doc. 12028 Part II;

1. The Committee of Ministers and the Assembly agree that the rules for future elections of the Secretary General need to be clarified in respect of the consultation process between the Assembly and the Committee of Ministers and that the gender equality aspects need to be reinforced.

2. In accordance with Article 36.b of the Statute of the Council of Europe, the election of the Secretary General is a shared responsibility. It is the responsibility of the Committee of Ministers to draw up a list of candidates to be transmitted to the Assembly. It is the responsibility of the Assembly to elect the Secretary General from the candidates included in that list.

3. The criteria for determining the choice of candidates are set out in Article 2 of the Regulations relating to the appointment of the Secretary General. These are:

The recruitment of persons of the highest ability and integrity and suitability for the post to be filled.

The qualifications and experience of persons already employed by the Council of Europe shall be taken into consideration, so that members of the Secretariat may have reasonable prospects of promotion.

The desirability of ensuring an equitable geographical allocation of appointments among nationals of the member states subject to the overriding interests of efficiency. No office in the Secretariat shall be considered to be the prerogative of any particular member state.

In this connection, the Committee of Ministers will interpret the criteria of "highest ability and suitability" in particular by reference to the decision taken at the 117th Ministerial Session (Strasbourg, 10-11 May 2007) whereby the Committee of Ministers agreed to present to the Parliamentary Assembly "candidates who enjoy a high level of recognition, are well-known among their peers and the people of Europe, and have previously served as Heads of State or Government, or held senior ministerial office or similar status relevant to the post". When assessing candidates against these criteria, the Committee of Ministers will have a merit-based approach and use the appended competence framework it has prepared to that effect (see Appendix 2).

4. With a view to strengthening gender equality aspects, both organs will, taking into account their different responsibilities in the election process, strive to make gender equality a reality, in line with the declaration adopted by the Committee of Ministers at its 119th session in Madrid in May 2009. The Chair of the Committee of Ministers, when calling for candidatures, will strongly encourage member states to put forward candidatures of both sexes. Furthermore, and bearing in mind paragraph 3 above, when the Committee of Ministers draws up its recommendation to be transmitted to the Parliamentary Assembly, it will pay due regard to the desirability of ensuring an equitable gender balance of appointments.

5. In accordance with Article 4 of the Regulations relating to the appointment of the Secretary General, the Committee of Ministers shall consult the Assembly through the medium of the Joint Committee before transmitting the recommendation to the Assembly.

6. The Committee of Ministers shall seek the Assembly's views before drawing up its recommendation. Therefore, consultation of the Assembly by the Committee of Ministers will take place at an early stage of the election procedure through the Joint Committee. It shall include a discussion on all the candidatures proposed by governments. The revised timeframe, which is part of this statement, to accommodate this early consultation, is set out in Appendix 1.

7. After the consultation of the Assembly within the Joint Committee, the Committee of Ministers will decide on the list of candidates to be included in the recommendation to the Assembly, in accordance with its own procedures. This may include voting when drawing up the list of candidates. In this context, it is recalled that Article 20.d of the Statute of the Council of Europe applies to the adoption of the recommendation of the Committee of Ministers to the Assembly in the absence of a consensus.

Appendix 1 – Calendar for the election of the Secretary General

For a mandate beginning on 1 October of year n:

– September n-1: after informal discussions between the President of the Parliamentary Assembly of the Council of Europe (PACE) and the Chair of the Committee of Ministers (CM), PACE, through its Bureau, confirms the date of the election (June of year n);

– October n-1: the CM fixes the timetable and calls for candidatures to be received before 10 January n. The Chair of the CM writes to his/her colleagues asking for suitable candidates and drawing attention to the "Juncker criteria" and to the gender equality aspects;

– 10 January n: deadline for member states to propose candidates;

– January n: consultation with PACE through the Joint Committee on all proposed candidates;

– March n: interviews of candidates by CM, drawing up of the recommendation and subsequent transmission to PACE;

– Before June n: interviews by the Assembly of the candidates included in the recommendation;

– June n: election by PACE;

– 1 October n: start of the mandate of the new Secretary General.

If only one candidate appears in the recommendation:

– a discussion during the April n PACE part-session to seek agreement in the Joint Committee on the submission of only one candidate in the CM recommendation;

– if agreement is reached in the Joint Committee, subsequent transmission of recommendation to PACE;

– June n: interviews and election by PACE;

– 1 October n: start of the mandate of the new Secretary General.

If the CM considers that no candidates are suitable to appear in the recommendation or if no agreement is reached in the Joint Committee on the submission of only one candidature in the recommendation:

– April n: renewed call for candidates within a deadline of maximum six weeks;

– June n: new consultation in Joint Committee on candidatures proposed by member states;

– July n: interview of candidatures by CM, drawing up of the recommendation and subsequent transmission to PACE;

– End September/October n: interviews and election by PACE;

– 1 October or not later than three weeks after the day of election by PACE: start of the mandate of the new Secretary General.

Appendix 2 - Competence framework

The Secretary General is responsible to the Committee of Ministers for the work of the Secretariat and provides secretariat and other assistance to the Parliamentary Assembly. She/he represents the values of the Council of Europe to the outside at the highest levels and provides leadership to a culturally diverse Secretariat. The budgets of the Council of Europe amount to approximately € 300 million in 2010.

a) To assess the “suitability for the post” (Regulations):

– “high level of recognition”, “well-known among their peers”, “has previously served as head of state or government, or held senior ministerial office or similar status relevant to the post” (decisions at 117th Session);

– strong and effective relations with governments of member states; ability to work with the Committee of Ministers at all levels;

– demonstrated commitment to human rights, democracy, rule of law;

– very good knowledge of at least one of the official languages of the Council of Europe;

– at least a passive knowledge of the second official language, or a declared readiness to follow appropriate training during the first six months of the mandate.

b) To assess “highest ability” (Regulations):

– political vision and insight on international affairs, including the role of the Council of Europe; strategic thinking;

– leadership skills; trust-building; inspires and motivates a culturally diverse staff of 2000 from 47 countries;

– skills to manage a large organisation; delegates authority and empowers staff while remaining accountable; innovative thinking; promotes and accompanies change;

– pro-active planning ability and priority setting, both in his/her responsibility and in making proposals to the Committee of Ministers;

– delivers results, with efficiency and transparency;

– communication skills, both oral and written;

– negotiating skills; ability to tackle sensitive issues while promoting Council of Europe values;

– advocacy skills; proven ability to establish, maintain and use strong and effective networks; capacity to interact effectively with diverse interlocutors (political and cultural figures, officials, NGOs, media, etc); highly developed ability to explain and to persuade.

c) To assess “highest integrity” (Regulations):

– proven personal commitment to the ethical values of the Council of Europe;

– respect for diversity;

– openness to scrutiny.

iii Procedure for election of the Deputy Secretary General of the Council of Europe -Competence framework

(adopted by the Parliamentary Assembly on 23 January 2012 and by the Committee of Ministers on 1 February 2012)

A. Mission

Within the framework of the Statute of the Council of Europe and under the authority of the Secretary General, the Deputy Secretary General supports the Secretary General in the effective, strategic management of the Secretariat, in line with decisions and priorities of the Committee of Ministers.

The above mission shall be carried out in accordance with Committee of Ministers’ Resolution Res(55)29, on the functions of the Deputy Secretary General whereby the Deputy Secretary General shall act as the permanent assistant of the Secretary General in all matters, in supervision of all departments of the Secretariat, except the Secretariat of the Parliamentary Assembly, as well as replace the Secretary General and undertake all his/her duties and responsibilities when he/she is absent or otherwise unavailable.

The Deputy Secretary General carries out additional tasks and leads on priority initiatives as delegated by the Secretary General.

B. Criteria

Article 2 of the Regulations relating to the appointment of the Secretary General, Deputy Secretary General and Secretary General of the Assembly having the rank of Deputy Secretary General sets the following criteria for the choice of candidates:

a. The recruitment of persons of the highest ability and integrity and suitability for the post to be filled.

b. The qualifications and experience of persons already employed by the Council of Europe shall be taken into consideration, so that members of the Secretariat may have reasonable prospects of promotion.

c. The desirability of ensuring an equitable geographical allocation of appointments among nationals of the member States subject to the overriding interests of efficiency. No office in the Secretariat shall be considered to be the prerogative of any particular member State.

As regards the equitable gender balance of appointments, reference is made to the joint interpretative statement on the rules and procedures for the future elections of the Secretary General.

C. Competence

a) To assess suitability for the post (experience):

– extensive experience in senior management in international organisations;

– proven experience of leading senior managers in a culturally diverse environment;

– proven experience of dealing with programme, administrative, budgetary and personnel questions as well as change management;

b) To assess highest ability (skills):

– insight on international affairs; strategic thinking;

– leadership skills; capacity for dialogue; trust-building; inspires and motivates a culturally diverse staff;

– skills to manage a large Organisation; delegates authority and empowers staff while remaining accountable; innovative thinking;

– ability to translate strategy into actions; ability to plan pro-actively; delivers results, with efficiency and transparency;

– team player;

– ability to co-ordinate functioning of the support services of the organisation, with a concern for innovation and effectiveness;

– good communication skills; negotiating and advocacy skills; proven ability to establish, maintain and use strong and effective networks; capacity to interact effectively with diverse interlocutors; highly developed ability to explain and to persuade; ability to tackle sensitive issues while promoting Council of Europe values;

– very good knowledge of at least one of the official languages of the Council of Europe (English and French) and practical knowledge of the second official language;

c) To assess highest integrity (values):

– commitment to human rights, democracy and the rule of law;

– respect for diversity;

– openness to scrutiny.

III. ELECTION OF THE JUDGES OF THE EUROPEAN COURT OF HUMAN RIGHTS

A. Modalities concerning the elections of judges to the European Court of Human Rights

Curriculum vitae format

1. Candidates are invited to submit a short curriculum vitae, according to the template adopted by the Parliamentary Assembly.

Presentation of the list of candidates

2. The government concerned submits the list of three candidates in alphabetical order. The Assembly publishes the list in alphabetical order.

Adequacy of the list of candidates

3. The Assembly does not consider lists of candidates where:

i. the areas of competence of the candidates appear to be unduly restricted;

ii. not all of the candidates fulfil each of the conditions laid down by Article 21, paragraph 1, of the European Convention on Human Rights;

iii. one of the candidates does not appear to have an active knowledge of one of the official languages of the Council of Europe and a passive knowledge of the other;

iv. the national selection procedure did not satisfy the minimum requirements of fairness and transparency;

v. the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights was not duly consulted.

In such cases, the Committee on the Election of Judges to the European Court of Human Rights shall decide on a proposal to reject a list of candidates by a majority of the votes cast. This proposal shall be endorsed by the Assembly in the Progress Report of the Bureau of the Assembly and the Standing Committee. The Assembly's endorsement of the proposal to reject a list entails its definitive rejection; the State concerned is invited to submit a new list. Rejection by the Assembly of the committee's proposal to reject a list shall entail the referral of the list back to the committee.

Single-sex lists

4. The Assembly may consider single-sex lists of candidates when the candidates belong to the sex which is under-represented in the Court (i.e. the sex to which under 40% of the total number of judges belong), or in exceptional circumstances where a contracting party has taken all the necessary and appropriate steps to ensure that the list contains candidates of both sexes meeting the requirements of paragraph 1 of Article 21 of the European Convention on Human Rights.

Such exceptional circumstances must be duly so considered by a two-thirds majority of the votes cast by members of the Committee on the Election of Judges to the European Court of Human Rights. If the required majority has not been achieved, the committee shall recommend that the Assembly reject the list concerned. This position shall be endorsed by the Assembly in the Progress Report of the Bureau of the Assembly and the Standing Committee.

Interview process

5. The following provisions apply to the interview process:

i. nominated candidates should be informed as far as possible of the purpose of the interview and procedures for its conduct;

ii. alternative locations for interviews can be considered if there is a valid reason for holding interviews outside Strasbourg and Paris;

iii. in case of equal merit, preference should be given to a candidate of the sex under-represented in the Court.

Involvement of the chairperson of the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights

6. The Chairperson or a representative of the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights shall be invited by the Chairperson of the Committee on the Election of Judges to explain the reasons for the panel's views on candidates, during the briefing sessions scheduled before each set of interviews.

Withdrawal or modification of the list by the State concerned

7. Once a list of candidates has been submitted to the Assembly and the deadline for the submission of candidatures given by the Secretary General of the Assembly has expired, the list cannot be withdrawn or modified by the State concerned on its own initiative. After that date, the State may only modify the list if asked to do so in order to replace a candidate who has withdrawn, as set out below.

Withdrawal by a candidate before publication of the committee's recommendation

8. If a candidate withdraws their candidacy after the deadline given by the Secretary General of the Assembly but before the Committee on the Election of Judges to the European Court of Human Rights publishes its recommendation, the State shall be invited to replace the candidate who has withdrawn with another candidate, who will have to be assessed by the Advisory Panel and interviewed by the committee, together with the other candidates who remain on the list.

Withdrawal by a candidate after publication of the committee's recommendation

9. A candidate may not withdraw their candidacy after the publication of the committee's recommendation. Any purported withdrawal shall not have any impact on the Assembly's election procedure.

B. Relevant texts: extracts from the Convention for the protection of human rights and fundamental freedoms

Article 20

Number of judges

The Court shall consist of a number of judges equal to that of the High Contracting Parties.

Article 21

Criteria for office

1. The judges shall be of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognised competence.

2. Candidates shall be less than 65 years of age at the date by which the list of three candidates has been requested by the Parliamentary Assembly, further to Article 22.

3. The judges shall sit on the Court in their individual capacity.

4. During their term of office, the judges shall not engage in any activity which is incompatible with their independence, impartiality or with the demands of a full-time office; all questions arising from the application of this paragraph shall be decided by the Court.

Article 22

Election of judges

The judges shall be elected by the Parliamentary Assembly with respect to each High Contracting Party by a majority of votes cast from a list of three candidates nominated by the High Contracting Party.

Article 23

Terms of office and dismissal

1. The judges shall be elected for a period of nine years. They may not be re-elected.

2. The judges shall hold office until replaced. They shall, however, continue to deal with such cases as they already have under consideration.

3. No judge may be dismissed from office unless the other judges decide by a majority of two-thirds that that judge has ceased to fulfil the required conditions.

IV. ELECTION OF THE COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS

A. Modalities concerning the elections of the Council of Europe Commissioner for Human Rights

1. Candidates for the post of Council of Europe Commissioner for Human Rights shall be listed in alphabetical order in Assembly official documents.

2. The Assembly shall interrupt the procedure if one of the three candidates on a list for the post of Commissioner for Human Rights withdraws before the candidate is interviewed by the Committee on Legal Affairs and Human Rights. It shall ask the Committee of Ministers to complete the list of candidates.

B. Relevant texts: extracts from Resolution (99) 50 (adopted by the Committee of Ministers on 7 May 1999 at its 104th Session)

Article 1

1. The Commissioner shall be a non-judicial institution to promote education in, awareness of and respect for human rights, as embodied in the human rights instruments of the Council of Europe.

2. The Commissioner shall respect the competence of, and perform functions other than those fulfilled by the supervisory bodies set up under the European Convention on Human Rights or under other human rights instruments of the Council of Europe. The Commissioner shall not take up individual complaints.

Article 2

The Commissioner shall function independently and impartially.

Article 3

The Commissioner shall:

a. promote education in and awareness of human rights in the member states;

b. contribute to the promotion of the effective observance and full enjoyment of human rights in the member states;

c. provide advice and information on the protection of human rights and prevention of human rights violations. When dealing with the public, the Commissioner shall, wherever possible, make use of and co-operate with human rights structures in the member states. Where such structures do not exist, the Commissioner will encourage their establishment;

d. facilitate the activities of national ombudsmen or similar institutions in the field of human rights;

e. identify possible shortcomings in the law and practice of member states concerning the compliance with human rights as embodied in the instruments of the Council of Europe, promote the effective implementation of these standards by member states and assist them, with their agreement, in their efforts to remedy such shortcomings;

f. address, whenever the Commissioner deems it appropriate, a report concerning a specific matter to the Committee of Ministers or to the Parliamentary Assembly and the Committee of Ministers;

g. respond, in the manner the Commissioner deems appropriate, to requests made by the Committee of Ministers or the Parliamentary Assembly, in the context of their task of ensuring compliance with the human rights standards of the Council of Europe;

h. submit an annual report to the Committee of Ministers and the Parliamentary Assembly;

i. co-operate with other international institutions for the promotion and protection of human rights while avoiding unnecessary duplication of activities.

Article 4

The Commissioner shall take into account views expressed by the Committee of Ministers and the Parliamentary Assembly of the Council of Europe concerning the Commissioner's activities.

[...]

Article 9

1. The Commissioner shall be elected by the Parliamentary Assembly by a majority of votes cast from a list of three candidates drawn up by the Committee of Ministers.

2. Member states may submit candidatures by letter addressed to the Secretary General. Candidates must be nationals of a member state of the Council of Europe.

Article 10

The candidates shall be eminent personalities of a high moral character having recognised expertise in the field of human rights, a public record of attachment to the values of the Council of Europe and the personal authority necessary to discharge the mission of the Commissioner effectively. During his or her term of office, the Commissioner shall not engage in any activity which is incompatible with the demands of a full-time office.

Article 11

The Commissioner shall be elected for a non-renewable term of office of six years.

V. ELECTION OF THE MEMBERS OF THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

A. Relevant texts: extracts from the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

Article 4

1. The Committee shall consist of a number of members equal to that of the Parties.

2. The members of the Committee shall be chosen from among persons of high moral character, known for their competence in the field of human rights or having professional experience in the areas covered by this Convention.

3. No two members of the Committee may be nationals of the same state.

4. The members shall serve in their individual capacity, shall be independent and impartial, and shall be available to serve the Committee effectively.

Article 5

1. The members of the Committee shall be elected by the Committee of Ministers of the Council of Europe by an absolute majority of votes, from a list of names drawn up by the Bureau of the Consultative (Parliamentary) Assembly of the Council of Europe; each national delegation of the Parties in the Consultative (Parliamentary) Assembly shall put forward three candidates, of whom two at least shall be its nationals.

Where a member is to be elected to the Committee in respect of a non-member state of the Council of Europe, the Bureau of the Consultative (Parliamentary) Assembly shall invite the Parliament of that state to put forward three candidates, of whom two at least shall be its nationals. The election by the Committee of Ministers shall take place after consultation with the Party concerned.

2. The same procedure shall be followed in filling casual vacancies.

3. The members of the Committee shall be elected for a period of four years. They may be re-elected twice. However, among the members elected at the first election, the terms of three members shall expire at the end of two years. The members whose terms are to expire at the end of the initial period of two years shall be chosen by lot by the Secretary General of the Council of Europe immediately after the first election has been completed.

4. In order to ensure that, as far as possible, one half of the membership of the Committee shall be renewed every two years, the Committee of Ministers may decide, before proceeding to any subsequent election, that the term or terms of office of one or more members to be elected shall be for a period other than four years but not more than six and not less than two years.

5. In cases where more than one term of office is involved and the Committee of Ministers applies the preceding paragraph, the allocation of the terms of office shall be affected by drawing of lots by the Secretary General of the Council of Europe, immediately after the election.

B. Explanatory memorandum by Ms Yevheniia Kravchuk, rapporteur[4]

1. Introduction

1. The Committee on Rules, Ethics and Immunities was seized for report on 24 April 2026. I was appointed rapporteur on 23 June 2026.

2. The Parliamentary Assembly has regularly amended its Rules of Procedure in order to accommodate changes in its practice, clarify the rules and procedures where their application or interpretation has raised difficulties, or address specific problems. The objective is to ensure that the actions and decisions of the Assembly are based on clear, consistent and effective parliamentary rules and procedures.

3. Recently, the Assembly undertook a process of restructuring and streamlining its Rules of Procedure as part of a general revision of the rules. This led to Resolution 2656 (2026) "Restructuring and streamlining of the Assembly's Rules of Procedure" (rapporteur: Mr Constantinos Efstathiou, Cyprus, SOC). The rules approved in that resolution enter into force at the opening of the part-session in January 2027. Work is now ongoing to similarly restructure and simplify the complementary text. In undertaking this work I have been aware of the importance of clarity as to whether amendments proposed in this report amend the old rules or the new rules, and I have also been mindful of the wider work ongoing as part of the restructuring and streamlining project.

2. Judges of the European Court of Human Rights

4. In Resolution 2648 (2026) "Procedure for the election of judges to the European Court of Human Rights" (rapporteur: Ms Petra Bayr, Austria, SOC), the Assembly assessed the current arrangements for the election and selection of judges to the European Court of Human rights and made some suggestions for improving these processes. In particular, paragraph 12 of Resolution 2648 provides:

> *"The Assembly notes that its rules and procedures on the election of judges have constantly evolved over the years. Those currently applicable to the Committee on the Election of Judges have allowed the committee to effectively fulfil its role of interviewing candidates and assisting the Assembly in electing the most qualified judges to the Court, while protecting the reputation of all shortlisted candidates. Since the creation of the committee in 2015, the Assembly has almost always followed its recommendations, which must be seen as a sign of trust and respect for its members, all of whom are required to have a legal background. The Assembly considers, however, that the following modifications to the procedure for the election of judges ought to be made in order to improve certain aspects and codify certain practices:*
>
> *12.1. the chairperson or a representative of the Committee on the Election of Judges should have the right to speak in the debate on the progress report of the Bureau and the Standing Committee, to present the committee's recommendations when necessary;*
>
> *12.2. the list of candidates for the election of a judge to the Court, once submitted to the Assembly, can only be withdrawn or modified by the government concerned as long as the deadline set for its transmission – as specified in the letter from the Secretary General of the Assembly – has not yet expired. After the expiry of the deadline, the government can no longer withdraw or modify the list of candidates on its own initiative;*
>
> *12.3. the Assembly should interrupt the election procedure if one of the three candidates on the list withdraws before the recommendation of the Committee on the Election of Judges is made public. It should then ask the government concerned to complete the list of candidates, by replacing the candidate who has withdrawn. This will be followed by another hearing of all three candidates by the committee. The withdrawal of a candidate after the publication of the committee's recommendation is not possible."*

5. Paragraph 13.11 of Resolution 2648 (2026) provides that the Assembly:

> *"invites the Committee on Rules, Ethics and Immunities to consider those proposed changes in the election procedure before the Assembly that would require amendments to the Rules of Procedure and to submit any such proposals to the Assembly in due course".*

6. This memorandum will consider these three proposals.

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4. This explanatory memorandum is drawn up under the responsibility of the rapporteur.

2.1. The chairperson of the Committee on the Election of Judges to the European Court of Human Rights and the right to speak in the debate on the activities of the Assembly's Bureau and Standing Committee ("the progress report")

7. To supplement paragraph 12.1 of Resolution 2648 (2026), paragraph 47 of the explanatory memorandum to Resolution 2648 (2026) provides:

> *"I propose to introduce certain changes to our rules in order to address unforeseen problems that have recently arisen. Where necessary, the chairperson of the committee or another committee representative (for example a vice-chair) should be entitled to speak in the debate on the progress report of the Bureau and the Standing Committee. This would be rather exceptional, used only to present the committee's recommendations in specific cases, for instance when there is an attempt to challenge the committee's recommendation to reject a list in the plenary. The chairperson could explain why the committee decided to reject a list, particularly in cases where such a rejection was on procedural grounds or due to non-compliance with the gender balance rule. It would not be appropriate to do the same concerning rejections on substantive grounds, as any explanation in the plenary could affect the reputation of the candidates concerned".*

8. Firstly, I would like to recall that there is nothing in the rules of procedure preventing the chair of the Committee on the Election of Judges from being called to speak in a debate on the activities of the Assembly's Bureau and Standing Committee ("the progress report"), to present the committee's recommendations when necessary. I would also note that in Resolution 2634 (2025) "Increasing members' active participation in the work of the Parliamentary Assembly", at paragraph 7.3 of that resolution, the Assembly has already decided that:

> *"the chairperson, or, in his or her absence, a vice-chairperson, of the Committee on the Election of Judges to the European Court of Human Rights shall be invited, during the debate on the Bureau's progress report, to make a brief oral intervention in order to present the committee's recommendation on the list of candidates for the post of judge submitted by a member State".*

9. I should emphasise that the chairperson need not be invited to intervene in all such discussions. For example, there is no need to invite the chairperson to intervene merely to present the list of candidates. The chairperson should only be invited "when necessary", for example where there is a particular issue to raise, such as a rejection on procedural grounds or on substantive grounds that is challenged by the delegation concerned.

10. In conclusion, I do not see any need to amend the Rules of Procedure to accommodate this request, nor to repeat it in a further Assembly resolution as the intention is already clear. I am aware of work ongoing as part of the project to restructure and simplify the Assembly's complementary texts – and in particular the Modalities on the organisation of Assembly business. I encourage those responsible for drafting the Modalities on the organisation of Assembly business to reflect upon when this idea might usefully be included within that text, to emphasise that, when necessary, the chair of the Committee on the Election of Judges should be invited to make a brief intervention during the debate on the progress report, when necessary, for example if there is a particular issue to raise or to explain.

2.2. Modification or withdrawal of the list of candidates

11. To supplement paragraph 12.2 and 12.3 of Resolution 2648 (2026), paragraph 48 of the explanatory memorandum to Resolution 2648 (2026) provides:

> *"Another aspect that needs revising is the possibility for candidates to withdraw from the list at any moment before a vote by the Assembly (see Appendix to Resolution 1432 (2005)). This scenario recently occurred, blocked an election at the last minute (Cyprus, 2025). While candidates may have their own reasons for doing so, this results in the suspension of the procedure until the candidate is replaced by the government, and the repetition of interviews for the remaining candidates, with the possibility that the committee's recommendation may change after the second round of interviews. We could clarify that the Assembly shall only interrupt the election procedure if the withdrawal takes place before the committee's recommendation is made public. In such a case, the government shall be invited to replace the candidate who has withdrawn, who will have to be assessed by the Advisory Panel and interviewed by the committee, together with the other candidates who remained on the list. After the publication of the committee's recommendation, the election procedure will in any case proceed, on the basis of the list of three candidates originally submitted. It is important to underline that according to the wording of Article 22 of the Convention the Assembly shall elect "from a list of three candidates nominated by the High Contracting Party. The Assembly could also codify the existing*

practice that the list of candidates, once submitted to the Assembly, can only be withdrawn or modified by the government before the expiry of the deadline given by the Secretary General of the Assembly. After the expiry of such deadline, the government can no longer withdraw or modify the list on its own initiative. It can only replace candidates who have withdrawn."

12. The relevant provisions are in Annex X "Elections by the Parliamentary Assembly", part iv "Modalities for the election procedure of judges to the European Court of Human Rights and the Council of Europe Commissioner for Human Rights" and part v "Candidates for the European Court of Human Rights". These provisions were adopted in the appendix to Resolution 1432 (2005) "Procedure for elections held by the Parliamentary Assembly other than those of its President and Vice-Presidents" (rapporteur: Mr Rudi Vis, United Kingdom, SOC) and Resolution 1366 (2004) "Candidates for the European Court of Human Rights" (rapporteur: Mr Kevin McNamara, United Kingdom, SOC). The objectives set out in Resolution 2648 (2026) could be addressed through inserting new paragraphs in part v of Annex X as follows:

"Once a list of candidates has been submitted to the Assembly and the deadline set by the Secretary General of the Assembly for the submission of the list has expired, the list cannot be withdrawn or modified by the State concerned on its own initiative. After that date, a State may only modify the list if asked to do so in order to replace a candidate who has withdrawn as set out below.

If a candidate withdraws his or her candidacy after the deadline set by the Secretary General of the Assembly for the submission of the list of candidates but before the Committee on the Election of Judges to the European Court of Human Rights publishes its recommendation, the State shall be invited to replace the candidate who has withdrawn with another candidate, who will have to be assessed by the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights and interviewed by the committee, together with the other candidates who remain on the list.

A candidate may not withdraw his or her candidacy after the publication of the committee's recommendation. Any purported withdrawal shall not have any impact on the Assembly's election procedure."

2.3. Modalities relating to elections by the Parliamentary Assembly

13. In order to take into account wider changes to the restructuring and simplification of the complementary texts, I also propose renaming Appendix X "Modalities relating to elections by the Parliamentary Assembly" so that this Annex can stand as a stand-alone text as part of the restructuring of the complementary texts that will be undertaken this Autumn. I propose including these Modalities in an Appendix to the resolution to facilitate progress with the work on restructuring and simplifying the complementary texts.

14. As part of this restructuring and simplification work, it seems sensible to clearly separate the relevant provisions on elections as between (i) elections of the Secretary General, Deputy Secretary General and Secretary General of the Parliamentary Assembly; (ii) elections of judges to the European Court of Human Rights; (iii) elections of the Commissioner for Human Rights; and (iv) elections to the Committee for the Prevention of Torture. I propose that for each election the text regroups the relevant Assembly rules as well as the underlying texts, to help ease of reference for each election process.

15. In particular this will involve splitting part iv "Modalities for the election procedure of judges to the European Court of Human Rights and the Council of Europe Commissioner for Human Rights" as follows:

– Paragraph 1 is deleted as the new text set out above concerning judges replaces it.

– The reference to judges in paragraph 2 is deleted as the new text set out above replaces it. Paragraph 2 remains in place for the elections of the Commissioner for Human Rights, but for coherence and consistency it is broadly aligned with the procedure for judges (as set out above) by replacing the words "before the first ballot" with the words "before the candidate is interviewed by the Committee on Legal affairs and Human Rights". This is slightly different than the process for publication for judges because there is no possibility for the list for the Human Rights Commissioner to be rejected on procedural grounds, unlike the judges. Therefore, the date of interview is the relevant date.

– Paragraph 3 rejoins the text concerning judges (currently in part v "Candidates for the European Court of Human Rights").

– Paragraph 4, together with the revised paragraph 2 are set out in a new section relating solely to elections of the Human Rights Commissioner.

16. It will also be necessary, as part of this restructuring and simplification work to adopt the same approach and principles as for other elements of this wider project – for example to ensure that the provisions of the rules texts adequately reflect current Assembly practice, rules and drafting styles to make these texts relevant and easy to follow. For some elements of the text this has involved shortening the text to retain only the 'rules' parts of these excerpts and to omit more wordy excerpts from old resolutions where the additional language is not necessary for a document setting out the modalities and the rules (for example as concerns the modalities relating to the election of judges).

17. Other provisions have been slightly adjusted to reflect the practice of the Assembly, for example that the voting register is now predominantly electronic, that the record of the members that voted is made available on the website, and to update the provisions on tellers to correspond to the current practice of political groups and the requirement that tellers are not from a country concerned by an election.

3. Quorum in committee

18. As part of the work on Resolution 2656 (2026) "Restructuring and streamlining of the Assembly's Rules of Procedure", a more substantive anomaly was noticed as between the rules on quorum for the Assembly and the rules on quorum for committees. It was considered more appropriate to address this in the context of a modification of the rules report, for the sake of transparency.

19. In essence, the rules on quorum in committee provide:

– A committee may deliberate and take decisions when one third of its members are present (rule 47.3 of the current Rules of Procedure; rule C.9.3 of the future Rules on the Functioning of Committees);

– If no quorum exists, the committee may deliberate and take decisions notwithstanding a lack of quorum – but cannot adopt a committee declaration, a motion for a recommendation or a resolution, or amend the agenda (rules 47.4 and 47.5 of the current Rules of Procedure; rule C.9.3 of the future Rules on the Functioning of Committees);

– If so requested by one sixth of its members, before voting begins on a preliminary draft opinion or recommendation addressed to the Committee of Ministers, or a resolution, or on the election or dismissal of the chairperson or a vice-chairperson, the vote may be taken only if a majority of committee members are present (rule 47.3 of the current Rules of Procedure; rule C.9.4 of the future Rules on the Functioning of Committees).

20. The provisions on quorum for the Assembly are broadly similar (except that the Assembly may deliberate, decide upon procedural motions and agree to adjourn whatever the numbers present). However, the provision on checking quorum before a vote, if so requested by one sixth of its members, only requires one third of the number of representatives authorised to vote (rule 42.3 of the current Rules of Procedure; rule B.46.3 of the future Rules on the Functioning of the Assembly).

21. As highlighted in the work on the restructuring and simplification of the Rules of Procedure, it appears consistent that the quorum for voting (set at one third in both committee and plenary) should be aligned. It is equally coherent that the Assembly and committees should be able to conduct business in an orderly and efficient manner notwithstanding a temporary lack of quorum, in the absence of formal objections. In this context, it is reasonable that the verification of quorum may be requested by one sixth of the members. By contrast, it appears inconsistent and anomalous that, in committee, the quorum requirement for voting should increase from one third to one half – a requirement which does not apply in plenary.

22. I therefore propose amending rule C.9.4 of the new Rules on the Functioning of Committees to replace the words "if a majority of committee members are present" with "if there is quorum". This harmonises the approach with the rules for plenary and usual practice.

4. Deadlines for tabling amendments in Standing Committee

23. Rule 34.6 of the current Rules of Procedure sets out the deadlines for tabling amendments in plenary as follows:

> *"The President shall decide whether amendments and sub-amendments are in order. Unless the Bureau decides otherwise and except for debates under urgent procedure, amendments shall be tabled in accordance with the following deadlines:*
>
> – *for the first day of a part-session, three hours before the opening of the sitting;*

– *for debates on the second day, not later than 4 p.m. on the first day of the part-session;*

– *for debates on the subsequent days of a part-session, not later than twenty-three and a half hours before the opening of the sitting at which the debate is to begin.*

If the Assembly adopts changes to the draft agenda, the President may, if necessary, propose different deadlines to the Assembly.

Sub-amendments shall be tabled one hour before the scheduled end of the sitting preceding that in which the debate begins."

24. No specific deadlines are provided in the Rules of Procedure for tabling amendments to texts for adoption in Standing Committee (by default the procedure in committee applies, which doesn't specify a deadline for amendments).

25. In practice, texts submitted to the Standing Committee for adoption are rarely the subject of a significant number of amendments. However, where amendments are tabled, the lack of a reasonable deadline creates tangible practical difficulties in producing a compendium of amendments – translated into both official languages – in time for the debate. It is thus necessary to establish a deadline for tabling written amendments to texts submitted to the Standing Committee for adoption.

26. Given the practical difficulties of ensuring the appropriate translation and publication of the texts whilst the Table Office team is travelling to the Standing Committee, a deadline of 24 hours is required. Obviously oral amendments can be proposed at a later date (if accepted by the President). I therefore propose including an amendment to rule 34.6 to add an additional bullet point in the list of bullet points, as follows:

"for debates in Standing Committee, not later than 24 hours before the start of the Standing Committee."

27. As part of the work on Resolution 2656 (2026) "Restructuring and streamlining of the Assembly's Rules of Procedure", the deadlines for tabling amendments will, as from January 2027, be set out in the "Modalities on the organisation of Assembly business". Therefore, the intention is for this amendment, in the future, to be incorporated into that Modalities document.

5. Gender composition in thematic committees

28. National delegations have either 4, 3, 2 or 1 seat(s) per thematic committee (current rule 44.2 of the Rules of Procedure; future rule C.1.4.a of the Rules on the Functioning of Committees). They additionally have an equivalent number of alternates, which bring the numbers thus up to 8, 6, 4 and 2 respectively, per thematic committee.

29. Delegations shall "strive for equal representative between women and men, whilst ensuring a minimum of one third of each sex in their appointments to each committee" (rule 44.2 of the current Rules of Procedure; rule C.1.4.b of the future Rules on the Functioning of Committees). For each thematic committee this results in:

Number of full members and alternates per thematic committee	Minimum number of women	Minimum number of men
8	3	3
6	2	2
4	2	2
2	1	1

30. For 2026, some flexibility has been given to national delegations in recognition of the reality that for smaller delegations this requirement is not 1/3 but a strict 50%, allowing for little flexibility in nominations. It thus is appropriate to amend the rules before 2027 to make the requirements less stringent, whilst still encouraging improved gender representation across committees in an approach that respects the objectives of Resolution 2394 (2021) "Gender representation in the Parliamentary Assembly" (rapporteur: Ms Nicole Trisse, France, ALDE) and Resolution 2633 (2025) "Modification of various provisions of the Assembly's Rules of Procedure" (rapporteur: Ms Victoria Tiblom, Sweden, ECPA).

31. An amendment replacing the words “each committee” with the words “thematic committees” in the last sentence of current rule 44.2 (future rule C.1.4.b of the Rules on the Functioning of Committees), would address this. As a consequence, the gender requirement would require that delegations “strive for equal representation between women and men, whilst ensuring a minimum of one third of each sex in their appointments to thematic committees”. For the thematic committee this results in:

Number of full members and alternates per thematic committee	Overall number of full members and alternates across the thematic committees	Minimum number of women overall	Minimum number of men overall
8	48	16	16
6	36	12	12
4	24	8	8
2	12	4	4

32. These figures divide neatly into 1/3 without any perceived “unfairness” depending on the size of the delegation, thus ensuring at least 1/3 of women and 1/3 of men across all thematic committees when taken together. It also allows for a little flexibility depending on the individual interests of delegation members and should be readily achievable given the requirements for the overall composition of each national delegation to include at least 40% of each gender.