



## Bureau of the Assembly

### Assembly General Rapporteurs: stock-taking

#### Memorandum prepared by the Secretary General of the Parliamentary Assembly<sup>1</sup>

1. Assembly Resolution 1842 (2011) on *The terms of reference of Parliamentary Assembly committees – implementation of Resolution 1822 (2011) on the reform of the Parliamentary Assembly* set up the General Rapporteurs.<sup>2</sup> Subsequently a specific provision was introduced in the Rules of Procedure of the Assembly for this purpose, which reads as follows: '*Committees may appoint one or more general rapporteurs whose terms of reference and terms of office they shall determine beforehand. The terms of reference shall be submitted to the Bureau for approval and its decision shall be subject to ratification by the Assembly* (currently Rule 50.7).

2. Since 2012, 13 mandates of General Rapporteurs have been set up, approved by the Bureau and ratified by the Assembly. Initially the duration of the term of office was not limited, but later the Bureau agreed that the term of office would be limited to two years, with the exception of the General Rapporteur on the budget and intergovernmental programme, where the term would be three years.

3. Furthermore, in 2014 the Bureau agreed that General Rapporteurs could keep their function after the expiry of their mandate until a new general rapporteur was appointed by the committee concerned.<sup>3</sup>

#### I. Current General Rapporteurs

4. Currently ten General Rapporteurs are in office:

- General Rapporteur on the abolition of the death penalty (AS/Jur),
- General Rapporteur on the situation of human rights defenders (AS/Jur),
- General Rapporteur for the protection of whistleblowers (AS/Jur),
- General Rapporteur on local and regional authorities (AS/Soc),
- General Rapporteur on science and technology impact assessment (AS/Cult),
- General Rapporteur on media freedom and safety of journalists (AS/Cult),
- General Rapporteur on violence against women (AS/Ega),
- General Rapporteur on the rights of lesbian, gay, bisexual, transgender and intersex people (AS/Ega),
- General Rapporteur on combating racism and intolerance (AS/Ega),
- General Rapporteur on the budget and the intergovernmental programme (AS/Pro).

5. Two further General Rapporteurs' terms of office have not been renewed by the Committee on Migration, Refugees and Displaced Persons, but have not been formally abolished: the General Rapporteur on stopping the detention of migrant children and the General Rapporteur on reception conditions for refugees and migrants. Previously, in 2017, the Committee on Social Affairs, Health and Sustainable Development decided to abolish the mandate of the General Rapporteur on children, with a view to setting up a sub-committee on the same topic.<sup>4</sup>

<sup>1</sup> The conclusions of the memorandum were approved by the Bureau at its meeting on 24 September 2021.

<sup>2</sup> <http://www.assembly.coe.int/nw/xml/XRef/Xref-DocDetails-en.asp?FileID=18038&lang=en>.

<sup>3</sup> Meeting of 6 March 2014, AS/Bur/CB (2014) 03.

<sup>4</sup> Meeting held during the 4<sup>th</sup> part-session 2016, AS/SOC (2016) CB 07.

## **II. Questions related to the interpretation of existing provisions in the light of current practice**

### *2.1. Role of General Rapporteurs*

6. It is the role of General Rapporteurs to raise awareness and enhance visibility, to draw attention to opportunities and challenges relating to their respective terms of reference by issuing statements and participating in relevant events. General Rapporteurs do not produce reports to be debated by the Assembly. However, they can produce information documents at committee level.<sup>5</sup> General Rapporteurs are not expected to carry out in situ fact-finding visits. When making statements and speaking on behalf of the Parliamentary Assembly, General Rapporteurs must respect their terms of reference and rely on existing Council of Europe adopted texts and positions. One positive example of the impact of a General Rapporteur, is the Rapporteur on violence against women who has continued to contribute immensely to the promotion, ratification and implementation of the Istanbul Convention, Organisation-wide and especially at parliamentary level. For example, at the recent event marking the 10th anniversary of the Istanbul Convention (23 June 2021) the General Rapporteur played an important role by paving the way forward for the Assembly for the years to come and thereby ensuring follow-up to the discussions.

### *2.2. Duration of the terms of reference of General Rapporteurs*

7. Pursuant to Rule 50.7 of the Rules of Procedure it is the responsibility of committees to determine the term of office of the General Rapporteur at the time of its creation. The Bureau has nevertheless set a framework of two years: terms of reference of one year, renewable once. The committees have the competence, after each yearly review, to decide whether or not to extend General Rapporteurs for one year in their functions. They are therefore the judges on the basis of this review, of the usefulness of maintaining these functions or not.

8. General Rapporteurs should not be considered as permanent structures. In some cases, they are useful at a given moment in time (such as the promotion of a convention) and therefore careful assessment of the added value is required each time terms of reference are extended. Considering that the Council of Europe Programme and Budget now has a 4-year strategic framework, it seems appropriate to align the term of office of the General Rapporteur on the budget and the intergovernmental programme with this new timeframe (4 years).

### *2.3. Scope of terms of reference*

9. When the function of General Rapporteur was introduced it was clearly stipulated that a General Rapporteur was not intended to replace a rapporteur. Since then, the question has arisen whether in some committees the mandate of a General Rapporteur is duplicating the mandate of other structures, such as existing sub-committees.

10. Taking stock of the past ten years' experience, three main criteria appear important for impactful terms of reference and which have added value to the function of a General Rapporteur, namely:

- a link with a provision of the European Convention on Human Rights;
- a link with another Council of Europe key Convention (eg. Lanzarote, Istanbul);
- an institutional, or intra-institutional, role.

11. In addition, to ensure the added value of the General Rapporteurs, the Bureau should pay particular attention to the following aspects when considering any draft terms of reference submitted to it:

- are the terms of reference already covered by an existing sub-committee or any other General Rapporteur?
- are the terms of reference linked to the provisions of the European Convention on Human Rights, to another Council of Europe key Convention or do they have an institutional, or intra-institutional, role?

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<sup>5</sup> See for example [AS/Jur \(2020\) 30](#) Abolition of the death penalty in Council of Europe member and observer states, Belarus and countries whose parliaments have co-operation status – situation report, 15.10.2020.

#### 2.4. *Accumulation of functions and mandates*

12. Among the measures promoted in several Assembly reports relating to the reform of its mode of operation is the need to promote the participation of a greater number of members in certain functions, in particular as rapporteurs and members of the Bureau of committees and sub-committees. There is no provision in the Rules that limits the accumulation of the functions of General Rapporteur with other functions. In practice the accumulation of the functions of General Rapporteur and chairperson of a committee or a sub-committee goes against the principles promoted by the Assembly. Furthermore, Rule 50.1 states that a member of the Assembly cannot simultaneously be rapporteur for more than 5 reports or opinions under preparation. The term of office of a General Rapporteur should be included in this number, and no member should be appointed for more than one General Rapporteurship.

#### 2.5. *Number of General Rapporteurs per committee*

13. There is no provision in the Rules that limits the number of General Rapporteurs that can be appointed by the committees. However, Rule 49.3. states that a committee may not set up more than 3 standing sub-committees (or 2 in the case of smaller committees). It seems reasonable to apply the same limit to the number of General Rapporteurs per committee. Strategically, the Assembly should not have too many General Rapporteurs either as that would dilute their impact.

#### 2.6. *Regular review of the terms of reference of Assembly General Rapporteurs*

14. It is of the utmost importance to ensure that the terms of reference of all General Rapporteurs remain topical, continue to have added value and meet the above-mentioned criteria. To make sure that this is the case, a regular review of their terms of reference, ideally in January of every second year should take place first at committee level, then in the Bureau for a final decision.

### **III. Draft conclusions on General Rapporteurs**

15. It is clear that the function of General Rapporteurs is considered useful. It is also clear that General Rapporteurs have contributed to the visibility and relevance of the work of the Assembly, in line with the objectives of the 2011 reform, and have enabled a greater number of members of the Assembly to be actively engaged in its activities. They have also contributed to the overall visibility of the Organisation in priority areas.

16. Taking stock of the experience of the last ten years, the Bureau is invited to consider the following points and to decide:

- to invite committees to ensure that the terms of reference of General Rapporteurs correspond to the committee's general mandate and do not overlap with the terms of reference of an existing General Rapporteur;
- to invite committees to ensure that the draft terms of reference of General Rapporteurs submitted to the Bureau are linked to the provisions of the European Convention on Human Rights, to another Council of Europe key Convention or have an institutional, or intra-institutional, role and that they clearly spell out the added value of setting up such a function;
- to invite committees to ensure that General Rapporteurs do not accumulate these functions with that of chairperson of a committee or sub-committee and to include the mandate of General Rapporteur in the limit of 5 rapporteur mandates per Assembly member;
- to invite committees to set up no more than three General Rapporteurships;
- to extend the terms of reference of the General Rapporteur on the budget and the intergovernmental programme to four years, in line with the four-year cycle of the Council of Europe Programme and Budget;
- to invite committees to take note of the criteria defined in the present memorandum and to accordingly review the terms of reference of their General Rapporteurs, in good time for the Bureau to reconsider them in January 2022 and as of then, regularly every second year in January.