



TO THE MEMBERS OF THE ASSEMBLY

Secretariat of the Assembly

Synopsis

30 January 2012

The Bureau of the Assembly, meeting on Friday 27 January 2012 in Strasbourg, with Mr Jean-Claude Mignon, President of the Assembly, in the Chair, as regards:

- **First part-session of 2012 (Strasbourg, 23-27 January 2012): follow-up:** approved the proposals for follow up to the part-session as set out in Appendix I;
- **Standing Committee meeting (Paris, 9 March 2012):** took note of the draft agenda;
- **Second part-session of 2012 (Strasbourg, 23-27 April 2012):** drew up a preliminary draft agenda;
- **Youth Assembly 2012:** approved the holding of this event, took note of the dates (5 – 7 October 2012) and of the memorandum prepared by the Secretariat on the instructions of the President of the Assembly;
- **Election observation:**
 - i. Elections to the National Constituent Assembly of Tunisia (23 October 2011):* took note of the oral report by the Chairperson of the post-electoral mission (16-17 January 2012);
 - ii. Revised Guidelines for the observation of elections by the Assembly:* amended and approved the revised Guidelines prepared by the Secretariat at the request of the Bureau (Appendix II);
- **Issues raised by committees:**
 - i. Committee on Political Affairs and Democracy:*
 - . authorised Mr Vrettos (Greece, SOC) to carry out a fact-finding visit to Israel and the Palestinian territories in the context of the preparation of the report on the “Situation in the Middle East”;
 - . authorised Mr Volontè (Italy, EPP/CD) to carry out a fact-finding visit to Morocco in the context of the preparation of the report on the “Evaluation of the partnership for democracy with the Parliament of Morocco”;
 - ii. Committee on Equality and Non-Discrimination:* authorised Ms Saïdi (Belgium, SOC) to carry out a fact-finding visit to Morocco and Tunisia in February 2012 in the context of preparing the report on “Gender equality and the status of women in the Council of Europe southern neighbourhood”;
 - iii. Committee on Legal Affairs and Human Rights:* asked the President to issue a statement urging the competent Belarusian authorities not to execute the two young men, Dmitri Kononov and Vladislav Kovalev, convicted for the bombing of the Minsk metro in April 2011;
 - iv. Committee on Social Affairs, Health and Sustainable Development:* authorised the Ad hoc Sub-Committee, to be set up by the Committee on Social Affairs, Health and Sustainable Development, to participate at the 6th World Water Forum, 12-17 March 2012 in Marseille and invited the Chairperson of the Committee to proceed accordingly;

- **Progress Report of the Bureau of the Assembly and of the Standing Committee (27 January – 23 April 2012):** appointed Ms Maury Pasquier (Switzerland, SOC) as rapporteur;
- **Composition of the Monitoring Committee and the Committee on Rules of Procedure, Immunities and Institutional Affairs:** nominated members of these committees and decided to submit these nominations to the Assembly for ratification (Appendix III);
- **Meetings elsewhere than in Strasbourg and Paris:** authorised the meetings appearing in Appendix IV;
- **European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT):** endorsed the recommendation of the Committee on Legal Affairs and Human Rights and decided to transmit the lists of candidates for the CPT in respect of Latvia and Montenegro to the Committee of Ministers;
- **Assembly representatives for official activities:** see Appendix V;
- **Institutional representation of the Parliamentary Assembly in 2012:** see Appendix VI;
- **Date and place of the next meetings:** decided to hold the following meetings:
 - . Thursday 8 March 2012, Paris, at 3 pm;
 - . Monday 23 April 2012, Strasbourg, at 8 am;
 - . Friday 27 April 2012, Strasbourg, at 8.30 am.

Markus Adelsbach / Ivi-Triin Odrats

cc. Secretary General of the Assembly
 Director General, Directors and all staff of the Secretariat of the Assembly
 Secretaries of National Delegations and of Political Groups of the Assembly
 Secretaries of observer and partner for democracy delegations
 Secretary General of the Congress
 Secretary to the Committee of Ministers
 Directors General
 Director of the Private Office of the Secretary General of the Council of Europe
 Director of the Office of the Commissioner for Human Rights
 Director of Communication
 Permanent Representations to the Council of Europe

Appendix I

Proposals for follow-up to the 1st part-session of 2012 (Strasbourg, 23-27 January 2012)

- **Follow-up to the “free debate”**: to authorise the Secretary General of the Parliamentary Assembly to devise a means for following up on issues raised during the “free debate” with various institutional entities of the Council of Europe;

- **Follow-up to the current affairs debate on “the Russian Federation between two elections”**: to refer the issue to the Monitoring Committee to be taken into account in the preparation of the report on “The honouring of commitments and obligations by the Russian Federation”;

- **Resolution 1855 (2012) on the functioning of democratic institutions in Bosnia and Herzegovina**: regarding paragraph 15, to invite the Monitoring Committee to assess on progress made before 15 March 2012 with a view to returning to the issue at the second part-session of 2012 in the event of no progress being achieved;

- **Resolution 1857 (2012) on the situation in Belarus**: to invite the Assembly committees to follow up the proposals contained in paragraphs 11.1 and 11.2;

- **Follow-up to the Assembly’s reform**: to ask the Committee on Rules of Procedure, Immunities and Institutional Affairs to prepare a report on the evaluation of the implementation of the reform of the Parliamentary Assembly and to submit it to the Assembly in due course;

- **Modifications to Article 18.5 of the Rules of Procedure**: following a letter from Ms Maury Pasquier (Switzerland, SOC) dated 25 January 2012, to ask the Committee on Rules of Procedure, Immunities and Institutional Affairs to present a report concerning the status of Chairpersons of political groups in the committees;

- **Precedence of Vice-Chairpersons of the committees:**

. to ask the Committee on Rules of Procedure, Immunities and Institutional Affairs to provide an interpretation of the procedure for the establishment of the order of precedence of Vice-Chairpersons of Committees and to report back to the Bureau;

. pending the reply from the Committee on Rules of Procedure, Immunities and Institutional Affairs, to invite the Assembly committees not to apply an order of precedence of the elected Vice-Chairpersons.

Appendix II

AS/Bur (2012) 09 rev
27 January 2012
aburdoc09 2012rev

Guidelines for the observation of elections by the Parliamentary Assembly

Bearing in mind the objectives and the political nature of the Parliamentary Assembly's observation missions as well as the problems deriving from the past co-operation arrangements with other international institutions, the following guidelines were adopted by the Bureau of the Assembly on 24 May 2004 and updated by the Bureau on 7 October 2005, 16 November 2006, 23 May 2007, 8 October 2010 and 27 January 2012.

A. Elections to be observed

1. For the Parliamentary Assembly of the Council of Europe, the observation of elections plays an important role in the assessment of the overall political situation of the country in question. In practical terms this entails the systematic observation of elections in any state whose parliament has requested or enjoys special guest status, partner for democracy status, which has applied for membership, or is subject to the monitoring procedure.

2. Observation of parliamentary and presidential elections as well as of referenda in an applicant State or a State under the monitoring procedure should be an inalienable right of the Assembly. A State's lack of cooperation with the Assembly, its refusal to accept an election observation mission from the Assembly should give rise to a debate at the part-session or Standing Committee meeting following the elections in question. It may result in sanctions, such as a freezing of the application procedure or the challenge of the credentials of the national delegation concerned on the basis of Rule 8.2.b.(lack of cooperation under the Assembly's monitoring procedure).

3. The Bureau may also decide to observe parliamentary and/or presidential elections, as well as referenda, in a State that is subject to the post-monitoring dialogue.

4. The observation of regional and local elections is the responsibility of the Congress of Local and Regional Authorities of the Council of Europe (the Congress). If the Assembly receives an invitation to observe such elections and the Bureau decides to observe them, the Assembly ad hoc committee shall cooperate with the election observation mission the Congress may deploy. A report on these elections by the Congress, sent to the President, should be referred, on a Bureau's proposal, to the Monitoring Committee.

5. The Bureau of the Assembly may decide to observe elections in other States when exceptional circumstances have been brought to its attention.

B. Elections as a process

6. In conducting election observations, the Assembly shall proceed from the understanding that an election is not a one-off exercise, but rather a continuous process involving several stages, all of which need to be analysed in order to assess an election. The timeline, below, based on various Venice Commission documents, shall serve as an aid in the assessment process.

7. The process starts with the elaboration of electoral legislation. The quality of that legislation is a major, although not the unique criterion to assess an election.

8. Electoral legislation should not be subject to constant change. According to Venice Commission recommendations, "the fundamental elements of electoral law...should not be open to amendment less than one year ahead of an election, or should be written in a constitution or at a level higher than ordinary law."¹ In certain circumstances, exceptions to the one year rule could be accepted, namely where there is a need to rectify, through legislation, unforeseen problems or to provide redress to violations of internationally recognised rights where they had been built into the electoral law.

¹ Venice Commission (CDL-AD(2010)037).

9. The second stage starts with the date when an election is called. That date, in normal circumstances involving regular elections, should be reasonably distant from the voting day to allow all political stakeholders to prepare for an electoral contest.
10. The third stage starts with the opening of the electoral campaign.
11. The fourth stage is the voting day proper, and the vote counting.
12. The next stage is the declaration of results of an election, followed by a complaints period stage.

C. Regarding observation and co-operation in the field

13. Considering the role played by OSCE/ODIHR in the field, the Assembly should stress the political objectives of its participation in the observation process: full respect of Council of Europe values and standards. This should be possible thanks to the Assembly's comparative assets such as the high political level of its delegations and the experience of its members.

14. Practical assistance to Assembly delegations to observe the elections, particularly the organisation of the programme for the observation mission, should be provided by the national parliament, in order to supplement properly the programme for short-term observers organised by OSCE/ODIHR.

15. Co-operation with OSCE/ODIHR and other international organisations will be continuous during the observation process in order to ensure, in so far as possible, that assessments of the elections do not differ. However, if, after the election, a joint final assessment cannot be achieved in the framework of the IEOM, the Assembly's ad hoc committee reserves itself the right, to hold - if necessary - its own press conference and issue a separate press release containing its own assessment. In this respect, it is essential that the Assembly's ad hoc committee, when organising briefings, invites the OSCE/ODIHR. Reciprocity is expected in briefings organised by OSCE/ODIHR.

16. Members of the ad hoc committee will refrain from engaging in public statements or press conferences which could contradict or conflict with the final assessment made by the ad hoc committee.

D. Regarding the practical organisation of the observation

17. On the basis of past experience, the following rules will be applied:

- i. the Assembly will observe elections mentioned in Section A above (any refusal to send an invitation will constitute an evaluation criterion in itself);
- ii. the Assembly observers will receive accreditation from the Central Electoral Commission; the national parliament concerned will be responsible for facilitating the issuing of this accreditation;
- iii. the ad hoc Committees will cover a geographical area of the country which is as wide as possible when observing elections. Members of the ad hoc Committee must be ready to accept deployment beyond the capital city of the country in which the elections are observed.
- iv. the membership of ad hoc committees for elections will vary between 5 and 40 members and include any already appointed rapporteurs of the Political Affairs Committee, Committee on Legal Affairs and Human Rights and the Monitoring Committee for the country concerned; in special cases the Bureau can decide to increase this number. The composition of the ad hoc committees is determined according to an appointment system taking into account the numerical size of the political groups on the understanding that each political group should be represented;

- v. while rapporteurs for the monitoring of, or post-monitoring dialogue with, a given country should be encouraged to join an ad hoc committee to observe an election in that country, they should not be appointed chairpersons thereof. This is to ensure a distinction between election observation as such and monitoring and post-monitoring dialogue in the context of which the findings of an ad hoc committee are followed up;
- vi. the Chairmanship of the ad hoc committees shall rotate between political groups to ensure, generally, an overall political balance over a 12-month period;
- vii. a standard programme will be established for observation missions: three days for political meetings (organised by the national parliament), one day for the elections themselves (with cars, guides and interpreters paid for by the Assembly), one day for evaluation/assessment and the press conference;
- viii. where the Bureau deems it necessary, a pre-electoral and/or a post-electoral 5-member cross-party mission may be dispatched;
- ix. to enhance the mission's public profile, the ad hoc committees will be referred to as "delegations" headed by a "leader of the delegation" appointed by the Bureau;
- x. while every effort should be made to ensure a political balance of ad hoc committees to observe elections, in the event when some political groups fail to come up with candidates while others put forward more candidacies than they are entitled to, the principle of a political equilibrium may be foregone in the interests of having a strong PACE presence during election observation. In such circumstances, a notification by the Secretary General of the Parliamentary Assembly will suffice;
- xi. political groups should bear it in mind that any appointment to an ad hoc committee to observe elections should aim to ensure the principle of gender balance of such a committee. Political groups should endeavour to include, in the list of representatives appointed, members of the under-represented sex in the same percentage as is present in the group;
- xii. members of the ad hoc committees will abstain from engaging in public activities which could interfere in the electoral process;
- xiii. political groups should bear it in mind that any appointment to an ad hoc committee should respect fair geographical representation and be based on the candidate's express capability, language-wise, to meaningfully participate in the work of the mission, in particular, given that on the spot the Council of Europe only provides interpretation to and from English or French. It should be pointed out that English is the de facto working language of the OSCE/ODHIR election observation mission;
- xiv. members of an ad hoc committee are encouraged to plan their travel arrangement in a way that would allow them at least to participate in the ad hoc committee debriefing on the morning following the elections. It is understood that those members who are unable to attend the debriefing in the capital because they were deployed outside it may report their conclusions by phone;
- xv. members of the ad hoc committee should be aware that as far as the funding of their participation in the work of the ad hoc committee is concerned, Article 38 of the Statute of the Council of Europe shall apply ("*Each member shall bear the expenses of its own representation in the Committee of Ministers and in the Parliamentary Assembly*");

E. Conflict of interest

18. All candidates for membership of an ad hoc committee, at the time of putting forward their candidacy, shall make a written declaration of any actual or potential economic, commercial, financial or other interests on a professional, personal or family level in connection with the country concerned by the election observation. They shall also declare any substantial gift or benefit in kind, including payment of travel costs, received from the country concerned.

19. Such declarations shall be made available to the Bureau when it approves the composition of an ad hoc committee.

20. Provisions stipulated in the Code of Conduct for rapporteurs of the Parliamentary Assembly (Resolution 1799 (2011)) shall apply, *mutatis mutandis*, to chairpersons and members of ad hoc committees;

21. The Bureau shall consider any behaviour allegedly in breach of paragraphs 18 and 20 above.

F. Form of Election Observation by PACE

22. The observation of elections by PACE can take place in one of the following three forms upon decision of the Bureau.

a. *Election Observation Missions.* These take the form of an ad hoc Committee set up for this purpose. The size may vary from 5 to 40 members, Committees are composed on the basis of proposals by the Political Groups taking into account the D'Hondt rule. The Chairperson of the ad hoc Committee is appointed by the Bureau of the Assembly. Chairmanship rotates between political groups. PACE Election Observation Missions issue a statement of their findings immediately following the elections, where applicable in the framework of an IEOM. The Chairperson of the ad hoc Committee drafts a report on the Election Observation Missions which is submitted to the Bureau and subsequently to the Assembly as part of the progress report of the Bureau. A pre-electoral mission shall be conducted following a Bureau's decision.

b. *Election Assessment Missions.* These take the form of an ad hoc Committee specifically set up for this purpose. Election Assessment Missions are normally composed of five members, but never less than three members, in order to guarantee a minimum political and geographical balance of the ad hoc Committee. The Chairperson of the ad hoc Committee is appointed by the Bureau. Chairmanship rotates between political groups. The ad hoc Committee will report its findings in the form of a memorandum by its Chairperson to the Bureau. No pre-electoral mission will be conducted.

c. *Presence on the Occasion of Election* of Assembly members during and/or just before an election without a formal observation or assessment of it. Accordingly, the Bureau does not set up an ad hoc Committee but decides on the dates of the mission. These missions are normally composed of the country rapporteur(s) of the Monitoring or Political Affairs Committee. In exceptional cases, the Bureau can appoint one of its members to participate in these missions. This mission will report their findings in the form of a memorandum to the Bureau.

23. Election Observation Missions for which less than five members are identified shall be considered as Election Assessment Missions. In the event that three members cannot be identified for an assessment mission, the mission shall be cancelled. Time allowing, the possibility of ensuring a presence could then be considered by the Bureau of the Assembly.

Appendix III

Composition of the Monitoring Committee

On the basis of proposals by the political groups, nominated Mr Ghilechi (EPP/CD) to replace Mr Mignon (EPP/CD), Mr Schennach (SOC) to replace Mr Strässer (SOC); Mr Chaloupka (EDG), Mr Lebedev (EDG) and Baroness Nicholson (ALDE) for vacant seats subject to ratification by the Assembly.

Committee on Rules of Procedure, Immunities and Institutional Affairs

On the basis of proposals by the political groups, nominated Mr Mahoux (SOC) for a vacant seat and Mr Leyden (ALDE) and Ms Naghdalyan (ALDE) for vacant seats subject to ratification by the Assembly.

Appendix IV

Meetings elsewhere than in Strasbourg and Paris

- a. Sub-Committee on the Europe Prize (of the Committee on Social Affairs, Health and Sustainable Development), 29 March 2012, Berlin;
- b. Committee on Migration, Refugees and Displaced Persons, 29-30 March 2012, Brussels;
- c. Committee on Culture, Science, Education and Media, 29 May 2012, Romania.

Appendix V

Appointments of Assembly representatives for official activities

- a. Mr Gardetto (Monaco, EPP/CD), Joint 79th Rose-Roth and Special Mediterranean Group Seminar, 11-13 April 2012, Marseille (France).

Appendix VI

Institutional representation of the Parliamentary Assembly in 2012

The Bureau appointed the following Assembly representatives:

- i. European Commission for Democracy through Law – Venice Commission:* Mr Çavuşoğlu (EDG) appointed by the President, Mr Holovaty (ALDE, Committee on Legal Affairs and Human Rights); and as substitute Mr Mahoux (SOC, Committee on Legal Affairs and Human Rights);
- ii. Council for Democratic Elections (of the Venice Commission):* Ms Durrieu (SOC, Committee on Political Affairs and Democracy), Mr Gross (SOC, Committee on Legal Affairs and Human Rights) and Mrs Woldseth (EDG, Monitoring Committee) and as a substitute: Ms de Pourbaix-Lundin (EPP/CD, Monitoring Committee);
- iii. European Centre for Global Interdependence and Solidarity – North-South Centre:* Sir Roger Gale (EDG, Committee on Culture, Science, Education and Media) and as a substitute: Mr Costa Neves (EPP/CD, Committee on Culture, Science, Education and Media);
- iv. European Commission against Racism and Intolerance (ECRI):* Ms Huovinen (SOC, Committee on Political Affairs and Democracy), Mr Cilevičs (SOC, Committee on Equality and Non-discrimination) and Mr Schneider (EPP/CD, Committee on Culture, Science, Education and Media) and as a substitute Ms Postanjyan (EPP/CD, Committee on Culture, Science, Education and Media);
- v. Steering Board of the Forum for the Future of Democracy:* Chairperson of the Committee on Political Affairs and Democracy or the Chairperson or a member of the Ad Hoc Committee (according to availability);
- vi. Group of States against Corruption – GRECO:* Mr Heald (EDG, Committee on Legal Affairs and Human Rights) and as substitute Ms de Pourbaix-Lundin (EPP/CD, Committee on Legal Affairs and Human Rights) ;
- vii. European Commission for the Efficiency of Justice - CEPEJ:* Mr Gaudy Nagy (NR, Committee on Legal Affairs and Human Rights);
- viii. Council of Europe Committee for Works of Art:* Ms Marland-Militello (EPP/CD, Committee on Culture, Science, Education and Media) and as substitute Mr Lidell-Grainger (EDG, Committee on Culture, Science, Education and Media).