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Respect for the rule of law and the fight against corruption within the Council of Europe

Report¹

Committee on Rules of Procedure, Immunities and Institutional Affairs

Rapporteur: Mr Frank SCHWABE, Germany, Socialists, Democrats and Greens Group

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1. Reference to committee: [Doc. 15195](#), Reference 4556 of 25 January 2021.



A. Draft resolution²

1. The Parliamentary Assembly recalls that in the aftermath of the corruption scandal linked to the vote in the Assembly on the Strässer report in 2012 and the observation of the 2013, 2015 and 2016 elections in Azerbaijan, the Assembly set up, in April 2017, the *ad hoc* Independent Investigation Body on the allegations of corruption within the Parliamentary Assembly. Since then, the Assembly has clearer codes of conduct and clearer rules on declarations of interests and gifts, on honorary status and on lobbying.

2. However, the Assembly emphasises that all ethical frameworks need regular reviews to ensure they are fit for purpose to address the latest challenges, expectations and standards. Moreover, it is important that an ethical culture is encouraged to flourish and develop within the Council of Europe, which includes ensuring that the Organisation has adequate – and adequately resourced – enforcement mechanisms to uphold its ethical standards.

3. The Assembly welcomes the Council of Europe Policy on reporting wrongdoing and protection from retaliation (Speak Up Policy), and rule of investigations, operational since 1 January 2023, which applies to the Secretariat and all members of the Council of Europe's organs and bodies, including members of the Assembly, the Congress of Local and Regional Authorities, and the judges at the European Court of Human Rights. This enables whistleblower-type complaints to be made to the Department of Internal Oversight who can undertake an initial consideration, and a preliminary assessment into any wrong-doing contrary to the public interest. An investigation can then follow (whether through the Department of Internal Oversight or the relevant organ's ethics body). The Assembly emphasises the importance of effective enforcement mechanisms in improving behaviours and standards, whilst being aware that only a small number of cases are currently reaching the Department. The Assembly invites all instances of the Council of Europe, including the Secretary General of the Council of Europe, to raise awareness of the availability of the whistleblower contacts within the Speak Up Policy and to create an environment and culture in which reporting alleged wrong-doing is supported and enabled.

4. Acknowledging the need for a bespoke approach for the judiciary, the Assembly welcomes recent steps by the European Court of Human Rights to review and to make more transparent its own procedures and ethical standards, including in relation to recusal. The Assembly encourages the Court to foster the development of an ethical culture and to keep ethical questions under review.

5. The Assembly resolves to review its own ethical standards, procedures and practices on a regular basis, to ensure its standards are exemplary, and its processes reflect best practice, whilst having regard to the importance of the separation of powers and the peculiarities of political life. In its activities, the Assembly will remain vigilant to the risks of political favouritism, exertion of influence and trading of influence within political life and their potential impact on the Assembly and national parliaments. To improve the accessibility and visibility of its codes of conduct and ethical standards, the Assembly will:

5.1. revise the structure of its Rules of procedure to make it more coherent, accessible, and user-friendly, whilst placing the ethical standards up front;

5.2. promote transparency, ethics and anti-corruption on its website and will produce user-friendly info-graphics and guides on ethical standards, including for specific roles.

6. Desiring to consolidate the considerable progress made in relation to declarations of interest, the Assembly decides to have a single, updatable document, published online, containing all declarations of interest relating to a member's various mandates within the Assembly. Declarations of interest will identify how any perceived, potential or actual conflicts of interest will be addressed and will be required for all roles of significance within the Assembly. The Assembly decides to amend the code of conduct for members of the Parliamentary Assembly (set out in [Resolution 1903 \(2012\)](#), as modified, and contained in Appendix II to the Rules of Procedure), in relation to declarations of interest, as follows:

6.1. in order to clarify how to address actual or potential conflicts, to replace paragraph 9 with the following paragraph:

"In their declarations of interest, members should identify any actual or potential conflicts between economic, commercial, financial or other interests on a professional, personal, or family level on the one hand, and the public interest in the work of the Assembly on the other. In doing so, special regard should be paid to that member's particular roles within the Assembly. Once an actual or potential conflict of interest has been identified, members should set out steps that will

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

be taken to avoid that conflict unduly affecting their work in the Assembly (for example by desisting from certain actions or roles). Conflicts of interest should thus be resolved in favour of the public interest and should be disclosed.”;

- 6.2. to replace paragraph 10 with the following paragraph:

“Any member with interests relevant to a debate that are not yet adequately reflected in their written declaration must set them out in an oral declaration when speaking in any proceedings of the Assembly or its committees, or in any relevant communications.”;

- 6.3. whilst generally discouraging the seeking, giving or receiving of gifts, to replace paragraph 15 with the following paragraph:

“Members shall not accept any gifts or benefits whose nature and/or value is not strictly within the bounds of parliamentary protocol or practices regarding hospitality”;

- 6.4. to add, at the end of paragraph 18, the following sentences:

“The declaration shall include a specific entry for every specific role that member has within the Assembly, including President or Vice-President of the Assembly, chairperson or vice-chairperson of committees, sub-committees, networks, platforms and alliances, rapporteur (including general rapporteur or co-rapporteur), chairperson and member of an ad-hoc committee for the observation of elections, member of an ad hoc committee of the Bureau, or a role representing the Assembly or a committee. Such entries shall set out any interests specific to that role and shall identify how any perceived, potential or actual conflicts of interest that might arise would be addressed.”;

- 6.5. in order to reflect that gifts are now recorded in declarations of interest, to add, before the last sentence of paragraph 18, the following sentence:

“Members shall update their declarations of interest, within 30 days, to include any relevant new information, including any gifts or similar benefits (such as travel expenses, accommodation, subsistence, meals, or entertainment expenses) of a value in excess of €200 that they accept in the performance of their duties as Assembly members.”;

- 6.6. in order to encourage the submission of annual declarations of interests, to add, after paragraph 18, the following three paragraphs:

“Any member who has not submitted an annual declaration of interests for the relevant year shall not be entitled to apply for, be granted, or to continue to hold, any specific office within the Assembly including President or Vice-President of the Assembly, chairperson or vice-chairperson of a committee, sub-committee, network, platform or alliance, rapporteur (including general rapporteur or co-rapporteur), member of an ad-hoc committee for the observation of elections, member of an ad hoc committee of the Bureau, or a role representing the Assembly or a committee. In case of the late submission of a declaration, this prohibition shall cease two months after the submission of that member’s declaration for that year.

If intervening in a debate, a member who has not submitted an annual declaration of interests for the relevant year must start their intervention with an oral declaration of interests.

Upon the second consecutive year of a failure to submit a declaration of interests by a given member, the President shall write to the Speaker of the relevant parliament highlighting the continued absence of a declaration of interests for that member, and asking the Speaker to consider (in accordance with national procedures and in consultation with the competent persons) whether that member is suitable to remain a member of the national delegation given the continued failure to provide a declaration of interests.”

7. The Assembly consequently decides to modify other provisions of its rules of procedure as follows:

- 7.1. in order to apply similar standards to those for rapporteurs in paragraph 1 of the code of conduct for rapporteurs of the Parliamentary Assembly (as set out in [Resolution 1799 \(2011\)](#), as modified, and contained in Appendix III of the Rules of Procedure), to members with similarly significant mandates within the Assembly, add, after paragraph 18, the following paragraphs:

“Rules of conduct for the President and Vice-Presidents of the Assembly, the chairpersons and vice-chairpersons of committees, sub-committees, networks, platforms and alliances and the chairpersons of political groups:

- principle of neutrality, impartiality and objectivity, including in particular:

- obligation to declare any economic, commercial, financial or other interests, on a professional, personal or family level, connected with the work of the Assembly, committee, sub-committee, network; platform, alliance or political group, as the case may be;
- undertaking not to seek or accept instructions from any government or governmental or non-governmental organisation, or pressure group or individual;
- undertaking not to accept any reward, honorary distinction, decoration, favour, substantial gift or remuneration from a government or governmental or non-governmental organisation, a pressure group or an individual in connection with activities carried out in the exercise of their duties;
- obligation of discretion, in particular the undertaking not to make personal use of information acquired in the course of their duties;
- undertaking of availability, in particular undertaking to attend Assembly sessions, Standing Committee meetings, and meetings of committees, sub-committees, network, platforms and alliances, in connection with their duties;
- undertaking to respect the values of the Council of Europe.”.

7.2. at the end of paragraph 1.1.1 of the code of conduct for rapporteurs of the Parliamentary Assembly, add the following sentence:

“Such a declaration shall be in writing and shall be made public by being added to the existing annual declaration of interests for that member.”;

7.3. replace paragraph 20 of the Guidelines on the Observation of Elections by the Parliamentary Assembly (adopted by the Bureau of the Assembly and set out in Appendix XIV to the Rules of Procedure) with the following paragraph:

“All candidates for membership of an ad hoc committee, at the time of putting forward their candidacy, shall make a written declaration of interests in connection with the country concerned by an election observation; this declaration shall be added to their declaration of interests published on the Assembly website. In that addition to their declaration of interests, members should identify any actual or potential conflicts between any actual or potential economic, commercial, financial or other interests on a professional, personal or relational level on the one hand, and the public interest in the work of the ad hoc committee for observing those elections. “Relational” includes direct and indirect family relations as well as people with whom they are in regular contact. Once an actual or potential conflict of interest has been identified, members should set out steps that will be taken to avoid that conflict unduly affecting their work in that role (for example desisting from certain actions or roles). Political groups should not submit the candidatures of members with noteworthy conflicts of interest in respect of a particular country.”;

7.4. incorporate the code of conduct for rapporteurs of the Parliamentary Assembly into the code of conduct for members of the Parliamentary Assembly, adding it after the final paragraph of the code of conduct for members;

7.5. in order to strengthen the test to be applied to the President and Vice-Presidents to include untruthful declarations or failing to declare relevant interests, so as to align it with that for rapporteurs as set out in Appendix III, paragraph 4, in Rule 54.1 replace the words “no longer fulfils the conditions required for the exercise of that office or is guilty of serious misconduct by seriously or repeatedly violating the provisions of the code of conduct for members of the Parliamentary Assembly” with the following words:

“no longer fulfils the conditions required for the exercise of that office, or if he or she fails to honour one or more undertaking in the code of conduct for members of the Parliamentary Assembly, including if he or she failed to declare any relevant interests or made an untruthful declaration, or if he or she is guilty of serious misconduct by seriously or repeatedly violating the provisions of the code of conduct for members of the Parliamentary Assembly”;

7.6. in order to strengthen the test to be applied to the chairpersons and vice-chairpersons of committees to include untruthful declarations or failing to declare relevant interests, so as to align it with that for rapporteurs as set out in Appendix III, paragraph 4; and in order to apply the same standards to the chairpersons and vice-chairpersons of sub-committees, networks, platforms and alliances, modify Rule 55 as follows:

7.6.1. at the end of the title, add the following words:

“, sub-committees, networks, platforms and alliances”

7.6.2. in Rule 55.1, replace the words *“no longer fulfils the conditions required for the exercise of that office or is guilty of serious misconduct by seriously or repeatedly violating the provisions of the code of conduct for members of the Parliamentary Assembly”* with the following words:

“no longer fulfils the conditions required for the exercise of that office, or if he or she fails to honour one or more undertaking in the code of conduct for members of the Parliamentary Assembly, including if he or she failed to declare any relevant interests or made an untruthful declaration, or if he or she is guilty of serious misconduct by seriously or repeatedly violating the provisions of the code of conduct for members of the Parliamentary Assembly”;

7.6.3. after Rule 55.6, add the following paragraph:

“References, in this paragraph, to committee include sub-committee, network, platform and alliance.”.

8. In order to improve transparency and to better emphasise the obligations on rapporteurs, the code of conduct for rapporteurs of the Parliamentary Assembly is amended as follows:

8.1. after paragraph 1.5, to add the following paragraph:

“Obligation on rapporteurs to sign an undertaking, when updating their declaration of interests, to abide by the obligations of neutrality, impartiality, objectivity, discretion and availability as part of that role”

8.2. to replace paragraph 3 with the following paragraph:

“The rapporteur should, unless there are good reasons for not doing so, publish the list of individuals, experts and representatives of governmental or non-governmental organisations consulted, met or received in the process of drafting the report.”.

9. Reiterating the importance of effective enforcement mechanisms in improving behaviours and standards, the Assembly decides to amend the code of conduct for members of the Parliamentary Assembly to better highlight reporting options and to indicate some types of expertise that can be used in an investigation, as follows:

9.1. after paragraph 20, to add the following paragraph:

“Concerns about wrong-doing affecting the public interest, including breaches of the Assembly’s codes of conduct, or inaccurate declarations of interest, can be reported to the President of the Assembly or the Committee on Rules of Procedure, Immunities and Institutional Affairs.” The Assembly website should be similarly updated to highlight relevant reporting options.

9.2. at the end of paragraph 22, to add the following sentence:

“The Committee on Rules of Procedure, Immunities and Institutional Affairs may avail itself of the expertise of internal and national experts to assist in such an investigation.”;

9.3. after paragraph 25, to add the following paragraph:

“Where the committee decides to open an investigation, it may refer the matter to the Conduct Investigation Panel of the Parliamentary Assembly to gather evidence and to establish the facts on its behalf. The Conduct Investigation Panel of the Parliamentary Assembly is composed of seven former judges of the European Court of Human Rights, and supported by a secretariat composed of Council of Europe staff members. For each referral, three of those former judges will serve as the panel for that matter. The provisions of paragraph 23 and 24 above apply to the Conduct Investigation Panel of the Parliamentary Assembly, as if it were the committee. Any final determination shall remain for the committee itself.”.

10. The Assembly will develop an improved checking mechanism for declarations of interest by its members:

10.1. the Secretariat would undertake initial checks of declarations of interest to raise any potential obvious omissions of potential conflicts with the member concerned;

10.2. this mechanism should focus, as a priority, on checks in relation to those members who have specific offices within the Assembly (the President, the Vice Presidents of the Assembly, chairpersons and vice-chairpersons of committees, sub-committees, networks, platforms and alliances, chairpersons of political groups, rapporteurs, co-rapporteurs, and members of *ad hoc* election observation committees);

10.3. appropriate additional resources should be placed at the disposal of the Secretariat to the Assembly in order to facilitate this checking mechanism;

10.4. the Secretariat should produce an annual information note, for the attention of the Committee on Rules of Procedure, Immunities and Institutional Affairs, on its progress in this work checking the declarations of interest of the Assembly members. The President of the Assembly should also receive a copy.

11. In order to address concerns in respect of conduct by members who have left the Assembly, the following amendments are made to the code of conduct for members of the Parliamentary Assembly:

11.1. after paragraph 28, add the following two paragraphs:

"In respect of a member who has left the Assembly, where allegations arise of significant breaches of the rules of conduct, or conduct likely to bring the Assembly into disrepute through association with that former member, the Committee on Rules of Procedure, Immunities and Institutional Affairs may examine alleged breaches of the conduct of conduct as for current members.

Where a member leaves the Assembly following allegations of serious or repetitive breaches of the rules of conduct, the President of the Assembly or the President of the Committee on Rules of Procedure, Immunities and Institutional Affairs, should send information concerning those concerns to the Speaker of the relevant national Assembly, inviting them to consider taking appropriate action pursuant to their own ethical standards and enforcement mechanisms and to keep the President and the Committee on Rules of Procedure, Immunities and Institutional Affairs informed."

11.2. after paragraph 29, add the following paragraph:

"In cases of serious or repetitive breaches of the rules of conduct by a former member, or of conduct by that member likely to bring the Assembly into disrepute through association with that former member, the Committee on Rules of Procedure, Immunities and Institutional Affairs may remove that former member's honorary status and may ban the former member from attending the Council of Europe's premises."

12. Recalling concerns that members could seek to avoid investigations by leaving the Assembly and rejoining, the Assembly notes that sanctions under paragraph 29 of the code of conduct for members of the Parliamentary Assembly could be also taken in relation to previous serious or repetitive breaches, where a member rejoins the Assembly.

13. Recognising the unique pressures on election observation missions, the Assembly:

13.1. welcomes its new Network on Election Observers and encourages it to undertake work to further strengthen ethical standards related to election observation missions, including the issue of suitability of appointments to an *ad hoc* committee for election observation, declarations of interest, impartial conduct during an election observation mission (including by declining any individual gift or bilateral invitation by hosting authorities, making public statements and the overall attitude of members during the mission), and the enforcement of the rules;

13.2. acknowledging the potential for unofficial election observation missions to damage the reputation of the Assembly and the viability of election observation in general, and noting the need for clarity as to the criteria for appointment, decides to replace paragraph 13 of the Guidelines on the Observation of Elections by the Parliamentary Assembly with the following text:

“In making appointments to an ad hoc committee for election observation, political groups must exercise due diligence, ensuring appropriate, impartial and skilled members for such missions. In particular, political groups must respect:

- the principle of gender balance having regard to gender membership of their respective groups;*
- the principle of fair geographical representation;*
- the need for the candidate to participate meaningfully in the work of the mission, having regard to the candidate's linguistic capability, given that, in situ, interpretation is only provided to and from English or French;*
- the prohibition on members observing elections in their own country;*
- the prohibition on appointing members who took part in non-official missions conducted for the purposes of observing elections or in connection with elections in the country concerned and which were sponsored by or undertaken at the invitation of a State, a parliamentary, governmental or non-governmental organisation, association, foundation or any other natural or legal person, which includes any mission that would contradict with the 2005 Declaration of Principles for International Election Observation, including the principle of impartiality.”*

14. Acknowledging that political groups have an important and powerful role within the work of the Assembly, the Assembly:

14.1. encourages consideration as to whether ethical standards should be developed for political groups;

14.2. calls on political groups to act to ensure improved transparency of their expenditures;

14.3. calls on political groups to have regard to the reputation of the Assembly in their work and to exercise due diligence in their decisions to nominate members to committees, as well as in proposing or supporting candidates for significant roles within the Assembly, including as President of the Assembly or chairperson or vice-chairperson of committees;

14.4. after paragraph 7 of [Resolution 1115 \(1997\)](#), as modified, set out in Appendix IX to the Rules of Procedure – Honouring of Obligations and commitments by member States of the Council of Europe, decides to insert the following paragraph:

“Political groups must exercise due diligence in their decision to nominate members to the Monitoring Committee, as well as in proposing or supporting candidates as a co-rapporteur, noting the importance of ensuring appropriate, impartial and skilled co-rapporteurs.”

15. The Assembly decides to instruct the Bureau to review the special rules on honorary status, and, in order to improve transparency, decides to publish on its website a list of those with honorary status. The Assembly emphasises that it should be possible to remove honorary status due to disreputable conduct that could impact upon the reputation of the Assembly.

16. Conscious that links between parliamentarians and lobbyists require clear ethical guidance, the Assembly will develop a code of conduct for lobbyists at the Assembly, taking account of the work on the framework of principles for lobbyists to the Council of Europe.

17. Given the well-known potential for conflict with the work of the Assembly for members acting in a consultancy role, the Assembly decides to replace paragraph 11 of the code of conduct for members of the Parliamentary Assembly with the following sentence:

“No member shall act as a paid advocate or consultant in any work relating to activities of the Assembly.”

18. In order to better reflect the importance of ethical standards in the work of the Committee on Rules of Procedure, Immunities and Institutional Affairs, the Assembly decides to change the name of the committee, as follows:

Committee on Rules, Ethics and Immunities.

19. The amendments to the Rules of Procedure contained in paragraphs 6.4, 7.2, 7.3 and 8.1 to this Resolution, which require the establishment of a single consolidated declaration of interests, shall enter into force on 1 January 2026. All the other amendments to the Rules of Procedure set out in this Resolution shall enter into force upon its adoption.

B. Draft recommendation³

1. The Parliamentary Assembly, recalling that all ethical frameworks need regular reviews to ensure they are fit for purpose to address the latest challenges, expectations and standards, invites the Committee of Ministers to:

1.1. review their ethical standards and associated enforcement mechanisms regularly and, as necessary, to update these standards and mechanisms so they remain fit for purpose and able to withstand the latest challenges, and to call on all bodies of the Council of Europe to do likewise;

1.2. call on all national institutions of the member States of the Council of Europe, to review their ethical standards and associated enforcement mechanisms regularly and, as necessary, to update these standards and mechanisms so they remain fit for purpose and able to withstand the latest challenges.

2. The Assembly notes the crucial role that member States play in relation to ethical standards and anti-corruption practices, including in their interactions within the instances of the Council of Europe. It therefore calls on the Committee on Ministers to initiate a reflection on ethics and values in the working of the Organisation, with the aim of promoting the development of a common understanding around ethical values and standards.

3. Draft recommendation adopted unanimously by the committee on 19 March 2025.

C. Explanatory memorandum by Mr Frank Schwabe, rapporteur

1. Introduction

1. In 2017 a scandal involving Azerbaijan's influence within the Council of Europe, particularly its Parliamentary Assembly, the 'Laundromat' scandal, erupted following a series of publications about a complex money-laundering scheme organised by Azerbaijan and Azerbaijani politicians. Significant media interest followed this investigation, in which the integrity and credibility of the Assembly and the Council of Europe were questioned. The corruption scandal notably concerned the voting in the Assembly on the 2012 report of Mr Christoph Strässer (Germany, SOC) entitled "The follow-up to the issue of political prisoners in Azerbaijan" (Assembly Doc. 13079), as well as conduct in election observation missions and related monitoring concerning the 2013, 2015 and 2016 elections in Azerbaijan. This scandal raised serious concerns about the integrity of the Assembly, and Azerbaijan's influence within the Council of Europe.

2. Some reports⁴ highlighted the behaviour of several Assembly members. Some Assembly members, such as Luca Volontè, have been convicted and sentenced in criminal courts for accepting "bribes from Azerbaijani politicians to help mute Europe's criticism of Baku's human rights record".⁵ Other criminal proceedings are still ongoing with trials currently being held in Germany against two former members of the Assembly, Axel Fischer and Eduard Lintner, for allegedly receiving bribes from Azerbaijan in exchange for voting in favour of Azerbaijan in the Assembly.⁶ It is less clear that there were any significant criminal investigations, prosecution or action undertaken against those Azerbaijani nationals or parliamentarians responsible for organising and offering bribes – and indeed this lack of accountability is one of the limitations in tackling corruption especially in cases involving State-sponsored corruption.

3. This scandal led to the creation, in May 2017, of the Independent investigation body on the allegations of corruption within the Parliamentary Assembly (IBAC). The investigation body was an *ad hoc* panel established by the Bureau of the Assembly, tasked with carrying out a detailed independent inquiry into these allegations and to examine the practical functioning of the Assembly in its various activities and its decision-making mechanisms. It performed its activities from May 2017 to April 2018 and ceased to exist after the publication of the final report.⁷

4. The exposure of "caviar diplomacy" and the subsequent IBAC report led to significant repercussions. The Assembly's ethical framework was consolidated as a result.⁸ Within the Assembly, we now have clearer codes of conduct, clearer rules on declarations of interest and gifts, on honorary association and on lobbying. Sanctions were imposed on implicated Assembly members and former members, while the Council of Europe strengthened its ethical framework. Some individuals working for Azerbaijani lobby organisations were permanently banned from the Council of Europe, and judicial processes were initiated against accused politicians.

5. Nevertheless, the scandal made it clear that the Assembly and the Council of Europe are not immune to corrupt practice. It is essential that all ethical frameworks are regularly reviewed to ensure that they remain fit for purpose and are adapted as necessary to meet today's challenges, expectations and standards. This is the fundamental purpose and significance of this report.

6. In this explanatory memorandum,⁹ I set out developments within the Council of Europe since the corruption scandal which led to the 2017 IBAC report (chapter 2); and consider mechanisms that could serve as sources of inspiration for complementing the existing Council of Europe mechanisms (chapter 3). Finally, I set out my ideas and conclusions for better promoting ethical standards within the Council of Europe and specifically the Assembly (chapters 4 and 5).

4. The European Stability Initiative (ESI), a Berlin-based think-tank published [a report](#) in 2012 and [a report](#) in 2016.

5. Organised Crime and Corruption Reporting Project, "[Italian Court Sentences former Council of Europe MP for bribery](#)".

6. Organised Crime and Corruption Reporting Project, "[Germany indicts two ex-MPs for bribery](#)"; [Tagesspiegel reporting](#).

7. A panel of three members selected by the Bureau of the Assembly with an administrative support provided by the Secretariat of the European Court of Human Rights. Its initial budget was 120 000 € which was subsequently increased and covered per-diems and travel expenses for the three IBAC members to Strasbourg. The Secretariat (two people) was made available by the Council of Europe. The final report by IBAC is published at: [link](#).

8. AS/Pro (2019) 11.

9. Information on national parliamentary systems was collated following a questionnaire sent via the European Centre for Parliamentary Research and Documentation. The committee held a number of hearings with the participation of Ms Liliane Maury Pasquier, former President of the Parliamentary Assembly; Sir Nicholas Bratza, former President of the European Court of Human Rights and a member of the IBAC (Independent Investigation Body into Allegations of

2. Developments within the Council of Europe since 2017

2.1. Developments and current ethical safeguard within the Assembly

2.1.1. Transparency and potential conflicts of interest: declarations of interest and gifts

7. In line with recommendations made by the Group of States against Corruption (GRECO) and the IBAC, the Assembly introduced a system of annual declarations of interests and gifts.¹⁰ These declarations have been published online since 2020. The annual declarations require the annual registration of, *inter alia*, all members' activities, income, participation in associations and friendship groups, gifts and trips which could be considered as being relevant to members' functions within the Assembly. The purpose of the declaration system is to improve transparency and to help in identifying any actual, potential or perceived conflicts of interest for members, which may need to be addressed, especially for members undertaking specific roles, for example within election observation missions or rapporteurships. In 2018, the Committee on Rules of Procedure, Immunities and Institutional Affairs (Rules Committee) considered that transparency and public scrutiny were the best tools for the enforcement of the declaration system. The declarations, as well as their updates, can be consulted on each member profile on the Assembly's website.

8. In addition, the list of members who have not submitted their declaration of interests is published on the website.¹¹ These members are automatically deprived of the right to be appointed as a rapporteur, to act as a committee rapporteur, or to be a member of an *ad hoc* election observation committee during that session.

2.1.2. Addressing potential conflicts of interest of a rapporteur

9. In accordance with the code of conduct for rapporteurs of the Parliamentary Assembly (Appendix III to the Rules of Procedure), rapporteurs (which includes general rapporteurs and co-rapporteurs in the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe ("Monitoring Committee")) have an "obligation to declare any economic, commercial, financial or other interests, on a professional, personal or family level, connected with the subject of the report".¹² The associated footnote specifies that this declaration is to be made "at the time of appointment in committee" and "shall be recorded in the minutes of the meeting". While declaring relevant interests and potential conflicts is crucial, the current oral declaration process in committees can be cumbersome. It may inconvenience potential rapporteurs and delay appointments, hindering Assembly business. Consideration should be given to implementing a written declaration system, which could improve both efficiency and clarity in the process.

10. An alleged conflict of interest of a rapporteur is analysed by the committee concerned, according to the code of conduct for rapporteurs of the Parliamentary Assembly, which is *lex specialis*.¹³ Concerning a potential conflict of interest of a rapporteur, the current practice enables the relevant committee to consider the case following a motivated request of only one committee member. Such challenges have arisen, for example, concerning a rapporteur who had professional expertise in the subject area relevant to the report. The Committee for Social Affairs, Health and Sustainable Development, concluded that the rapporteur did not have a conflict of interest, and moreover had properly orally declared her interests, but noted that this declaration of interests had not been fully recorded in the minutes of the relevant meeting. This demonstrates the importance of the clarity of the declaration, and of providing an opportunity for clarifying any perceived or potential conflicts.

Corruption in the Parliamentary Assembly (IBAC)); Mr Gerald Knaus, Head of the ESI in Berlin; Ms Kathryn Stone OBE, Parliamentary Commissioner for Standards in the House of Commons, London; Ms Aurélie de Tonnac, Deputy to the Legal and Ethics Director of the High Authority for Transparency in Public Life (HATVP), Paris; Mr Bjorn Berge, Deputy Secretary General of the Council of Europe; Mr Marin Mrčela, President of the Group of States against Corruption (GRECO); Mr Bjorn Janson, Ethics Officer of the Council of Europe; Mr Colin Wall, Director of Internal Oversight of the Council of Europe; Ms Teresa Pereira, Advisory Committee on Conduct of Members of the European Parliament; and Mr Robert Stryck, Director of Internal Oversight, Council of Europe. The Rules Committee also heard from Ms Louise Bréhier, the Secretary General of the HATVP; Mr Jean-Eric Gicquel, the Commissioner for Ethical Standards of the French National Assembly; and Ms Estelle Martin, Ethics Officer of the Council of Europe.

10. [Resolution 2182 \(2017\)](#) «Follow-up to [Resolution 1903 \(2012\)](#): promoting and strengthening transparency, accountability and integrity of Parliamentary Assembly members».

11. See the [list](#) for 2024. See also the requirements in the Code of Conduct for rapporteurs (paragraphs 1.1.1 and 4) and the provisions relating to the Observation of Elections by the Parliamentary Assembly (Appendix XIV, notably paragraph 20).

12. Rule 1.1.1 of the Code of conduct for rapporteurs of the Parliamentary Assembly.

13. *Ibid.*, Rule 4.

2.1.3. Investigating and determining alleged breaches of the code of conduct

11. The implementation of the code of conduct is the responsibility of the President of the Assembly, the Rules Committee, and the Assembly (paragraph 19). There is specific provision for matters relating to Council of Europe procedures concerning sexism, harassment and sexual violence and misconduct, the Rules Committee retains final decision-making authority in such cases (paragraph 20).

12. To reinforce peer review, the code of conduct includes a procedure requiring the Rules Committee to examine an allegation of a breach of the code of conduct (which would include a failure to register a gift or interest or having a conflict of interest. Such action is either at the request of the President of the Assembly, or at least 20 members of the Assembly representing at least 5 national delegations, or following a motion of the Rules Committee. The procedure requires the Rules Committee to meet *in camera*, to act with due respect for confidentiality. The code of conduct contains specific provisions for the cases where the committee decides to open an investigation, including for the committee to hear from the member concerned as well as any witnesses; and in relation to the right of the member to be kept informed, to be provided with certain information and to be given an opportunity to comment. It also references evidence gathered during the investigation but is silent as to the methods used to collect that evidence.¹⁴ Finally, it requires members to co-operate with the committee at all stages of the investigation and to disclose any information or documents required (paragraph 24).

13. Since the Laundromat scandal, the Rules Committee has made one decision in a code of conduct case. This followed a complaint submitted directly by Assembly members which had two parts. The first concerned the non-submission by an Assembly member of her yearly declarations for four years in a row.¹⁵ The committee decided this was a minor breach and decided to notify the Speaker of the Maltese Parliament (the member, Rosianne Cutajar, having subsequently left the Assembly). There was also a related complaint where the same member failed to make an oral declaration when speaking in a debate on “Daphne Caruana Galizia’s assassination and the rule of law in Malta and beyond”. There were reports of her purportedly having received money as part of a property deal with a man (Mr. Fenech) who was alleged to be involved in the murder of Daphne Caruana Galizia and who was mentioned in connection with companies referred to in the draft resolution and explanatory report under debate. This was considered by the committee to constitute a serious breach of the rules set out in the code of conduct. However, potential sanctions were limited given that Ms Cutajar had since left the Assembly and the committee therefore proposed to consider further what action was possible where a member leaves the Assembly before the finding of a violation of the code of conduct.¹⁶

2.1.4. Completing and strengthening the sanction system

14. A system of sanctions, as an important component of a successful integrity framework, was included in the first version of the code of conduct adopted in 2012, alongside an investigation procedure, however the entire sanction mechanism was the sole responsibility of the President of the Assembly.

15. [Resolution 2182 \(2017\)](#) on “Follow-up to [Resolution 1903 \(2012\)](#): promoting and strengthening transparency, accountability and integrity of Parliamentary Assembly members” reviewed and amended the oversight procedure. The code of conduct now distinguishes between a minor violation, which is not necessarily made public (paragraph 26), and a serious breach, which would require a report (paragraph 27), with a list of sanctions in paragraph 29 of the code of conduct in cases of “serious or repetitive breaches”.¹⁷ This distinction was introduced to assess the level of the damage caused to the Assembly, as an institution, including through the misuse of membership of the Assembly for personal profit. A minor violation is understood as a negligent violation, when a person has acted in good faith, and when the violation can be easily rectified. A serious breach would imply a deliberate violation or negligent violations on different occasions. The committee considered that each qualification (minor or serious), needed to be made taking into account the circumstances of the individual case. The only case considered since the Laundromat/IBAC-

14. Paragraphs 22 and 23 of the code of conduct.

15. [Decision to publish the report on Ms Cutajar](#).

16. AS/Pro (2022) 06.

17. The list of sanctions in case of serious or repetitive breaches is: (1) temporary deprivation of the right to speak and to be enrolled on the list of speakers; (2) temporary deprivation of the right to sign an amendment, a motion for a resolution or recommendation or a written declaration; (3) temporary deprivation of the right to address questions to the Committee of Ministers; (4) temporary deprivation of the right to be appointed rapporteur or temporary ban on acting as a committee rapporteur; (5) temporary ban on being a member of an ad hoc election observation committee; (6) temporary deprivation of the right to stand as a candidate for President of the Assembly or chairperson or vice-chairperson of a committee or sub-committee; and (7) temporary deprivation of the right of institutional representation of the Assembly and its committees.

related investigations, related to Rosianne Cutajar (see paragraph 13 above), which highlighted the weakness of available sanctions where a member leaves the Assembly following the allegations and the start of an investigation.

2.2. Recent developments by the European Court of Human Rights

16. There have been recent steps taken by the European Court of Human Rights to review and to make more transparent its own procedures and ethical standards, including in relation to recusal. In 2021, the Court adopted an updated resolution on judicial ethics.¹⁸ This text, which applies to serving members of the Court as well as, where relevant, former and *ad hoc* judges, sets down a series of principles that judges should observe. It also deals with specific situations, such as additional activities and the acceptance of decorations and honours. By articulating the principles that underlie the criteria for judicial office set forth in Article 21 of the European Convention on Human Rights (ETS No. 5) and in the relevant provisions of the Rules of Court, the intention is to bring more transparency to the obligations inherent in judicial office, thereby enhancing public confidence in the Court.

17. In January 2024 the Court published a new version of the [Rules of Court](#), which incorporate recent changes to Rule 28 on the recusal of judges.¹⁹ Rule 28 ensures the rigorous implementation of the principle of judicial impartiality, which is crucial for upholding the rule of law, protecting human rights, and ensuring the good administration of justice. The updated rule reiterates the reasons for which a judge cannot sit in a particular case and strengthens the core procedural framework for the recusal of judges by codifying the existing practice according to which the parties to the proceedings may request the recusal of a judge. The updated rule is accompanied by a Practice Direction issued by the President of the Court on 22 January 2024.²⁰

2.3. Strengthened ethical standards and mechanisms within the Council of Europe

2.3.1. The Council of Europe ethical framework and policies

18. In 2017, the Secretary General commissioned a review of the ethical framework of the whole Organisation. The new Staff Regulations came into force on 1 January 2023 and were last amended on 1 September 2024.²¹ They include a duty for staff members to avoid unlawful or unethical behaviour, and set up a reporting system in cases where a staff member considers that instructions given to them are unethical. Staff members are also explicitly required not to seek or accept instructions from any government, authority, non-governmental organisation or other third party in the performance of their duties; or to accept any honour, decoration, favour, gift or remuneration from any government, or from any other source external to the Organisation, if such acceptance is incompatible with their status as an international civil servant. There is also a new code of conduct for staff members which sets out the standards of behaviour expected of all staff; a policy on respect and dignity to prevent and combat harassment and other disrespectful behaviour; a Speak Up Policy introducing procedures to report wrongdoing and ensure protection from retaliation; and a social media policy.²² A further policy on diversity is being developed.

2.3.2. The Ethics Officer of the Council of Europe

19. The Ethics Officer was established on 1 April 2019, in the follow-up to the IBAC report, to provide an independent focal point on ethics-related matters to the Council Secretariat and other persons participating in the activities of the Council of Europe. The Ethics Officer is responsible for (1) providing advice and guidance in relation to ethical risks mapped in the code of conduct for staff, (2) monitoring the effectiveness of the Organisation's ethics framework and recommending enhancements, (3) promoting the Organisation's ethics standards through awareness raising initiatives and training, (4) co-ordinating ethics-related activities in the Council of Europe.²³ The Ethics Officer can also provide advice and guidance in relation to ethical risks for members of the Assembly, members of Congress of Local and Regional Authorities and judges at the European Court of Human Rights.

18. [Resolution on judicial ethics](#).

19. [Rules of the Court](#).

20. [Practice direction on the recusal of judges](#); [Press release regarding the update of Rules on recusal of judges](#) (22 January 2024).

21. [Staff regulations](#).

22. [Staff code of conduct](#); [Policy on Respect and Dignity](#); [Speak Up Policy](#); [Social Media Policy](#).

23. [Mandate of the Ethics Officer of the Council of Europe](#).

20. The Ethics Officer reports annually to the Secretary General and the Committee of Ministers via a publicly available annual report.²⁴ The work of the Ethics Officer provides some assurance of standards, with the role focusing on overseeing ethical practices and risks, guiding staff and management, and monitoring effective implementation, to support the Council of Europe's governance framework. The Ethics Officer does not conduct audits or investigations into wrongdoing – responsibilities assigned to Directorate of Internal Oversight – but may follow up on recommendations issued in such contexts.

21. Certain staff members of the Council of Europe are required to make declarations of interest. All members of the Assembly Secretariat do so as a matter of internal policy. The Internal Control department within the Directorate General of Administration (DGA) collects these and ensures that they are completed. The approach taken is risk-based, having regard to an individual's role (with a current focus on procurement, grant award and senior roles). The Ethics Officer reviews declarations of interest made by staff members, principally focussing on how best to resolve any declared perceived, potential or actual conflicts of interest.

22. In looking to improve the ethical framework of the Assembly, I consider that the Secretariat and the Rules Committee could usefully consult with the Ethics Officer on any refresh of the declarations of interest form and any guidance on conflicts of interest – including those that may result from this report.

2.3.3. The Directorate of Internal Oversight

23. The Directorate of Internal Oversight (DIO) provides independent oversight through internal audit, evaluation and investigation to support the effective management of resources of the Organisation and to promote a culture of accountability, transparency and organisational learning.

24. The DIO's Investigation Unit, which was created in 2016, is responsible for carrying out preliminary assessments and investigations into allegation and indications of wrongdoing (defined as action contrary to the public interest, and including allegations of fraud, corruption, improper conduct, retaliation, breaches of the codes of conduct and the protection of the Organisation's reputation and interests). A new Charter for the DIO was approved and published in July 2022 to reinforce the DIO's independence and mandate, including in terms of investigations. The rule of investigations and Speak Up Policy (both of which entered into force on 1 January 2023) further developed the legal framework of the DIO, notably to centralise investigations within an independent service with a special status, and to encourage the reporting of allegations (Speak Up Policy).²⁵ There are three stages to an investigation by the DIO – initial consideration (to decide whether to look into an allegation of wrongdoing), preliminary assessment (evidence gathering, including interviewing witnesses) and investigation (once a suspect is named and then interviewed). The evidential threshold for a finding of wrongdoing is "clear and convincing evidence".

25. Importantly, according to the Council of Europe's Speak Up Policy, whistleblower-type complaints can be made to the DIO in respect of members of the Secretariat and all members of Council of Europe organs and bodies, thus including members of the Assembly, of the Congress of Local and Regional Authorities and the judges at the European Court of Human Rights. In relation to judges at the Court, members of the Assembly and members of Congress, the DIO would only undertake an initial consideration and preliminary assessment. Were the preliminary assessment to suggest the need for further action, this would then be referred for further action to the relevant ethics and standards body and/or national or other competent authorities. In the case of the Assembly this is the Committee on Rules of Procedure, Immunities and Institutional Affairs, although there has yet to be a clear articulation of how the DIO's new role would interrelate with the Assembly's existing procedure set out in the Assembly's code of conduct.

26. The DIO also acts upon harassment complaints involving the Secretary General, the Deputy Secretary General, the Director of Administration or the Director of Human Resources. The evidential threshold for a finding of harassment is "preponderance of evidence" – namely more likely than not. Currently all other harassment complaints are dealt with by the Directorate of human resources. However, following external recommendations, responsibility for undertaking the fact-finding element of harassment cases will move to the DIO by the end of 2025.

27. To an extent, the call, in the motion for resolution, for a new "anti-corruption unit", within the Council of Europe, to "allow for timely and efficient investigations in cases of serious allegations of corruption in all part of the Organisation" can be largely met through the establishment and consolidation of the Investigation Unit of the DIO.²⁶ The Assembly should welcome the Council of Europe's Speak Up Policy, and rule of

24. [Annual Report 2023](#).

25. [Rule on investigations; Speak Up Policy](#).

26. [Doc. 15195](#) "Respect for the rule of law and fight against corruption within the Council of Europe".

investigations, and the increasing role and independence for the Investigations Unit of the DIO to look into allegations of wrong-doing, such as corruption, in respect of all actors within the Council of Europe. Still, more needs to be done to encourage a culture where reporting wrongdoing is encouraged, and protected.

28. Finally, I think that further consideration is needed as to how the code of conduct procedure for the Assembly would interrelate with the role of the DIO following the Speak Up Policy. The improved role for the DIO in improving standards within the Council of Europe is very welcome. However, as I set out in Chapter 4, it can be unusual for parliamentarians to be subject to investigations from a body outside of their parliamentary Assembly without clarity as to the parliament/assembly's role in relation to that procedure. Paragraph 20 of the Assembly's code of conduct covers the procedure under the anti-harassment policy, but it is not clear that this extends more generally to the Speak Up Policy which has a much wider remit and could seemingly be relevant to any case under the code of conduct. The Assembly (as for national parliaments) has bespoke procedures to initiate, investigate and determine allegations of breaches of the code of conduct. Careful consideration may therefore be needed to examine the inter-relationship between the Speak Up Policy, the status of parliamentarians and the Assembly's own rules, procedures and mandate. One option could be for the Rules Committee to refer investigations to the DIO for fact-finding, which is an option that the Rules Committee has explored in the elaboration of this report. Another option would be for fact-finding to be undertaken by a body under the responsibility of the Assembly (see the considerations and proposals set out in paragraphs 80-86 of this memorandum).

2.4. Member State representatives and guidelines to member States

29. It is imperative that all Council of Europe bodies and organs, as well as national institutions, review their ethical standards and associated enforcement mechanisms on a regular basis and update these standards and mechanisms to be fit for the modern purposes and to be able to withstand the latest challenges.

30. In 2020, the Committee of Ministers adopted the Guidelines on public ethics, addressed to member States.²⁷ The guidelines emphasise the relevant standards relating to public ethics, and include specific ethical standards in relation to transparency, accountability, employment and the use of information. They set out clear expectations in relation to codes of conduct for public institutions and the need for clear mechanisms and procedures to investigate and address possible breaches of ethical standards.

31. To my knowledge, however, no specific provisions on conflict of interest exist for staff of diplomatic missions or intergovernmental experts. Applying ethical standards to those representing their governments in the Committee of Ministers and its working groups requires a more bespoke approach given the different national standards. I therefore suggest that the Assembly call on the Committee of Ministers to initiate a reflection on the ethics and values in the working of the Organisation and especially amongst representatives to the Committee of Ministers and its instances, with the aim of raising awareness of ethics and values within the Organisation and of promoting the development of a common understanding around ethical values and standards.

3. Mechanisms for monitoring parliamentary integrity at the European Parliament: Advisory Committee on Conduct of Members

32. The European Parliament (EP) first introduced a code of conduct in 2012, setting out that Members of the European Parliament (MEPs) shall act solely in the public interest and conduct their work with disinterest, integrity, openness, diligence, honesty, accountability and respect for the European Parliament's reputation.

33. Members must submit a detailed declaration of their private interests at the beginning of each mandate. If the declaration is not filed, the member cannot be a rapporteur, cannot run for an office in Parliament, and cannot take part in any delegation or parliamentary mission. Following the recent elections to the European Parliament, the declarations of interest were required to be submitted (and were chased up) prior to the verification of credentials, thus ensuring that all members had submitted their beginning of mandate declaration of interests. These declarations must be updated within 30 days of a change of circumstances, during the course of the mandate. Additionally, a specific declaration of interests (principally a declaration that a member is not aware of any conflict of interest) must be made, and uploaded onto the EP website, for every additional role taken on within the EP – such as chair or vice-chair of committees or delegations, rapporteur or shadow-rapporteur. Further declarations must be made for invitations to remunerated events. There is also an obligation on all members (previously only on rapporteurs, shadow rapporteurs and committee chairpersons) to disclose meetings they have with “interest representatives” (lobbyists) for each report. The code of conduct

27. [Guidelines](#) of the Committee of Ministers of the Council of Europe on public ethics.

defines conflicts of interest and how MEPs should address them and it includes rules on, for example, official gifts to MEPs and professional activities of former MEPs. Paid professional lobbying linked to EU decision making is forbidden.

34. Since the announcements of police raids in Belgium in December 2022 (with further arrests in Italy and Greece), the European Parliament has been responding to the “Qatargate” scandal, which involves allegations that MEPs have been improperly influenced and corrupted by the Government of Qatar since around 2019 to influence voting in the EP in favour of Qatar. Similar concerns also exist in relation to allegations of, or attempts of corruption by, the governments of Mauritania, Morocco, Saudi Arabia, Kazakhstan, Azerbaijan and the Russian Federation. For example, there are ongoing investigations in multiple countries (and there were raids in the European Parliament in May 2024) into the “Euro-project” scandal relating to the Russian Federation buying influence in the EP.²⁸ The alleged corrupting activities included the covert take-over of existing website in Europe e.g. in order to disseminate pro-Russian reports (for example “Voice of Europe”) and the establishment of a network of far-right MEPs, MPs and political advisers, from a number of countries, including Croatia, France and Germany, who were allegedly paid sums of money to vote and/or speak favourably to Russia. One of the individuals mentioned in such reports, Mr Petr Bystron, was, until the 2024 European Parliament elections, a member of the Assembly.

35. As a result of the Qatargate scandal, significant improvements and changes have been made to improve transparency and the reporting of concerns, as well as improvements in the ethical culture enforcing these rules. Members of the public can report concerns either through a central email address to the Advisory Committee on the Conduct of Members or to the President, who can then refer the matter to the Advisory Committee.²⁹ The Secretariat can also raise potential issues with members to seek to resolve issues in advance of them escalating (such as reminders to make relevant declarations). The onus remains with the MEP to ensure their declarations are accurate and that they respect the code of conduct, but the Secretariat can assist with reminders, personalised advice and technical support. As a direct consequence of the Qatargate, meetings with representatives of third countries were added to the mandatory disclosure of meetings requirements.³⁰

36. In case of alleged breaches of the code of conduct, the President can refer the matter to the Advisory Committee or the Advisory Committee can act following a report signalled directly to it. This change has increased the number of cases received. The Advisory Committee will then assess the allegations and make a recommendation to the President after hearing from the member concerned. Similar to the previous Assembly system, it is the President who decides whether there has been a breach and on any eventual sanctions. There is a list of sanctions available. If a breach is found, the MEPs can appeal to the Bureau. The Advisory Committee publishes an annual report of the cases, without mentioning any personal data.

37. The Assembly could learn from the cultural improvements made within the European Parliament following the Qatargate scandal, to seek to improve the making of accurate declarations of interest and to improve reporting. Consideration could be given to enabling members of the public to report concerns directly – the new Speak Up Policy allows such concerns to be reported to the DIO, and better sign-posting could be encouraged. The senior hierarchy – both within the Assembly and the Council of Europe more generally – should also make every effort to champion good ethical practices and structures, to foster a solid ethical culture.

4. Ideas to further promote and protect ethical standards within the Assembly

38. Parliamentarians require a bespoke approach to ethical standards, having regard to the importance of the separation of powers and the peculiar risks and ways of working of political life. It is necessary for the Assembly to review its procedures and practices on a regular basis. This involves not only agreeing exemplary standards, but also ensuring that these are understood by all and enforced. In particular it is important to ensure that transparency, ethics and anti-corruption issues are visible and clearly set out on the Assembly website in order to emphasise the importance of ethical standards and values in the work of the Assembly.

28. See, for example, “Freundschaft gegen Cash”, Die Zeit, 6 June 2024.

29. The Advisory Committee on the Conduct of Members is composed of 8 members and can give MEPs guidance on the interpretation and implementation of the code of conduct. A team of 9-10 members of the secretariat works on matters relating to declarations of interest and the code of conduct and supports the Committee.

30. [Code of conduct](#) for Member of the European Parliament Regarding Integrity and Transparency.

4.1. Accessibility and visibility of the various Assembly codes and ethical standards

39. I consider that more could be done to promote the accessibility and visibility of the various Assembly codes of conduct and ethical standards. The Rules of Procedure and its accompanying appendices have different elements relevant to ethical standards throughout – including in complementary texts and in Bureau documents not contained in the published compendium. Some of these rules relate to ethical standards (code of conduct, code of conduct for rapporteurs, relevant standards for co-rapporteurs, relevant standards for election observation missions), others relate to more procedural rules. There are now 23 appendices on top of the actual rules, making the document quite sizeable. It is not always easy to see how they all fit together, particularly given the cross-referential nature of some of these rules.

40. To improve ease of use and better awareness of the ethical standards and the rules, I consider that the Assembly should revise its rules to make them more accessible and visible, and to require less recourse to additional documents. I propose that the revised rules should have two parts – a first part setting out all the relevant ethical standards and codes of conduct; and a second part setting out the procedural rules. The exercise should not seek to significantly substantively change the rules; but should aim to make them more accessible, visible, and more user-friendly – whilst also placing ethical standards at the front and centre of the Assembly Rules of procedure.

41. In terms of practical steps, I would also invite action to be taken so that the core elements and requirements of the Assembly's ethical standards are made more accessible and visible on the Assembly website. I would also encourage better promotion of the relevant ethical standards and values through user-friendly info-graphics or guides, such as a fact-sheet on conduct – including bespoke info-graphics/guides for specific roles, such as for *ad hoc* committees on electoral observation.

4.2. General rapporteur on anti-corruption and ethical standards

42. To best promote an ethical culture within our institution, I invite the Rules Committee to consider establishing a General Rapporteur on anti-corruption and ethical standards. This role would enable a permanent spotlight to be put on ethical standards and enforcement mechanisms – within the Assembly, within the Organisation, and within member States. The General Rapporteur could take steps to ensure that ethical standards and mechanisms are kept under continual review – including using the expertise of the Ethics Officer – so that the Assembly is able to respond to evolving challenges and public expectations. This role could follow-up on the implementation of some of the recommendations in this report and could further look to champion the development of a solid ethical culture within the Assembly. Moreover, the General Rapporteur could be a lynchpin in work to seek to improve standards and enforcement mechanisms across all national parliaments in the member States.

43. Thought should also be given to establishing a network of national officials, primarily Commissioners for Standards or Ethics Officers, which would help to improve the understanding of parliamentary ethical standards and enforcement mechanisms across the national parliaments. It could also serve to encourage improvements where necessary, in both the system and practices within the Assembly, as well as within national parliaments.

4.3. The case for a single, updated, public declaration of interests

44. Over the years the Assembly has developed a set of measures to improve the transparency of interests and to address the risks of a conflict of interest. Whilst it is understandable that these separate obligations have evolved incrementally in response to different challenges over time, the current system lacks coherence. The result is that a given Assembly member currently has to make potentially many different declarations of interest, or declarations in respect of potential conflicts of interest, in a given year. Some of these are made public, some are not. Some are in writing, some made orally. Some relate to specific “high risk” roles of importance within the Assembly, while other significant roles do not currently require a bespoke declaration. At present:

44.1. all members should make an annual declaration of interests, in writing, published on the Assembly website;³¹

31. Rule 18, code of conduct for members of the Parliamentary Assembly (Appendix II of the Rules of Procedure).

44.2. rapporteurs, general rapporteurs and co-rapporteurs must make an oral declaration of interests recorded in the minutes when they are appointed (although these are often not well recorded or are reduced to a simple utterance of “no conflict of interest” which fails to identify relevant interests and thus fails to explain how any perceived, potential or actual conflicts would be avoided or addressed);³²

44.3. members of an *ad hoc* committee for the observation of elections are required to make a written declaration of interests, including the identification of any actual or potential conflict of interest (however, these are not made public);³³

44.4. other significant roles within the Assembly (such as President or Vice-President of the Assembly, chairperson or vice-chairperson of a committee, sub-committee, network, platform or alliance, or leader of a political group) do not require any bespoke declaration of interests or conflicts of interest (despite the importance of such roles for the institutions and despite the IBAC report showing that those in such prominent roles can face particular pressures);

44.5. members are also required to make an oral declaration to “draw attention to any relevant interest” in a given debate, discussion in committee or other relevant communications (however this practice is rarely followed or enforced despite being the issue at the heart of the most recent code of conduct case in the Assembly).³⁴

45. This multiplicity of declarations and the different approaches taken to them is bureaucratically difficult for members, the Secretariat and the public to navigate. To improve transparency, accountability, simplicity, I propose that there should be only one declaration of interests per member, collating all of this information. It should be done in writing and made public, and it should be kept up-to-date to incorporate new roles and new information.

46. It is remarkable that bespoke declarations of interest to identify any perceived, potential or actual conflicts of interest are made for rapporteurs (including co-rapporteurs and general rapporteurs) and members of election observation *ad hoc* committees, but not for others with significant, often powerful roles within the Assembly. I therefore propose extending this requirement to the President and Vice-Presidents of the Assembly, chairpersons and vice-chairpersons of committees, sub-committees, networks, platforms and alliances, as well as to chairpersons of political groups. Further, I propose that this is all done in the same, updatable, document so as to ensure simplicity and coherence in the approach taken, whilst also ensuring transparency so as to promote trust in the work of the Assembly.

47. I propose one declaration per member, with a specific entry on the declaration for each significant role that member has within the Assembly (President or Vice-President of the Assembly, chairperson or vice-chairperson of a committee, sub-committee, network, platform or alliance, rapporteur, general rapporteur, co-rapporteur, chairperson or member of an election observation mission, leader of a political group). Thus, the member’s online declaration of interests for that year can be added to and updated as they take on additional roles requiring specific declaration entries. The form and the explanatory note on declarations of interest should be updated to cover these additional types of entry.³⁵

48. There is a need for better guidance on how to make declarations relating to specific roles, where it is necessary to identify perceived, potential or actual conflicts of interest, and to consider how these might be addressed or avoided. In order to improve practices, the Rules Committee, with recourse to the expertise of the Ethics Officer, should undertake further work to clarify what is an “interest”, a “conflict of interest”, a “perceived conflict of interest” and a “potential conflict of interest”; and to provide practical advice on options for addressing specific examples. The explanatory note on declarations of interest could then be updated accordingly, with a section covering how to approach bespoke roles and perceived, potential or actual conflicts of interest.

49. It is understood that it is the responsibility of members to ensure that their declarations are up to date when new facts arise, such as new activities, gifts, or other interests. However, the deadlines for such updates are not currently clear from the code of conduct, or from the explanatory note on declarations of interest. In order to provide better clarity on what is expected, and in line with procedures in other parliaments, I propose

32. Rule 1.1.1, code of conduct for rapporteurs of the Parliamentary Assembly (Appendix III of the Rules of Procedure).

33. Rule 20, Observation of elections by the Parliamentary Assembly (Appendix XIV of the Rules of Procedure).

34. Rule 10, code of conduct for members of the Parliamentary Assembly (Appendix II of the Rules of Procedure).

35. The [explanatory note](#) approved by the Committee on Rules of Procedure, Immunities and Institutional Affairs, is available on the PACE website.

clarifying that members should ensure that their declaration of interests is kept up-to-date and that new interests or gifts should be added to the declaration within a deadline of 30 days. Paragraph 18 of the code of conduct would be amended accordingly as would the explanatory note.

50. I note a comment made in December during the Rules Committee's discussion on the draft report asking that declarations just be made once and then updated. Whilst a declaration at the beginning of a parliamentary mandate can make sense in national parliaments with a clear election cycle and mandate, this is less clear in the Assembly where members may come and go during the course of a year and need to renew their mandates every year. I have consequently considered carefully how the process of declarations can be made easier and less burdensome for members. I understand that when a member first makes a declaration this can require a little time to fill it in correctly and to understand the process. However, I understand that for subsequent years, one can effectively populate the form using the previous year's declaration as a starting point, and simply update it by deleting or adding any new pertinent information. Such an approach should only take a matter of minutes. This should ensure that members do make accurate, up-to-date declarations, whilst taking the shortest amount of time possible. I suggest that the Secretariat works with the Ethics Officer to review the revised, consolidated declaration template, and its accompanying explanatory notes, to ensure that it is as easy to use and complete as possible.

51. Finally, I should refer to the oral declarations of interest required under paragraph 10 of the code of conduct. Few members of the Assembly make such oral interest declarations and indeed it was apparent in committee discussions that awareness of this obligation is not widespread. As it is not being followed by members, we should therefore either encourage members to follow it, or dispense with it and find an alternative means of addressing concerns. I initially proposed inviting the President, the Vice-Presidents, committee chairpersons and vice-chairpersons and chairpersons of political groups to encourage the appropriate making of oral declarations of interest. It became clear however that there is confusion as to when it is required and whether it is desirable. Thus, I propose that we dispense with the general rule on making oral declarations. We should not retain rules that we do not intend to respect. Moreover, the requirement to make an oral declaration is arguably not necessary for those whose written public declarations of interest are up-to-date (as is required by the code of conduct). However this leaves the question of how to deal with those who have not made a written declaration, or whose declaration is in some respect inadequate (for example new, pertinent, information has yet to be added). I therefore propose that we always require oral declarations by those members who have failed to make a written declaration for that year, but that otherwise the oral declaration is only required from those with pertinent interests relevant to a debate that have yet to be reflected in their written declaration.

4.4. Failure to make a declaration of interests

52. It is regrettable that significant numbers of Assembly members still do not make the annual declaration of interests, notwithstanding the requirement to do so (paragraph 18 of the code of conduct) and notwithstanding the written undertakings to abide by the code of conduct that all members make annually when their credentials are submitted (Rule 6.2.c of the Rules of Procedure). I recall that the only code of conduct case published in recent years related to a member who had in successive years failed to make an annual declaration of interests, or a relevant oral declaration.³⁶ It is then concerning that for the 2024 session, 202 members of the Assembly failed to submit their declarations of interest within the relevant deadline, and that for the 2025 session, so far 150 members have failed to submit their declarations on time.³⁷ Whilst such a failure might be understandable for the occasional member who resigns from a delegation shortly after being appointed, this cannot be the case for all 202 members in 2024. I consider that the Assembly should take action to encourage the timely making of declarations, both by increasing the implications for those who do not submit an annual declaration of interests, and by enabling and encouraging members to make timely declarations.

53. As already mentioned, I suggest harmonising these provisions so that this rule applies consistently and coherently to all significant roles (President, Vice-President, chairperson or vice-chairperson of a committee, sub-committee, network, platform or alliance, rapporteur, co-rapporteur, general rapporteur, member of an *ad hoc* committee for the observation of elections, or representative role on behalf of the Assembly).

36. Complaint concerning [Rosianne Cutajar](#). See paragraph 13 above.

37. [List of members](#) of the Assembly who have not submitted their declaration of interests for the year 2024 and 2025 within the deadline (updated 5 March 2025).

54. I recommend amending the rules of procedure to ensure that an oral declaration must be made at the beginning of any speech or intervention by any member intervening in a debate who has not submitted an annual declaration of interests for that year. Practical steps should be taken so that it is clear from the speakers list which members this applies to, so that the person in the chair of that debate in plenary or in committee can remind that member to make such an oral declaration before they start speaking.

55. I suggest action is taken in response to a failure to submit a declaration of interests for a second year, by amending the code of conduct to require the President to write to the Speaker of the relevant parliament highlighting the continued absence of a declaration of interests for that member, and inviting the national delegation to consider (in accordance with national procedures and in consultation with the competent persons) whether that member continues to be able to play an active role on the national delegation to the Assembly given the continued failure to provide a declaration of interests.

56. I would like us to aim for nearly 100% submission of declarations of interest by members for the relevant session (even if some of those are a little late). According to the current rules, a member who submits a declaration on 1 or 2 March (instead of 28 February) cannot take on specific roles within the Assembly for the rest of that year, creating a significant disincentive to participation for the remaining ten months of the year, which is not only to the detriment of that member, but also to the whole Assembly. To encourage the submission of declarations by those members who did not make the deadline, I propose that the bar on their taking on any such roles would end after a period of 2 months after the submission of their declaration for that year. This would maintain the disincentive for late submission of declarations, whilst still encouraging declarations to be made (and thus better transparency and participation) during the course of the year, so as to improve standards.

4.5. Gifts

57. The giving and accepting of gifts as part of parliamentary, inter-parliamentary and inter-governmental activities is increasingly seen by the public as an unacceptable use of public money, as environmentally wasteful, and as indicative of potentially corruptible behaviour. This is a clear example of changing ethical standards from the practices of fifty years ago. Within the Assembly, and within our national parliaments and delegations, we should therefore act to discourage the seeking, giving or receiving of gifts.

58. The guidance on declarations of interest by members of the Assembly specifies that members should not accept gifts or benefits whose nature and/or value is not strictly within the bounds of parliamentary protocol or practices regarding hospitality. This seems obvious yet it is not specified within the code of conduct – I propose including this text in paragraph 15 of the code of conduct. I further, propose to modify paragraphs 15 and 18 of the code to better reflect the reality that gifts (over €200) now fall to be recorded in the declaration of interests.

4.6. Undertakings by rapporteurs

59. Rapporteurs (including general rapporteurs and co-rapporteurs) perform a vital and important role within the functioning of the Assembly, which explains the specific code of conduct applicable to them and the particular obligations and standards expected of them. In order to improve the conscientious approach to standards, I suggest that when completing their declaration of interests for their rapporteurship, rapporteurs should be asked to make an undertaking to abide by the obligations of neutrality, impartiality, objectivity, discretion and availability as part of that role (as required by the code of conduct for rapporteurs in Appendix III). This could be incorporated into part of the form.

60. I note the recommendations in [Resolution 2579 \(2024\)](#) “Civil society and the Parliamentary Assembly: towards greater transparency and engagement” (rapporteur: Azadeh Rojhan, Sweden, SOC) to improve the transparency of interactions with lobbyists. I recognise the importance of respecting the confidentiality of certain exchanges that rapporteurs have in the course of their report. In the interests of transparency and accountability, I propose slightly adjusting the code of conduct for rapporteurs to encourage rapporteurs to list the individuals, experts and representatives who they have met when drafting their report, except where there are good reasons for not doing so (for example to protect sources). At present Annex III refers to the committee asking the rapporteur, or the rapporteur deciding, to publish a list in an appendix (which is, in any event, not the practice). This small change would thus reflect current practice and would encourage transparency whilst still preserving confidentiality “where there are good reasons” for not disclosing contacts.

4.7. Accuracy of declarations of interest

61. Parliamentary ethical standards systems, of which declarations of interest form a part, have three main components (1) establishing standards (whether in the form of principles or detailed rules); (2) a mechanism for enforcing those standards; and (3) the development of an ethical culture within the relevant institution. In the Assembly, we have developed improved standards – part of which depends on declarations of interest to improve transparency and avoid conflicts of interest. However, our tools for checking and enforcing those standards are still lacking. I therefore consider that the Assembly should develop an improved enforcement and checking mechanism for declarations of interest. Whilst the accuracy of declarations of interest should remain the responsibility of the member making that declaration, it should be possible for the Secretariat to undertake checks – in order to encourage compliance with, and trust in, the declaration process.

62. For the level of risk posed to the Assembly, the most appropriate form might be a system that is initially based on checks and advice or “alternative dispute resolution”. There would be a budgetary implication for increased resource to check declarations and I consider that, at a minimum, two additional members of the Secretariat would be needed to undertake this work. However, it must be highlighted that such checks could not involve detailed background checks – rather assisting by pointing out what might be obvious omissions – or assisting with advice on how to approach perceived, potential or actual conflicts of interest. This could involve an exchange with the relevant member to highlight circumstances where a declaration might appear to be missing important information or where circumstances might suggest the need to address an actual, potential or perceived conflict of interest. This could provide an opportunity to make any appropriate clarifications in the declaration, so as to avoid embarrassing situations for members of the Assembly – and indeed for the reputation of the Assembly. Further, I agree with discussion in committee that any checks and assistance should prioritise those members with significant roles in the Assembly. I consider that the Secretariat should be tasked with providing an annual information note to the Rules Committee – and copied to the President of the Assembly – reporting on its progress and activities in undertaking these checks and identifying any challenges in this work or proposals for improvements.

63. In rare cases, where there is an obvious and significant failure to make an accurate declaration and efforts to address it through informal bilateral exchanges are either inappropriate or ineffective, such matters could then be brought to the attention of the President of the Assembly and/or the Rules Committee to consider whether further action should be taken for the observance of the code, under the usual mechanism set out in paragraphs 19-28 of the code of conduct.

4.8. The need for a special approach for election observation missions and in the Monitoring Committee

64. As can be seen from the IBAC report, unique pressures can be placed on election observation missions and on other country-specific work. Continual, careful scrutiny should be undertaken to ensure that ethical standards are upheld and actively protected during such mandates.

65. A new network on election observation/parliamentary network for free and fair elections has recently been established within the Assembly.³⁸ I encourage the network to dedicate sufficient time to focus on ethical standards – including declarations and conflicts of interest, impartial conduct during an election observation mission, public statements or activities³⁹ – enforcing the rules, and questions relating to suitability for appointment to an *ad hoc* committee for election observation. This network presents an excellent opportunity to focus on standards, techniques and challenges of election observation missions and to ensure that the Assembly's approach responds to the latest challenges. It will also be necessary to ensure appropriate allocation of funds to support the network in this important work.

66. Given the importance of ensuring that political groups appoint appropriate members to election observation missions, I propose amending paragraph 13 of Appendix XIV to add at the end “Political groups must exercise due diligence in their decision to appoint members to an *ad hoc* committee for election observation, noting the importance of ensuring appropriate, impartial and skilled members to such missions.”.

38. The Network was created in June 2024 by the Assembly and launched in January 2025, where it was proposed to introduce a parliamentary network for free and fair elections.

39. According to paragraph 35 of the [Guidelines](#) for the observation of elections by the Parliamentary Assembly, “Members of the delegation shall refrain from engaging in public statements, interviews, press conferences or communications via social networks which could contradict the final assessment made by the *ad hoc* committee. They shall also refrain from engaging in public activities which could appear to interfere in the electoral process or could be considered as partisan, including meetings with national authorities and/or political actors outside the official programme of the election observation mission.”

By “due diligence”, this is obviously not an obligation of result, but rather that political groups should undertake best endeavours to appoint members who are appropriate, impartial and skilled to be appointed for such missions.

67. Similar considerations should be given also to the important role that political groups play, not only in nominating members of the Monitoring Committee, the Committee on the Election of Judges to the European Court of Human Rights and the Rules Committee, but also in the role they play in putting forward candidates for specific roles, including for co-rapporteurs in the Monitoring Committee. Whilst the current rules, quite properly, do not give political groups the right to nominate candidates for co-rapporteurships, in reality they play a very important role. I therefore propose to add, after paragraph 7 of Appendix IX (Honouring of Obligations and commitments by member States of the Council of Europe), a new paragraph stating “Political groups must exercise due diligence in their decision to nominate members to the Monitoring Committee, as well as in proposing or supporting candidates as a co-rapporteur, noting the importance of ensuring appropriate, impartial and skilled co-rapporteurs.”.

68. There remains a great potential for mischief and damage to be done by unofficial election observation missions to the reputation of the Assembly and the viability of election observation practices in general. I therefore suggest reinforcing the approach with regard to non-official missions to specify that political groups “must” not appoint members who took part in non-official missions.

4.9. Political groups

69. Political groups play an important and powerful role within the working of the Assembly – for example in nominating members to certain committees, *ad hoc* committees and committees bureaux positions; and in having sway on Bureau decisions. Political groups should be encouraged to have regard to the reputation of the Assembly and to ethical standards in their work. This is in addition to acknowledging the need for the Assembly to work on the legal status and personality of political groups. Further consideration should be given to ensuring that political groups respect the highest ethical standards in undertaking these core functions, and in their financing and expenditure. Consideration could be given, for example, to asking political groups to exercise due diligence in their decisions to nominate members as candidates to significant roles within the Assembly.

4.10. Honorary status

70. Standards have improved markedly since the concerns of the last decade in relation to lobbying by former members (set out, for example in the IBAC report). Most notably, since honorary status no longer confers a right of an access badge to the hemicycle, much of the risk of undue interference has gone. However, some improvements to transparency could still be made, and the rules could be aligned for all those with honorary status.

71. Under Appendix XX honorary associates and Honorary Presidents should make a sworn declaration when granted that title that they are not involved in the fostering of interests, and they may be stripped of that title if they fail to declare any relevant interests or make an untruthful declaration (albeit they seem only to have been required to make a declaration that they are not involved in fostering interests). However, there is no readily accessible list on the Assembly website of honorary associates, Honorary Presidents and Honorary Secretary Generals of the Assembly. Moreover, there is no way of publicly knowing whether these honorary members have made or updated a declaration of interests and what it contains. To improve transparency, I also suggest that the Secretariat place the list of those with honorary status on the website, and that consideration is given to making their declarations of interest public.

72. At present the grounds for depriving honorary members of their titles, relates solely to the making of untruthful declarations of interest, but does not include elements one might expect, such as disreputable conduct, or being found guilty of serious criminal offences. I suggest the Bureau is invited to review the special rules for honorary status to see if they can be simplified or shortened, and to consider if they continue to be relevant and adequate, in particular in cases of disreputable or criminal conduct.

4.11. Lobbyists

73. Noting the recommendations in [Resolution 2579 \(2024\)](#) “Civil society and the Parliamentary Assembly: towards greater transparency and engagement” and conscious of the work being undertaken in the Steering committee on Democracy (CD-DEM) in relation to civil society, the Assembly should develop a code of conduct for lobbyists at the Assembly, taking due account of the forthcoming framework of principles for

lobbyists to the Council of Europe. I note the comments of a number of members of the committee during the discussion in December 2024, that steps should be taken to better enforce the distinction between public areas (where lobbyists are able to be present) and non-public areas.

4.12. Consultancy

74. It was evident from the IBAC report that consultancy arrangements were one of the key ways that members were at risk of being corrupted – see, for example allegations relating to:

- the consultancy arrangements between Mr Luca Volontè (a former Italian member of the Assembly 2008-2013) and those representing Azerbaijan, whilst he was a member of the Assembly;
- the provision of consultancy services by Ms Karin Strenz (a former German member of the Assembly 2010-2018) to a company lobbying for the Azerbaijani authorities, whilst she was a member of the Assembly;
- concerns expressed about former Assembly members undertaking consultancy work after having left the Assembly.⁴⁰

75. Consultancy arrangements can thus constitute a slippery slope for parliamentarians potentially leading to trading influence and corruptible activities.⁴¹ Whilst members cannot be paid lobbyists, there is perhaps a more blurred line at present in relation to “consultancy” work. Given the previous corrupting practices relating to members acting as consultants for foreign States or bodies in matters relevant to the work of the Assembly, I propose there should be a prohibition on Assembly members from undertaking paid consulting activities (in addition to the prohibition on lobbying activities) in work relating to Assembly activities or workstreams. I consider that the Assembly could usefully undertake a report looking into practices at member State level in order to explore the risk of consultancy as a corrupting influence on parliamentarians and to seek to better define the limits of what is acceptable.

4.13. Receiving complaints, initiating an inquiry and respecting parliamentary status

76. The purpose of the Assembly’s code of conduct is to uphold the integrity of the Assembly and provide standards of behaviour so as to help promote trust in the institution and so as not to bring the Assembly and its members into disrepute. Establishing adequate mechanisms to detect and act upon significant breaches of the code of conduct is an essential element in ensuring respect for those standards. However, there is only one published example of the Rules Committee considering an alleged breach of the code of conduct in the period following the IBAC-related investigations – which was when it examined a complaint submitted by Mr Peter Omtzigt (Netherlands, EPP/CD) and 27 other parliamentarians concerning Ms Cutajar.⁴² This suggests that there is room for improving the processes for enforcing the Assembly’s ethical standards.

77. Any inquiry involving parliamentarians has to take into account specific standards applicable to them and should be dealt with confidentially and sensitively – in particular to acknowledge and address the political damage that can be done to a parliamentarian’s reputation through accusations. Moreover, it should be borne in mind that Assembly members are first and foremost national parliamentarians and therefore it is usual that any concerns are primarily reported to national parliamentary commissioners for ethical standards, (or where relevant the national criminal or prosecutorial authorities). In such cases it is important to avoid unnecessary duplication in any investigations.

78. According to the code of conduct, there are three ways for an allegation relating to a breach of the code of conduct to be brought before the Assembly: through the President of the Assembly, the Rules Committee (acting of its own motion), or 20 or more members of the Assembly representing at least 5 national delegations.⁴³ Although the Rules Committee may start an investigation of its own, for the time being, no investigation has been launched following a motion by the committee. There is also no clear mechanism for reporting concerns within the Assembly structures.

40. Mr Goran Lindblad (a former Swedish member of the Assembly 2004-2010) became a consultant for Azerbaijani interests, after he left the Assembly; and there were consultancy arrangements between Mr Bob Walter (a former UK member of the Assembly 2001-2015) and the North Macedonian and Turkish governments, after he had left the Assembly.

41. Risks of consultancy links are similarly evidenced in the European Parliament’s Qatar-gate scandal. Moreover, the complexity of parliamentarians carrying out consultancy work or being linked to consultancy firms can be seen, for example, in the particularly bespoke treatment of consultancy work in the list of roles that are incompatible with the status of member of the French National Assembly.

42. [Decision made on 29 April 2022 on a complaint concerning Ms Rosianne Cutajar.](#)

43. Paragraph 22 of the code of conduct

79. It can be difficult for a collegial, political body with many different tasks (for example the Rules Committee, which meets only five or six times per year) to take the initiative on detecting and acting upon code of conduct cases in the same way as an independent person or body solely tasked with considering such matters (for example the UK Commissioner for Standards, whose main job is to examine requests and any information on potential violations of the code of conduct).⁴⁴ I propose improved signposting on the Assembly website to clarifying that concerns about breaches of the Assembly codes of conduct, or inaccurate declarations of interest, can be reported to the President or the Rules Committee in an effort to clarify the correct reporting procedures.

4.14. The Rules Committee's investigation procedure

80. The Rules Committee's investigation procedure was introduced during the code of conduct's revision in 2017.⁴⁵ According to the relevant rules, the committee weighs up evidence submitted, and gives the concerned member an opportunity to be heard.

81. There is no specific provision for the Rules Committee, or its Secretariat, to have an active role in collecting evidence. It can nevertheless request information from relevant public authorities and there is an obligation on the member concerned to provide information or documents requested.

82. In cases that are relatively simple or where much of the evidence is already well established (for example through national bodies or in the public domain), the Rules Committee does not need to enter into a complex evidence-gathering exercise. However, in cases requiring the careful gathering of evidence, the Rules Committee would be greatly assisted by having recourse to a body that would be able to undertake the fact-finding stage of such an investigation and to report back to it for a final determination – similar to the approach taken by the three-member panel of IBAC.

83. One option would be to use the Council of Europe's own investigators in the DIO. However, as is the case in the national parliaments, it is usual for parliamentary investigations to be undertaken by bespoke bodies acting under the authority of that parliament or assembly. Similarly, the Rules Committee discussions have highlighted the importance of ensuring the Assembly control over any potential investigations or inquiries into parliamentarians. The Rules Committee considered that it would not be appropriate for such inquiries to be undertaken by a body distinct from the Assembly.

84. I propose that where the Rules Committee decides to open an investigation under paragraph 23 of the code of conduct, it should have the option of referring the case to a new body, the Conduct Investigation Panel of the Parliamentary Assembly, to gather evidence. This Panel would be constituted from a list of former judges of the European Court of Human Rights. Former judges would have the advantage of being sufficiently independent, possessing the relevant skills and nous, whilst also understanding the workings of the Organisation. I would propose that seven former judges would be selected to form the standing panel and that for an individual case referral, three of those former judges would be selected to consider that referred case. Qualifying and outgoing judges could be asked if they are interested to be on the list.

85. In order to better reflect how this process would work in practice, I suggest inserting a paragraph after paragraph 22 of the code of conduct to (1) acknowledge the possibility for the Rules Committee to avail itself of the expertise of national experts to assist in such an investigation, in particular national commissioners for standards, and (2) to explicitly provide for the creation of the Conduct Investigation Panel of the Parliamentary Assembly (composed of seven former judges of the European Court of Human Rights, and whereby any case referred would be considered by a panel of three of them), to establish the relevant facts in complex code of conduct cases. Such a Conduct Investigation Panel would be supported by a secretariat, composed of members of staff of the Council of Europe.

86. Finally, I should note that the Assembly's code of conduct and investigation procedures are no substitute for a member State's criminal law in investigating and in dealing with corruption offences. Appropriate action by law enforcement authorities within member States remains a principal tool in the fight against corruption by those in public life. Consequently, under paragraph 28 of the code of conduct, if

44. However, even in parliaments where the investigation stage can be delegated to an external body or independent officer, the final assessment is made by a body composed of parliamentarians (fully or partly) who alone are entitled to impose sanctions. For example, the Committee on Standards of the UK House of Commons is composed of 7 MPs and 7 Lay members.

45. [Resolution 2182 \(2017\)](#) «Follow-up to [Resolution 1903 \(2012\)](#): promoting and strengthening transparency, accountability and integrity of Parliamentary Assembly members».

investigations into alleged breaches of the code of conduct reveal facts of a criminal nature, the matter must be referred to the police and the investigation may be suspended until the national authorities have issued their conclusions.

4.15. Breaches of the code by those with significant roles within the Assembly

87. As well as preventive and enforcement measures, in order to tackle corruption, effective, proportionate and dissuasive sanctions are needed. The Assembly reviewed and consolidated, in paragraph 29 of the code of conduct, the list of sanctions which could be imposed if a breach of the code of conduct had been found. There are also specific provisions in the case of a breach of the code by a rapporteur, a President or Vice-President of the Assembly or a chairperson or vice-chairperson of a committee. I suggest harmonising, and in some cases strengthening, those provisions so that they apply in the same way to rapporteurs and co-rapporteurs, to the President and Vice-Presidents of the Assembly, and to chairpersons and vice-chairpersons of committees, sub-committees, networks, platforms and alliances. I propose amending rule 54 and 55 of the rules of procedure and paragraph 18 of the code of conduct so that a person can be removed from those roles in case they “no longer fulfil the conditions required for the exercise of that office or if he or she failed to declare any relevant interests or made an untruthful declaration, or is guilty of serious misconduct by seriously or repeatedly violating the provisions of the code of conduct for members of the Parliamentary Assembly”.

4.16. Allegations in relation to members who have left the Assembly

88. The Assembly is aware, since the *Cutajar Report*, of concerns at a member avoiding accountability by leaving the Assembly following allegations about a breach of the rules. Following criminal investigations and prosecutions arising from allegations of bribery and corruption against former members of the Assembly (including in respect of their past actions as members of the Assembly), the Assembly is similarly aware of the reputational damage that can be caused by continued association between the Assembly and those former members.

89. I propose that in such cases, the Rules Committee may use the procedures set out in the code of conduct for members of the Assembly to examine such cases (including, if necessary and justified, through recourse to the proposed Conduct Investigation Panel) and that it may then take appropriate sanctions including removal of honorary status and banning the former member from entering the Council of Europe’s premises.

90. In relation to members who leave the Assembly following allegations of a breach of the rules, I also propose that the Rules Committee or the President should forward those concerns to the speaker of the relevant national parliament to invite them to consider taking appropriate action pursuant to their own ethical standards and enforcement mechanisms, and inviting them to keep the President and Rules Committee informed.

91. Similar concerns were expressed about accountability and the inadequacy of sanctions were such a member would seek to rejoin the Assembly at a later date. In such cases, I consider that it should be possible to consider the earlier alleged breaches of the rules and to apply sanctions, as appropriate, were that member to rejoin the Assembly.

5. Conclusions

92. Currently, various different ethical and anti-corruption frameworks operate within the Council of Europe. There are different codes of conduct and different obligations to make declarations of interest for staff members, for Assembly members, for members of the Congress of Local and Regional Authorities and for the judges at the European Court of Human Rights. Recent, welcome, steps have been taken to improve standards, to ensure that the Department of Internal Oversight can consider complaints of wrongdoing, and to ensure that the Ethics Officer is able to advise all groups on ethical matters. This is significant and welcome progress. However, steps are now needed to operationalise and use these mechanisms.

93. The Assembly’s transparency framework essentially consists of a system of declarations of interest and gifts. However, a significant number of members continue to fail to make annual declarations of interest, certain types of declaration are not made public, and moreover not all significant roles require a declaration. I have therefore suggested a suite of measures to improve the transparency and to harmonise the various declarations of interest. I have also sought to apply the enhanced ethical standards to all those with significant

roles within the Assembly. Finally, I have suggested increasing the implications for a failure to submit an annual declaration of interests, whilst also improving the proportionality of the approach by providing for time-limited restrictions for those who submit their declarations after the relevant deadline.

94. In order to improve the system of declarations and to avoid conflicts of interest that could be embarrassing for members and for the reputation of the Assembly, I propose that a member of the Secretariat should be available to assist members with queries relating to declarations and potential risks of conflicts of interest. Such a person should also be able to undertake – admittedly relatively cursory – checks of declarations in order to seek to resolve, bilaterally, any seemingly obvious omissions that could prove embarrassing for the member or the Assembly. Where problems remain and seem significant, concerns could be raised with either the President of the Assembly or the Rules Committee, who would be able to decide whether any follow-up action might be required under the code of conduct.

95. I further propose a clearer structure for investigations in cases where the Rules Committee is seized to look into an alleged breach of the code of conduct. In that context, I propose that the Rules Committee should be able to refer a matter to the proposed Conduct Investigation Panel of the Parliamentary Assembly, composed of former judges at the European Court of Human Rights, to establish relevant facts in complex code of conduct cases – similar to the IBAC procedure. The panel's conclusions would then be used by the Rules Committee to determine any alleged breach of the code and further actions.

96. In order to seek to better promote an ethical culture both within the Assembly, but also within each of our national parliaments, I propose to establish a new structure – a General Rapporteur on anti-corruption and ethical standards, appointed from within the Rules Committee. I suggest thought be given also to the establishment of a network of national Parliamentary Commissioners for ethical Standards, as a means of promoting the sharing of best practice and ethical standards across our national parliamentary assemblies, which I propose might be done under the leadership of the General Rapporteur.

97. Finally, to better reflect the importance of ethical standards in the work of the Committee on Rules of Procedure, Immunities and Institutional Affairs, I propose that it is renamed "Committee on Rules, Ethics and Immunities".

98. Fighting against corruption will always be a work in progress. From the information contained in this report it should be clear that the Assembly has already put into effect many safeguards and procedures. There remain, however, a number of areas where the Assembly's framework could benefit from further examination and strengthening. This report makes some suggestions for improvements, but the most important recommendation is for the Assembly to keep its ethical standards and their enforcement under review to ensure they remain fit for purpose and effective – the establishment of a General Rapporteur for anti-corruption and ethical standards should greatly assist in that endeavour.