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## Reform of the Parliamentary Assembly

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

Ad hoc Committee on the Reform of the Parliamentary Assembly

Rapporteur: Mr Jean-Claude MIGNON, France, Group of the European People's Party

### Summary

The Parliamentary Assembly is a unique interparliamentary assembly which can be proud of its achievements over the last sixty years.

Taking stock of the current context and its mission, the Assembly's reform will aim to strengthen its political relevance and effectiveness, to make it more visible and to improve its members' participation, while reinforcing interaction between the Assembly and national parliaments. In addition, inter-parliamentary co-operation should be improved, including with the European Parliament.

The Assembly's members are therefore invited to consider a swathe of measures, ranging from policy actions, which would imply a change of practice and not necessarily a change of rules, to modifications of its working methods and structures which would imply a change of its Rules of Procedure.

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1. Reference to committee: Assembly decision of 28 January 2011.



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

1. The Parliamentary Assembly of the Council of Europe is a unique interparliamentary assembly which can look back on a number of achievements during its sixty years of existence.
2. Looking to the future, the Assembly has decided that it is a good moment to take stock of the current context within which it operates and to reaffirm its mission. Events over the last few months in the Middle East and northern Africa have been a reminder of the continuing, inspirational force of the fundamental values upheld by the Council of Europe and its Assembly, namely democracy, human rights and the rule of law. In addition, the Secretary General of the Council of Europe has himself, with the strong backing of the member states, embarked on an ambitious reform programme of the Organisation in October 2009.
3. The aim of the Assembly's reform is to strengthen its political relevance and effectiveness, to make it more visible and to improve its members' involvement. In addition, the objective is also to reinforce the interaction between the Assembly and national parliaments and to strengthen inter-parliamentary co-operation, including with the European Parliament.
4. To this end, the Assembly has decided to take a number of measures, ranging from policy actions, which imply a change of practice and not necessarily a change of rules, to modifications of its working methods and structures, which will imply a change of its Rules of Procedure.
5. The Assembly therefore decides, as regards policy actions:
  - 5.1. Motions for a resolution or a recommendation:
    - 5.1.1. to use the four lines of action adopted at the Summit of Heads of State and Government of the Council of Europe, in Warsaw in May 2005, as selection criteria for motions;
    - 5.1.2. to allow committees to table motions under Rule 24.2 of the Rules of Procedure and the Bureau to propose reports for debate in the Assembly (constituting references), while at the same time being more selective in the topics they propose;
    - 5.1.3. to reinforce the requirements for tabling a motion, by requiring that signatories should belong to at least six national delegations;
    - 5.1.4. to modify the requirements for tabling an application to initiate a monitoring procedure, by requiring 20 signatories belonging to six national delegations and two political groups;
    - 5.1.5. to make explicit in the Rules of Procedure the various options which committees have when a motion is referred to them for information;
  - 5.2. Follow-up to adopted texts:
    - 5.2.1. to allow rapporteurs for report, together with the relevant committee, to continue to be seized for one year after the adoption of the text to ensure its follow-up, and to report back to the committee at the end of that period;
    - 5.2.2. to invite committees to draw up an annual report on the follow-up given to adopted texts by the national parliaments and/or the Committee of Ministers and, where necessary, to make a public statement when the follow-up is not satisfactory;
  - 5.3. Debates in the plenary Assembly:
    - 5.3.1. to introduce one "free debate" during each part-session;
  - 5.4. Grouping and long-term planning of committee meetings
    - 5.4.1. outside part-sessions, to group committee meetings during fixed periods of the year known one year in advance;
    - 5.4.2. during part-sessions, as far as possible to avoid simultaneous committee meetings involving the same members;
  - 5.5. Assembly communication tools:
    - 5.5.1. to review the Assembly's communication tools, in particular its website, with a view to making them more user-friendly and interactive, and thus more useful to members and the general public;

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2. Draft resolution adopted unanimously by the ad hoc committee on 26 May 2011.

- 5.6. Fundraising:
  - 5.6.1. to seek more actively external sources of funding for Assembly actions (other than statutory activities) and new initiatives.
6. Furthermore, the Assembly decides, as regards the modification of its working methods and structures:
  - 6.1. Organisation of Assembly part-sessions, to invite the Bureau of the Assembly:
    - 6.1.1. to reduce the maximum speaking time for members on the speakers' lists to four minutes or, where necessary, to three minutes;
    - 6.1.2. to foresee, in principle, a minimum of two hours for debates, except current affairs debates which remain limited to an hour and a half;
    - 6.1.3. in principle, not to cut any list of speakers and to assure a fair geographical and political distribution;
    - 6.1.4. to have committee meetings in the afternoons of Tuesday, Wednesday and Thursday from 2 pm to 3.30 pm;
  - 6.2. Substitutes and alternates:
    - 6.2.1. to eliminate the requirement that committee chairpersons or vice-chairpersons must be full members of the committee, not alternates;
  - 6.3. Sub-Committee on the Election of Judges to the European Court of Human Rights:
    - 6.3.1. to invite the sub-committee to give positive reasons for its recommendation in favour of a given candidate;
  - 6.4. Committee structure:
    - 6.4.1. to merge the Committee on Economic Affairs and Development (AS/Ec), the Social, Health and Family Affairs Committee (AS/Soc) and the Committee on the Environment, Agriculture and Local and Regional Affairs (AS/Ena) into one Committee on Social Cohesion, Health and Sustainable Development (AS/CSD);
    - 6.4.2. as a result, to transfer budgetary and financial matters from the Committee AS/Ec to the Committee on Rules of Procedure, Immunities and Institutional Affairs (AS/Pro), and the preparation of the reports on the activities of the Organisation for Economic Co-operation and Development (OECD) and the European Bank for Reconstruction and Development (EBRD) to the Political Affairs Committee (AS/Pol);
    - 6.4.3. taking account of the new responsibilities of the Committee AS/Pro, to nominate as *ex officio* members the chairpersons of the Assembly's five political groups and of the five largest national delegations (France, Germany, Italy, the Russian Federation and the United Kingdom);
    - 6.4.4. to transform the Committee on Equal Opportunities for Women and Men (AS/Ega) into the Committee on Equality and Non-Discrimination (AS/Ega);
    - 6.4.5. as a result, to transfer issues related to the rights of national and other minorities and to discrimination on any ground from the Committee on Legal Affairs and Human Rights to the new Committee AS/Ega;
    - 6.4.6. to transfer the issue of population from the Committee on Migration, Refugees and Population (AS/Mig) to the new Committee AS/CSD and, consequently, to modify the title and the terms of reference of AS/Mig;
    - 6.4.7. to limit each member of the Assembly to full membership of two committees;
    - 6.4.8. to prepare revised terms of reference for the following eight general committees:
      - 6.4.8.1. Political Affairs Committee (AS/Pol);
      - 6.4.8.2. Committee on Legal Affairs and Human Rights (AS/Jur);
      - 6.4.8.3. Committee on Social Cohesion, Health and Sustainable Development (AS/CSD);
      - 6.4.8.4. Committee on Migration and Refugees (AS/Mig);
      - 6.4.8.5. Committee on Culture, Science and Education (AS/Cult);

- 6.4.8.6. Committee on Equality and Non-Discrimination (AS/Ega);
- 6.4.8.7. Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) (AS/Mon);
- 6.4.8.8. Committee on Rules of Procedure, Immunities and Institutional Affairs (AS/Pro).

7. The Assembly decides that the measures contained in this resolution shall come into effect at the opening of the 2012 Session of the Assembly, on 23 January 2012. A separate report by the Committee on Rules of Procedure, Immunities and Institutional Affairs will be submitted to the Assembly or the Standing Committee in good time before the opening of the 2012 Session concerning the necessary modifications of the Rules of Procedure, which shall include: revised terms of reference of committees, including the implementation of the proposal that the Assembly should be able to consider “deep security” issues, transitional arrangements and recent issues relating to the interpretation of the Rules such as committees’ standing mandates and deadlines for the preparation of reports. As regards standing mandates, it will be necessary to give them a firm legal basis in the Rules.

## **B. Explanatory memorandum by Mr Mignon, rapporteur**

### **1. Introduction**

1. On 28 January 2011, the Parliamentary Assembly decided to set up an ad hoc committee on the reform of the Assembly with the following terms of reference:

*“To draw up a report for submission to the Assembly containing measures to make the Assembly more politically relevant, effective and visible, as well as improving Assembly members’ participation, while reinforcing interaction between the Assembly and national parliaments. The report shall be drawn up on the basis of the draft report prepared by the ad hoc committee of the Bureau on the reform of the Assembly and the subsequent consultation process involving Assembly members, committees, national delegations and political groups.*”

The ad hoc committee shall present a report to the Assembly during the June 2011 Part-Session or, at the latest, during the October 2011 Part-Session. Once the report has been considered by the Assembly, the ad hoc committee shall cease to exist.” The composition of the ad hoc committee of the Assembly is contained in the Appendix to this report.

2. The composition of the ad hoc committee of the Assembly is contained in the Appendix to this report.

3. The ad hoc committee held two meetings, on 5 May 2011 (in Paris) and on 26 May 2011 (in Kyiv), at the end of which it approved this report and adopted the draft resolution for debate by the Assembly.

### **2. The context of the reform of the Assembly**

#### **2.1. Background**

4. The current reform process is set against the backdrop of the ambitious reform programme that the Secretary General of the Council of Europe launched in October 2009. The reform aims to make the Organisation more relevant, effective and visible, and its structures and functioning more cost-effective. Against this background and bearing these general constraints in mind, the Assembly has decided to initiate its own reform process.

#### **2.2. The internal context**

5. The main components of the Parliamentary Assembly since 1949 are the following:

- delegations from the parliaments of member states, their composition reflecting the relative strength of political forces within those parliaments, and their size depending on the population of the country concerned (with members assuming a dual role as national MPs and members of the Assembly);
- a plenary and a Standing Committee as fora where the debates and voting take place;
- distribution of work on substantive issues via the establishment of committees, whose names, terms of reference and number have changed over time;
- adoption of different types of texts of a normative or non-legislative character through majority votes.

6. The Europe in which the Assembly currently operates has undergone profound changes, not least of which the transition of many former communist bloc countries to democracy following the collapse of the Berlin Wall. This led to the progressive enlargement of the Council of Europe after 1989. The Assembly also reacted, mainly by an enlargement of its ordinary (as well as special guest and observer) membership. Already much earlier, it had formed political groups at a time when such “political families” began to form across Europe, including within the European Parliament. Other examples of evolutions of the Assembly include the creation of monitoring procedures in 1997 and changes to its committee structure in 2000 and working methods in 2005. In addition, an increased role has been given to a Presidential Committee (formally recognised in 2007), which brings together the President of the Assembly and the Chairpersons of the Assembly’s political groups.

7. As already recognised by the Secretary General of the Council of Europe with respect to the Organisation as a whole, the time has now come for the Assembly to make more profound changes, in part also to revitalise the interest and participation of Assembly members in its activities.

### 2.3. The external context: changes in the Parliamentary Assembly's environment

#### 2.3.1. From a "bi-polar" to a "multi-polar" continent

8. Twenty years ago, Europe switched from a Cold War, bi-polar continent to one whose different parts seem to be moving in the same direction. At first this produced euphoria in the Assembly, as the aims it represented seemed to be what everybody was working towards and would soon reach. Today, shortcomings – which were either never remedied or are now resurfacing – are becoming apparent in many member states, prompting the Assembly to take action.

#### 2.3.2. "Deep security" and the Parliamentary Assembly

9. Without security, the rule of law, democracy and human rights cannot exist. This is the reason why the Council of Europe is concerned to combat cybercrime, transnational crime, terrorism and the trafficking of human beings and drugs, and to deal with what are known as "frozen conflicts". It is therefore legitimate for the Assembly to be able to consider "deep security" issues, and to do so within a framework spanning the whole continent of Europe, and not just the European Union.<sup>3</sup> It will be up to the Committee on Rules of Procedure, Immunities and Institutional Affairs to consider the practical modalities of the implementation of this proposal, for example in the form of a sub-committee, a forum or a congress.

#### 2.3.3. "Crisis of democracy"; the financial and economic crisis; country disintegration

10. During the Cold War and its immediate aftermath, the hope for the spread across Europe of Council of Europe "core values" inspired much of the Assembly's work. Today, much of that *élan* has disappeared amongst a general public fatigued by the rising demands of globalisation and affected by a financial crisis across many parts of the world. This has also led to a number of parliamentary institutions being themselves in crisis.

11. A xenophobic and security-oriented discourse seems to be gaining ground, as people appear to be losing faith in the democratic system.

#### 2.3.4. The return of "Realpolitik" and the retreat of more "idealistic" policies

12. The world political scene has also changed considerably, particularly with the rise of China (and other large or medium-sized powers) and the relative decline of the United States in economic, political and even military terms. The United States discourse has, partly as a result of this, become more "Realpolitik"-oriented and less focused on values that the Council of Europe and its Parliamentary Assembly uphold. Furthermore, the rapid economic growth in countries with more authoritarian political systems, such as China, contrasts with the slow or even negative growth observed in Council of Europe member states, especially those hit hard by the financial and economic crisis.

#### 2.3.5. Societal and political context

13. The current political landscape in Europe is now more politically polarised than before. Certain past positions of the Assembly may therefore today not be as widely supported as at the time of their adoption. In a number of countries, parties of a more extremist persuasion – including traits such as xenophobia and racism – are gaining higher scores in elections and obtaining seats in national parliaments. This presumably results from a number of socio-economic developments, such as the ravages of the financial and economic crisis, the challenges of globalisation and sustained immigration pressure.

#### 2.3.6. A changing European Union

14. The enlargement of the European Union from six member states in 1957 to 27 today – and from 12 to 27 since the end of the Cold War – has only partly "eaten into" the Council of Europe membership, as the latter has also enlarged since 1989 from 23 to the present 47. The effects on the Assembly have been manifold and varied. The 12 countries that joined the European Union in 2004 and 2007 now focus their attention primarily on the European Union; countries in the Western Balkans all have their "European perspective" (although at a varied pace) and are being closely monitored by the European Commission,

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3. For a development of this concept, see the speech of the Secretary General of the Council of Europe to the Assembly of 25 January 2010.

including in Council of Europe “core areas”. Furthermore, the European Union has carried out in-depth reforms (for example the Lisbon Treaty, the introduction of the euro among 17 member states and the creation of the Fundamental Rights Agency) and has entered into domains which have traditionally been the preserve of the Council of Europe. Nevertheless, a certain amount of “Euro-fatigue” can also be perceived, exacerbated by the recent need to bail out financially stricken European Union member states.

15. The Assembly should continue to play the role of a forum for dialogue both between the citizens of Europe and between European Union member states and European non-EU member states, the two of which are of fundamental importance for the development of the European process.

16. The entry into force of the Lisbon Treaty has led to a number of changes within the European Union which, in turn, have a direct or indirect effect on the Council of Europe in general and on the Assembly in particular, such as: the increased role and powers of the European Parliament; the increased role for national parliaments in the legislative process and EU affairs; the introduction of the European Citizens’ Initiative giving the right to one million European citizens to propose legislation; the creation of an EU Public Prosecutor and an European External Action Service; the Charter of Fundamental Rights which has become legally binding; and the future EU accession to the European Convention on Human Rights (“the Convention”) which is an obligation imposed by the Lisbon Treaty.

17. European Union accession to the Convention, which is currently being negotiated, will imply a degree of participation by the EU in the Convention bodies, including the Union’s right to submit a list of three candidates for the post of judge representing it to be elected by the Assembly.

18. Beyond EU accession to the Convention, the participation of the EU in the work of the Council of Europe will have an impact in all areas of standard-setting and monitoring, and include possible EU accession to other Council of Europe conventions and/or mechanisms. The interaction between the EU and its member states when negotiating new Council of Europe conventions will also change, including texts launched or promoted by the Assembly. A short-term objective should be to avoid duplication by the EU of existing Council of Europe instruments or mechanisms and, in any event, a lowering of standards. A long-term objective should be EU accession to the Council of Europe Statute, with all the political consequences that this would imply.

19. Meanwhile, the European Union and the Council of Europe have concluded a formal memorandum of understanding (as have the European Parliament and the Assembly) and the EU co-finances many Council of Europe projects. A stable strategic partnership, including a financial element, is one of the objectives for the near future.

20. The Assembly and the European Parliament have agreed to establish an informal body with a view to sharing information on current issues and issues of common interest, notably those related to EU accession to the Convention. This report will therefore not include any measures dealing with co-operation between the two parliamentary bodies.

#### *2.3.7. Improvements in the means of interaction with the public (empowering of civil society, technological developments)*

21. With the advent of new electronic media and means of communication, the Council of Europe is faced with new challenges, but also new opportunities. Contacts with the media are enhanced and visibility is improved via the Organisation’s website (live Assembly sessions, debates viewable across the world in real time). A more interactive website allowing better public information, presence on Facebook and Twitter and “first-pop-up” contracts with Google offer further directions for enhanced visibility.

#### *2.3.8. Recent changes in neighbourhood countries*

22. Recent changes in the situation in many Arab countries in the southern Mediterranean will have an impact on the neighbourhood policy of the Assembly. While it is difficult to predict the consequences of these changes at this stage, several visits by Assembly representatives to countries of the region have already taken place. The newly created Partner for Democracy status with the Assembly has been widely referred to in this context as a means of support for these democratic developments.

## **2.4. Implications for Assembly reform?**

23. Most of these contextual changes offer at least as many opportunities as they do challenges. Thus, the new European Union offers new areas and forms of co-operation, including increased EP/Assembly co-operation in specific areas of common interest (such as the effects on the two parliamentary bodies of the Lisbon Treaty); the “crisis of democracy” could offer a new role for the Assembly and the Council of Europe, perhaps similar to the earlier “pioneer periods”. The new media possibilities, if used correctly, mean a new Council of Europe and Assembly real-time presence globally. These questions will be examined in more detail in the following chapters.

## **3. Mission and goals of the Assembly**

### **3.1. Mission**

24. The Assembly has the will to act as the democratic conscience of Europe. European integration and co-operation require the political involvement of the national parliaments and citizens of the states of the European continent, from which this Assembly originates.

25. The Assembly is a unique, politically visible statutory organ of the Council of Europe which promotes the development and implementation of the highest standards of democracy, human rights and rule of law for the benefit of the peoples of Europe, acting as a motor for the Organisation.

### **3.2. Goals**

#### *3.2.1. Leadership*

26. The Assembly promotes debates on emerging and topical European issues, identifies trends and best practices and sets benchmarks and standards.

#### *3.2.2. Review of the honouring of statutory obligations and post-accession commitments*

27. The Assembly exercises political oversight over the action of governments and parliaments in implementing Council of Europe standards. It furthermore monitors the implementation of statutory obligations and post-accession commitments by member states, thereby bringing them to account before the Council of Europe and, most of all, before their own citizens. It is worth noting that in its [Recommendation 1763 \(2006\)](#) on the institutional balance at the Council of Europe, the Assembly requested that it “should be able to bring before the European Court of Human Rights serious violations by one of the Contracting Parties of the rights guaranteed by the European Convention on Human Rights and its additional protocols.” Such a change would require a modification of the Convention.

#### *3.2.3. Laboratory of ideas*

28. The Assembly is free to initiate new developments, provide swift political responses to the challenges of the 21st century, generate “original” ideas and set pioneering legal or policy standards that enable Council of Europe member states to face challenges and anticipate the best possible response.

#### *3.2.4. Promotion of the highest standards of parliamentary democracy*

29. The Assembly provides a platform for members of national parliaments to exchange best practices and develop common standards of parliamentary work. It offers knowledge and expertise by making recommendations and drafting codes of good practice, as well as providing targeted advice in response to specific problems encountered by national parliaments, with a view to building members’ capacity to fulfil their roles more effectively.

#### *3.2.5. Promotion of the highest standards of human rights*

30. Parliaments have an essential role as human rights watchdogs. The Assembly has a particular role to play in this respect. No parliament or parliamentarian can be complacent about human rights. The Assembly needs to stand firm on human rights protection, and continue to ensure that human rights issues remain in a prominent position on the political agenda, both in member states and in the Assembly.

### *3.2.6. Strengthened interaction and partnership between statutory and other bodies of the Council of Europe*

31. Acting within the institutional framework of the Organisation set by the Statute, the Assembly interacts closely with the Committee of Ministers, the intergovernmental sector, the Congress of Local and Regional Authorities, the European Court of Human Rights and the Organisation's independent monitoring mechanisms, while using fully its political prerogatives and promoting debate on emerging and topical European issues. The Assembly is not afraid to take risks and hold debates on even the most controversial topics and to require the Committee of Ministers to respond to its conclusions. Whenever and wherever possible, this dialogue between the two statutory organs should be enhanced, notably by those measures indicated in a report drawn up by the Secretary General of the Council of Europe at the request of the two organs in June 2010 (SG/Inf (2010) 12).

## **4. The objectives of the reform of the Assembly**

32. Having thus identified the context of the reform and the mission and goals of the Assembly, there seems to be a large consensus that the objectives of the reform should be to:

- strengthen the Assembly's political relevance and effectiveness;
- make the Assembly more visible;
- improve the Assembly members' involvement, while reinforcing interaction between the Assembly and national parliaments;
- strengthen the capacity of inter-parliamentary co-operation throughout Europe, including co-operation with the European Parliament.

33. Being politically relevant is the degree to which the Assembly is present on the political agenda of parliaments, governments, the public and international community by responding swiftly and meaningfully to perceived needs and anticipating topical issues. It is also the degree to which its institutional mission and goals are achieved. One test of this political relevance is the extent to which the Assembly is able to "carry its weight" on the international stage.

34. Being more effective can be defined as "doing the right thing at the right time" and thus reaching the targets set.

35. Being more visible is the degree to which the Assembly is present in the media and in the public eye and therefore, ultimately, in the thinking of those who determine policy. It also depends on the manner in which it takes up the concerns of citizens. It is related to credibility, which entails both short-term and a long-term action, or to put it differently "the ability to make history and headlines".

36. The Assembly members' involvement can be measured by the degree of active participation during part-sessions and committee meetings, as well as their commitment to the work and values of the Assembly and the Council of Europe both within the framework of and outside official meetings, in particular in their national parliaments.

37. Inter-parliamentary co-operation throughout Europe includes co-operation with the European Parliament and the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE) amongst others. Areas where co-operation could be strengthened include judicial co-operation and the observation of elections.

38. All these objectives are interlinked. The more politically relevant the Assembly becomes, the more visible it will be, and the more members will become involved. The same can be said for the measures proposed in the next chapter, which are to be considered as mutually reinforcing. For this reason, the measures have not been identified as contributing to any particular objective, because several of them will contribute to the achievement of several objectives. It should also be noted in this context that the reform process of the Assembly opens a window of opportunity for further gender-mainstreaming which should be taken into account when considering all the measures indicated below.

## 5. Measures to achieve the objectives

39. The measures that are proposed to achieve the four objectives outlined above can be divided into two categories: (a) policy action, defined as a change of practice not necessarily requiring a change of the Rules of Procedure of the Assembly, and (b) modifications of working methods and structures, which will require a change either of the Rules or of the complementary texts to the Rules.

### 5.1. Policy action

#### 5.1.1. Filtering of motions for a Resolution or a Recommendation

40. There seems to be a large measure of agreement that there should be a stricter pre-selection by the Bureau of the motions which give rise to a report in the Assembly so that the resulting reports and texts adopted are more focused. This requires political responsibility and discipline among the Assembly members, and in particular members of the Bureau, with the overall aim of acting in the interests of the Assembly as a whole, as opposed to sectoral interests.

41. Motions for a resolution or a recommendation are at the origin of most debates and texts adopted by the Assembly. Under the current Rules (Rule 24.1.a and b), Assembly members can table such motions on any subject that is either within the Assembly's competence or within that of member governments. The freedom to table motions on any subject that falls within the competence of the Council of Europe<sup>4</sup> should not be changed so that the Assembly can remain the innovative force it has been in the past.

42. It is for the Bureau to propose to the Assembly what follow-up action is to be given to such motions. Essentially, there are three choices: i) reference for report; ii) reference for information; iii) no further action.<sup>5</sup> In the first case, the relevant committee may, but is not obliged to, draft a report for the Assembly containing a draft text for adoption. It should be kept in mind that the view of the committee concerned can also be sought before a decision is taken by the Bureau, and recourse could be had to this mechanism more often. A committee may also turn down a reference for report if it considers it inappropriate in terms of its priorities.

43. In the case of a reference for information, the committee should have three options which should be made explicit in the Rules of Procedure: i) take note without any further debate; ii) draw up an information report for debate in the Assembly or Standing Committee but without a draft text for adoption by the Assembly; iii) prepare an information report without a draft text for adoption and without debate in the Assembly, which would be distributed to its committee members as a committee document and could be published as such.

44. Selection criteria will need to be made more explicit so that Assembly members and other stakeholders of the Assembly are confident that the procedure is fair and transparent. One of the most recent and widely accepted standards are the four lines of action adopted by the Summit of Heads of State and Government of the Council of Europe, which met in Warsaw in May 2005. In their Action Plan, they considered that the future principal tasks of the Council of Europe should be:

- Promoting common fundamental values: human rights, rule of law and democracy;
- Strengthening the security of European citizens;
- Building a more humane and inclusive Europe;
- Fostering co-operation with other international and European organisations and institutions.

45. The Bureau could be invited to apply these lines of action as a selection grid, and the authors of motions could be invited to explain how their motion satisfies those criteria. Together, these elements would constitute a "relevance test". Furthermore, committees should be given a more active role in this context. On the one hand, they should have the right to table motions under Rule 24.2 and, on the other hand, they should be more selective in the topics that they propose and pursue to ensure that their work has impact and is relevant. Finally, a current practice which consists in the Bureau also being at the origin of reports for debate in the Assembly (references) should be formally recognised in the Rules of Procedure.

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4. Article 1.b of the Statute of the Council of Europe (ETS No. 1) provides that "this aim shall be pursued through the organs of the Council by discussion of questions of common concern and by agreement and common action in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realisation of human rights and fundamental freedoms".

Article 1.d provides that "matters relating to national defence do not fall within the scope of the Council of Europe".

5. See Rule 25.1 of the Assembly's Rules of Procedure.

46. In addition, the requirements for tabling a motion could be made stricter by requiring that signatories belong to at least six national delegations (instead of the current five). Concerning an application to initiate a monitoring procedure ([Resolution 1115 \(1997\)](#) as amended), the requirement should be made similar to those of a normal motion; it should thus require 20 signatories, from six national delegations and two political groups.<sup>6</sup> One could also consider more modern electronic ways of placing draft motions at the disposal of members for signature.

#### *5.1.2. Follow-up to adopted texts*

47. Having fewer but better texts adopted by the Assembly should also lead to a more informed follow-up by the national parliaments and the Committee of Ministers. The Assembly should develop a more active promotion of its texts in national parliaments, seeking the collaboration of chairpersons of delegations and its members, notably by also sending its adopted texts directly to the chairpersons of national parliamentary committees concerned. For important texts, the Bureau should attempt to assess more systematically (with the assistance of the committees as appropriate), the measures that were (or were not) adopted at national level.<sup>7</sup> In addition, rapporteurs should be given a more active role in that they, together with the relevant committee, should remain seized for one year after the adoption of the text to ensure its follow-up. At the end of the year, they should be required to report back to the committee.

48. The practice of having an annual report and debate on Council of Europe activities within the national parliaments of Finland, Iceland, the Netherlands, Sweden, Switzerland and the United Kingdom should be encouraged in other national parliaments. Meetings between Assembly committees and their sister committees in national parliaments should also be encouraged.

49. The secretariat of each committee should draft an annual report on the follow-up given by the national parliaments and/or the Committee of Ministers concerning the suggestions which are included in the resolutions and/or recommendations which emanated from the committee. The replies by the Committee of Ministers should furthermore constitute the first item on the agenda of the meetings of the Assembly committees. When the committee considers that the follow-up given to its proposals by the Committee of Ministers is not satisfactory, it should, where necessary, make a public statement on this matter.

50. In recent years, a practice has developed whereby Assembly committees frequently propose both a draft resolution and a draft recommendation for adoption by the Assembly. In order to re-focus the Assembly activities and texts, committees should propose draft recommendations only if they are convinced that Council of Europe intergovernmental action is necessary. In either case, the text should be as succinct as possible.

51. In this context, the Assembly should aim for more synergy between the different bodies of the Council of Europe, making full use of the services of the Secretary General of the Council of Europe. The secretariats of Assembly committees are notably encouraged to step up their practice of consulting the other parts of the Organisation when preparing a report.

#### *5.1.3. Making plenary debates more interesting and lively*

52. An analysis of attendance, voting turnout and media coverage during plenary debates over the last few years demonstrates that those debates which give rise to controversy or where the stakes are high are the most interesting and lively, and consequently then have good media coverage. Reports which are more controversial, topical or original, more urgent debates and more joint debates would therefore contribute to this objective. An urgent or current affairs debate on Friday morning could motivate more Assembly members to be present on that day. However, it should be emphasised that the key to any visibility and credibility is the quality of the substance of reports, and not controversy for the sake of controversy, that is to say they should serve the promotion of values upheld by the Assembly. Furthermore, allowing for more “question time” would also encourage more members to participate. It should be recalled in this context that under Rule 34.3,<sup>8</sup> members already have a right to interrupt a speaker in a debate, with the consent of the President, if they wish to put a question to that speaker on a particular point. Invited personalities should also be asked to keep their speeches short so that members can have as many questions answered as possible.

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6. This would require a modification of Rule 24.2 of the Rules of Procedure.

7. Reference should also be made to the measures indicated in [Resolution 1640 \(2008\)](#) on the use by Assembly members of their dual parliamentary mandate – both national and European, based on the report by Lord Tomlinson, which notably included a call to the Bureau to “ensure that the effectiveness of such measures is periodically evaluated to ensure that they are properly targeted by simultaneously uniting members of the Assembly and attracting domestic support”.

8. To be distinguished from a personal statement under Rule 34.7 of the Assembly’s Rules of Procedure.

53. It has been suggested, and sometimes been practiced in the past, to have one or more leading themes for each part-session (for example as was the case for the religious dimension of intercultural dialogue in April 2011). It would be for the Bureau, upon the proposal of the President and the Presidential Committee, to agree on such leading themes. Both the Bureau and the committees would need to keep such themes in mind when deciding on references to committees. Such a forward-planning would also have the advantage that leading personalities could be invited well in advance to specific part-sessions in relation to a given theme.

54. The Assembly could also introduce the practice of a “free debate” which a number of national parliaments have. A specific slot during the plenary week should be reserved for a “free debate” (for example on Mondays or Fridays) with members being free to speak on any subject they would like to raise, subject to the usual practice of drawing up the list of speakers according to the d’Hondt criterion. This would be an occasion for members to raise their own visibility, including in their national constituencies.

#### *5.1.4. Grouping and long-term planning of committee meetings*

55. At present, the meetings of three committees (AS/Pol, AS/Jur and AS/Mon) are grouped together during certain weeks outside part-sessions. It should be considered to also group other committee meetings during fixed periods of the year known one year in advance.

#### *5.1.5. Reviewing and further developing the Assembly’s communication tools*

56. The internet has become a powerful tool in all spheres of life, including for the Assembly and its members. The Assembly’s website should therefore be reviewed and, as a priority, Assembly members should be given specific profiles (in particular photos, videos, speeches), possibly linked to their national websites.

57. Subject to available resources, the Assembly should foresee publishing certain aspects of its website in languages other than English and French.

58. The Assembly should make increased use of online/social network sites (such as Facebook and Twitter) to further its communication strategy.

59. New and more democratic ways to initiate Assembly reports should be explored such as:

- inviting the public, via the website, to suggest topics for debate, for subsequent filtering via an appropriate mechanism; one should, however, consider a difficult question concerning this appealing mechanism: how to avoid well-organised groups from inundating the Assembly with proposals which serve their interests?
- encouraging public initiatives and consultation of civil society/non-governmental organisations (NGOs) via the internet.

#### *5.1.6. Fundraising*

60. On the basis of its own positions and political priorities and in order to provide targeted support to ongoing actions (but not statutory activities) or to launch new initiatives (for example the Campaign to stop sexual violence against children), the Assembly should seek to use more actively external sources of funding (fundraising with members states and the European Commission), in addition to submitting, where appropriate, requests for additional funding to the Committee of Ministers, in accordance with the procedure foreseen in Article 38.d of the Statute.

## **5.2. Modification of working methods and structures**

### *5.2.1. Organisation of part-sessions*

61. Many Assembly members feel frustrated at not being able to speak during the most interesting and controversial Assembly debates. The following measures should be introduced to free more time for speakers:

- reduce the maximum speaking time for members on the speakers’ list from five to four minutes, with the possibility for the Bureau to reduce it to three minutes when made necessary by the large number of speakers;
- foresee in principle a minimum of two hours for debates, except current affairs debates which would remain limited to an hour and a half.<sup>9</sup>

62. The practical impact on the organisation of the part-sessions would be as follows:

- On Monday afternoon, there would be no scheduled report by a committee except the Progress Report and possibly one “free debate” (see paragraph 54 above), plus one VIP speaker (for example the Secretary General of the Council of Europe or the Chairperson of the Committee of Ministers);
- On Tuesday, Wednesday and Thursday, there would be a maximum of one debate in the morning and two debates in the afternoon;
- On Friday morning, there would be a maximum of two debates;<sup>10</sup>
- Committee meetings in the afternoons of Tuesday, Wednesday and Thursday would be extended to last from 2 p.m. to 3.30 p.m. so as to give committees more time to discuss amendments and deal with their agendas;
- Afternoon sittings on Tuesday, Wednesday and Thursday would then be from 3.30 p.m. to 7.30 p.m., or 8 p.m. at the latest;<sup>11</sup>
- In principle, no speakers’ list would be cut, and a fair geographical and political distribution would be ensured.

63. More specialised ministers (that is to say, other than the Minister for Foreign Affairs), in particular from the country holding the Chairmanship of the Committee of Ministers, should be invited to participate in plenary debates.

64. One could also consider organising, after the committee debate and before the debate itself in the Chamber, a round table involving high-level guests, whether they be physically present or by means of a videoconference shown on a giant screen. This facility could be a way of ensuring the participation of several prominent personalities.

#### 5.2.2. *Substitutes*

65. Participation in Assembly meetings is hindered by an increasing number of national parliaments’ refusal to pay for the travel of substitutes in their delegations. More generally, this raises the issue of the reform of the status of substitutes. In many national delegations, substitutes represent the opposition or national minorities in parliament. While this issue was addressed openly during the consultation process on this report, it is clear that any change would require a more in-depth discussion about the participation of Assembly members. If one wanted more flexibility, it could be specified that representatives could be replaced by substitutes not only for a full sitting (morning or afternoon) but also for a single debate. Furthermore, the requirement currently contained in Rule 47.7 that committee chairpersons or vice-chairpersons must be titular members of the committee, as opposed to alternates, should be deleted.

#### 5.2.3. *Standing Committee*

66. The Standing Committee currently has as its main functions the adoption of texts in the name of the Assembly and the holding of a political exchange of views with the incoming Chairperson of the Committee of Ministers. Some criticism has been made as regards the interest, format and organisation of such meetings. Members of the Assembly are therefore encouraged to come forward with ideas on how to make such meetings more lively and relevant, while preserving the representativeness of the Standing Committee embracing all national delegations. Some of the proposals that could be considered in this context are the holding of a “mini-session” (outside Strasbourg, including the Bureau, Standing Committee and two committees) lasting for two days and/or more frequent meetings in Paris (taking account of the budgetary aspects of such meetings both for the host parliament and the Assembly budget). Another idea is that, just like the plenary sessions, Standing Committee meetings should be organised around a leading theme, with appropriate VIPs invited in that context. In co-operation with the host State of the Standing Committee, a proposal on the theme should be made six months before the meeting. The most daring solution, but probably also the most interesting, would be to suppress the Standing Committee and replace it by a three-day mini session in Strasbourg. However, given the additional costs that this would imply, it may not be compatible with the current restrictions on the Assembly’s budget.

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9. Another measure that should be considered is to allow the main rapporteur, when making the initial presentation, to do so from the rostrum rather than from the front row of rapporteurs.

10. The draft agenda proposed by the Bureau for Friday could include an urgent or current affairs debate.

11. It should be recalled in this context that no events, in particular receptions, should take place while an Assembly sitting is still ongoing.

#### 5.2.4. Sub-Committee on the Election of Judges to the European Court of Human Rights

67. When the Sub-Committee on the Election of Judges to the European Court of Human Rights makes a recommendation to the Assembly members on the most qualified candidate, it would be useful for the members of the Assembly to have at their disposal positive reasons why a particular candidate has been recommended, without being given the negative reasons why the other candidates are not recommended as this could harm the reputation of those candidates.

#### 5.2.5. Committee structure options

68. The underlying spirit of the current reform process of the Assembly is to re-focus its activities and therefore it is logical that its committee structure will also be affected. This would also enable a reinforcement of the secretariat of the remaining committees and facilitate the follow-up to the work of these committees by its members.

69. Several options were envisaged. The ones that have majority support are the following:

- Merger of the Committee on Economic Affairs and Development (AS/Ec), the Social, Health and Family Affairs Committee (AS/Soc) and the Committee on the Environment, Agriculture and Local and Regional Affairs (AS/Ena) into one Committee on Social Cohesion, Health and Sustainable Development (AS/CSD); in this case, budgetary and financial matters should be transferred from AS/Ec to the Committee on Rules of Procedure, Immunities and Institutional Affairs (AS/Pro)<sup>12</sup> and the preparation of the reports on the activities of the OECD and EBRD would be transferred to the Political Affairs Committee;<sup>13</sup>
- Transformation of the Committee on Equal Opportunities for Women and Men (AS/Ega) into the Committee on Equality and Non-Discrimination (AS/Ega); this committee would also then encompass issues of discrimination on any grounds;<sup>14</sup>
- Transfer of the issue of population from the Committee on Migration, Refugees and Population (AS/Mig) to the new committee AS/CSD and, consequently, to modify the title and the mandate of AS/Mig.<sup>15</sup>

70. In total, there would therefore be the following eight permanent committees:

- Political Affairs Committee (AS/Pol)
- Committee on Legal Affairs and Human Rights (AS/Jur)
- Committee on Social Cohesion, Health and Sustainable Development (AS/CSD)
- Committee on Migration and Refugees (AS/Mig)
- Committee on Culture, Science and Education (AS/Cult)
- Committee on Equality and Non-Discrimination (AS/Ega)
- Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) (AS/Mon)
- Committee on Rules of Procedure, Immunities and Institutional Affairs (AS/Pro).

The terms of reference of these committees will be revised accordingly in a subsequent report to be drawn up by the Committee on Rules of Procedure, Immunities and Institutional Affairs.

71. Under the current system of 10 committees, every Assembly member has the possibility to be a full member of a least one committee. With the proposed reduction in the number of committees, and unless the number of seats in committees is increased (which does not seem to have any support), this possibility will now no longer exist. However, if the seats of alternates on committees are also taken into account in this context, every member of the Assembly will continue to have the right to sit on at least one committee. In addition, it is proposed to limit members of the Assembly to full membership of two committees.

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12. See paragraph 4 of the current terms of reference of AS/Ec.

13. See paragraph 3 of the current terms of reference of AS/Ec.

14. See paragraphs 2.iii and iv of the current terms of reference of AS/Jur.

15. See paragraph 2.ii of the current terms of reference of AS/Mig.

#### 5.2.6. Composition of committees

72. The members of the Monitoring Committee, the Committee on Rules of Procedure and the Sub-Committee on the Election of Judges (of AS/Jur) would continue to be appointed by the political groups according to the d'Hondt system. However, to take account of the new responsibilities of the Committee on Rules of Procedure, the chairpersons of the Assembly's five political groups and of the five largest national delegations (France, Germany, Italy, Russian Federation and United Kingdom) should be nominated as *ex officio* members.

### 6. Next steps

73. The reform of the Assembly is an ambitious project. It also represents a challenge to established thinking, working methods and structures. It is therefore crucial that the members of the Assembly feel that they have, to the greatest extent possible, the "ownership" of the reform proposals. That is the reason why the ad hoc committee has consulted all members of the Assembly, political groups, committees and national delegations over a period of several months in an inclusive process which seems to have been appreciated by all involved. The ad hoc committee would like to thank all those who contributed to this process by making valuable proposals. Once the reform has been agreed by a democratic vote in the Assembly, it will not be the end of the process. Rather, all the main actors of the Assembly will be called upon to implement the changes in the same spirit in which they were drawn up, namely to further the aims and objectives of the Assembly for the common good of all European citizens.

74. Once the Assembly has voted the proposed changes, there will be a subsequent report by the Committee on Rules of Procedure, Immunities and Institutional Affairs embodying the modifications to the Rules of Procedure made necessary by the reform, including transitional arrangements and recurring issues relating to the interpretation of the Rules such as committees' standing mandates and deadlines for the preparation of reports. This should allow the whole reform package to come into force at the opening of the 2012 Session of the Assembly on 23 January 2012.

## **Appendix**

Composition of the ad hoc committee of the Assembly

Group of the European People's Party (EPP/CD)

Mr Mignon (France) Chairperson

Ms Bemelmans-Videc (Netherlands)

Mr Pourgourides (Cyprus)

Socialist Group (SOC)

Mr Gross (Switzerland)

Ms Hurskainen (Finland)

Mr von Sydow (Sweden)

Alliance of Liberals and Democrats for Europe (ALDE)

Mr Holovaty (Ukraine)

Mr Marquet (Monaco)

European Democrat Group (EDG)

Ms Liovochkina (Ukraine)

Mr Walter (United Kingdom)

Group of the Unified European Left (UEL)

Mr Laakso (Finland)

Ex officio

Mr Çavuşoğlu, President of the Assembly

Secretariat

Mr Sawicki, Secretary General of the Assembly

Mr Schade, Director for General Services