



BUREAU OF THE ASSEMBLY

AS/Bur/CB (2013) 01

21 January 2013

TO THE MEMBERS OF THE ASSEMBLY

**Synopsis**  
**of the meeting held in Strasbourg**  
**on 21 January 2013**

The Bureau of the Assembly, meeting on 21 January 2013 in Strasbourg, with Mr Jean-Claude Mignon, President of the Assembly, in the Chair, as regards:

- **First part-session of 2013 (Strasbourg, 21-25 January 2013):**

*i. Requests for debates under urgent procedure and current affairs debates:*

. decided to propose to the Assembly to hold a debate under urgent procedure on “Migration and asylum: mounting tensions in the Eastern Mediterranean” on Thursday 24 January 2013 and to refer this item to the Committee on Migration, Refugees and Displaced Persons for report;

. decided to propose to the Assembly to hold the debate under urgent procedure on “Recent developments in Mali and Algeria and the threat to security and human rights in the Mediterranean region” on Thursday 24 January 2013 and to refer this item to the Committee on Political Affairs and Democracy for report;

. decided not to hold a current affairs debate on “The deteriorating situation in Georgia”;

. took note of the decision by the UEL Group to withdraw its request for a current affairs debate on “Political developments in Turkey regarding the human rights of the Kurds and other minorities”;

*ii. Draft agenda:* updated the draft agenda;

- **Progress report of the Bureau of the Assembly and of the Standing Committee (5 October 2012 – 21 January 2013):** (*Rapporteur: Mr Kox, Netherlands, UEL*): approved the Progress report;

- **Election observation:**

*i. Presidential election in Armenia (18 February 2013):* took note of the press release issued by the pre-electoral mission (Yerevan, 15-18 January 2013) and approved the final composition of the ad hoc committee to observe these elections (Appendix 1);

*ii. Presidential election in Montenegro (7 April 2013):* decided to observe these elections (subject to the receipt of an invitation) and constituted an ad hoc committee for this purpose composed of 7 members, including one from each political group and the two Co-rapporteurs for the monitoring of Montenegro (of the Monitoring Committee);

- **References and transmissions to committees:**
  - i. approved the following reference, subject to ratification by the Assembly: Doc. 13093, Draft Protocol no. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms. Request for an opinion by the Committee of Ministers, to the Committee on Legal Affairs and Human Rights for report;
  - ii. approved the following extension of a reference, Doc.12548, Motion for a resolution on “National security and access to information” Reference 3762 of 15.04.2011 extended until 30.06.2013;
- **Communications:** took note of communications by the President and the Deputy Secretary General of the Council of Europe;
- **Implementation of Resolution 1903 (2012) on the code of conduct of members of the Parliamentary Assembly: good practice or a core duty?:** approved the revised memorandum prepared by the Secretariat (Appendix 2);
- **Protection mechanism against attacks, in the Bureau and Committees, on members’ honour and reputation:** approved the proposals contained in the memorandum prepared by the Secretariat (Appendix 3), in particular as regards
  - . the application *mutatis mutandis* of the right-to-reply procedure provided for in Resolution 1854 (2011) concerning response to defamatory statements made in plenary sittings, to statements made during meetings of the Bureau or of committees;
  - . requesting the Committee on Rules of Procedure, Immunities and Institutional Affairs to examine the question of setting up a special committee responsible for order-related matters, including complaints over defamatory statements made by Assembly members;
  - . requesting the Committee on Rules of Procedure, Immunities and Institutional Affairs to examine the issue of the right to speak of a member whose still unratified credentials are challenged in accordance with Rule 7 of the Rules of Procedure in the framework of the report on “Evaluation of the implementation of the reform of the Parliamentary Assembly”;
- **Vice-Presidents of the Assembly in 2013:** took note of the list of candidates;
- **Composition of the Monitoring Committee and the Committee on Rules of Procedure, Immunities and Institutional Affairs:** on the basis of proposals from the political groups, nominated members of these two committees and decided to submit these nominations to the Assembly for ratification;
- **Resolution 1376 (2004) relating to Cyprus:** took note of the letters from the two Turkish Cypriot political parties informing the President of the Assembly of the names of the “elected representatives of the Turkish Cypriot community” entitled to sit in the Assembly, namely Mr Ahmet Eti (National Unity Party) and Mr Mehmet Çağlar (Republican Turkish Party), to be submitted to the Assembly for its approval in the framework of the Progress Report;
- **Appointment of Assembly representatives for official activities:** (Appendix 4);
- **Date and place of the next meetings:**
  - . Friday 25 January 2013, Strasbourg at 8.30 am;
  - . Thursday 7 March 2013, Paris (CoE office) at 3 pm.

Ivi-Triin Odrats

---

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

**AD HOC COMMITTEE FOR THE OBSERVATION OF THE  
PRESIDENTIAL ELECTION IN ARMENIA**

**COMMISSION AD HOC POUR L'OBSERVATION DE  
L'ELECTION PRESIDENTIELLE EN ARMENIE**

**18 February / février 2013**

**List of members / Liste des membres**

**KARIN WOLDSETH (EDG, NORWAY) , HEAD OF THE DELEGATION / CHEF DE LA DÉLÉGATION**

**GROUP OF THE EUROPEAN PEOPLE'S PARTY (EPP/CD)**

**GROUPE DU PARTI POPULAIRE EUROPEEN (PPE/DC)**

JEAN-MARIE BOCKEL	FRANCE
LOLITA ČIGĀNE	LATVIA / LETTONIE
RENATO FARINA	ITALY / ITALIE
MARIETTA DE POURBAIX-LUNDIN	SWEDEN / SUÈDE
CEZAR FLORIN PREDA	ROMANIA / ROUMANIE
SENAD ŠEPIĆ	BOSNIA AND HERZEGOVINA / BOSNIE HERZEGOVINE
LUCA VOLONTÈ *	ITALY / ITALIE

**SUBSTITUTES / SUPPLÉANTS**

MLADEN IVANIĆ	BOSNIA AND HERZEGOVINA / BOSNIE HERZEGOVINE
NERMINA KAPETANOVIĆ	BOSNIA AND HERZEGOVINA / BOSNIE HERZEGOVINE
FRANÇOIS ROCHEBLOINE	FRANCE
STEFAN VERCAMER	BELGIUM / BELGIQUE

**SOCIALIST GROUP (SOC)**

**GROUPE SOCIALISTE (SOC)**

TADEUSZ IWINSKI	POLAND / POLOGNE
PAOLO CORSINI	ITALY / ITALIE
PIETRO MARCENARO	ITALY / ITALIE
LUC RECORDON	SWITZERLAND / SUISSE
RENÉ ROUQUET	FRANCE
STEFAN SCHENNACH *	AUSTRIA / AUTRICHE

**SUBSTITUTES / SUPPLÉANTS**

LENNART AXELSSON	SWEDEN / SUÈDE
CHRISTIAN BATAILLE	FRANCE
ARCADIO DIAZ TEJERA	SPAIN / ESPAGNE

**EUROPEAN DEMOCRAT GROUP (EDG)**

**GROUPE DEMOCRATE EUROPEEN (GDE)**

SIR ROGER GALE	UNITED KINGDOM / ROYAUME UNI
ØYVIND VAKSDAL	NORWAY / NORVÈGE

**SUBSTITUTES / SUPPLÉANTS**

....

**ALLIANCE OF LIBERALS AND DEMOCRATS FOR EUROPE (ALDE)**

**ALLIANCE DES DEMOCRATES ET DES LIBERAUX POUR L'EUROPE (ADLE)**

ANDRÉ BUGNON	SWITZERLAND / SUISSE
KERSTIN LUNDGREN	SWEDEN / SUÈDE
MAILIS REPS*	ESTONIA / ESTONIE

**SUBSTITUTES / SUPPLÉANTS**

ANTI KAIKKONEN	FINLAND / FINLANDE
NURSUNA MEMECAN	TURKEY / TURQUIE

**GROUP OF THE UNIFIED EUROPEAN LEFT (UEL)**

**GROUPE POUR LA GAUCHE UNITAIRE EUROPÉENNE (GUE)**

DIMITRIOS PAPADIMOULIS	GREECE / GRÈCE
------------------------	----------------

**CO-RAPPORTEURS AS/MON (EX-OFFICIO)**

AXEL FISCHER*	GERMANY / ALLEMAGNE
JOHN PRESCOTT*	UNITED KINGDOM / ROYAUME UNI

**VENICE COMMISSION / COMMISSION DE VENISE**

.....

**SECRETARIAT**

BOGDAN TORCATORIU, ADMINISTRATOR, INTERPARLIAMENTARY COOPERATION AND ELECTION OBSERVATION

BASTIAAN KLEIN, ADMINISTRATOR, MONITORING COMMITTEE

FRANCK DAESCHLER, PRINCIPAL ADMINISTRATIVE ASSISTANT, INTERPARLIAMENTARY COOPERATION AND ELECTION OBSERVATION

\* PRE ELECTORAL MISSION / MISSION PRÉ-ÉLECTORALE (16-17 JANUARY 2013)

## **Bureau of the Assembly**

### **Implementation of Resolution 1903 (2012) “Code of conduct of members of the Parliamentary Assembly: good practice or a core duty?”**

Memorandum prepared by the Secretary General of the Assembly  
revised in the light of the Bureau discussion at its meeting on 17 December 2012

#### **1. Introduction**

1. In adopting Resolution 1903 (2012) “Code of conduct of members of the Parliamentary Assembly: good practice or a core duty?” on 4 October 2012, the Parliamentary Assembly established a consistent set of ethical rules governing the conduct of all of its members in the exercise of their office. These new rules are based on the principles of transparency, accountability and integrity, and upholding the general interest, and supplement the existing rules designed to prevent conflicts of interest and any form of corruption. They are a response to the concerns expressed, both within and outside the Assembly, regarding political favouritism or cronyism, offers of gifts or hospitality to Assembly members, situations of conflict of interest or the use of a member’s mandate to promote or safeguard personal interests.

2. Paragraph 14 of the Code of conduct for members of the Parliamentary Assembly, appended to Resolution 1903, provides that *“Members shall register with the Secretariat of the Assembly any gifts or similar benefits (such as travel, accommodation, subsistence, meals or entertainment expenses) of a value in excess of 200 euros that they accept in the performance of their duties as Assembly members.”* The arrangements for the implementation of this provision, detailed below, are the subject of this memorandum.

3. In addition, Resolution 1903 calls on the Bureau of the Assembly to amend or revise various complementary texts, in particular:

- the rules on access to and movement and security within Council of Europe premises during Parliamentary Sessions, and the appendices to the rules in question, in order to establish rules to apply to interest group representatives during Assembly sessions and to clearly identify such representatives (paragraph 9.2);

- the special rules on honorary association of the Parliamentary Assembly, and the special rules on the title and prerogatives of the Honorary President of the Parliamentary Assembly of the Council of Europe (paragraph 9.3);

- the guidelines for the observation of elections by the Parliamentary Assembly, with a view to amending the provisions concerning conflict of interest and clarifying the declaratory requirements incumbent on members of ad hoc committees (paragraph 11).

4. These points will be dealt with separately and will be the subject of proposals submitted to the Bureau by means of specific memoranda. The modification of the guidelines on the observation of elections was adopted by the Bureau at its meeting on 17 December 2012 (document AS/Bur (2012) 67). The rules on access to and movement and security within Council of Europe premises are governed by the general rules on access and security in Council of Europe premises issued by the Council of Europe Director General of Administration and the Director of Logistics, on which they must be based. Insofar as these general rules are currently being revised, it is too early at this stage to put forward proposals for changes to the rules which specifically apply during Assembly sessions. Accordingly, the Bureau will be asked to consider this matter at a later stage, in the course of 2013.

## 2. Considerations regarding the registration of gifts or similar benefits

5. In accordance with paragraph 14 of the Code of Conduct of members of the Parliamentary Assembly, members are required to register with the Secretariat of the Assembly any gifts or similar benefits of a value in excess of €200 accepted by members in the performance of their duties.

6. There are a number of typical and recurring situations in the activities of Assembly members when they may receive gifts or similar benefits:

- Standing Committee, Bureau or committee meetings held outside Strasbourg;
- fact-finding visits carried out by rapporteurs in the preparatory stages of their reports;
- election observation missions;
- official visits by the President of the Assembly;
- miscellaneous events (conferences, seminars, meetings, organised by the Council of Europe, the Parliamentary Assembly, INGOs, national authorities or other international organisations, etc.) at which members represent the Parliamentary Assembly.

7. Most of the gifts or benefits received in the above situations are fully consistent with protocol or social customs (welcome gifts) or normal commercial practices (a group rate which is lower than the advertised price). It should be noted that in such cases, the gift or benefit in question is often below the €200 threshold for registration laid down in the Code of Conduct. Nonetheless, Assembly members are asked to be as discerning as possible before accepting a gift or benefit. Moreover, Resolution 1903 does not preclude members from declaring gifts or benefits below the required registration threshold, should they deem this necessary.

8. A study<sup>1</sup> carried out among the parliaments of Council of Europe member States on arrangements for the registration of gifts and similar benefits provided the following information, revealing a variety of practices:

- information is gathered by means of a written declaration, using a specific form<sup>2</sup> or on ordinary paper,<sup>3</sup> sometimes by way of simple e-mail<sup>4</sup> or oral declaration<sup>5</sup>, and then recorded in a hard-copy<sup>6</sup> or electronic<sup>7</sup> register kept by the relevant parliamentary department,<sup>8</sup> more rarely, in some parliaments, this information is not recorded in an official centralised register.<sup>9</sup>
- there are variations in the length of time the information is stored and in access to the information provided in the declaration. The information may be kept for the duration of the legislative period,<sup>10</sup> for the length of a given member's term of office,<sup>11</sup> for a given period following the end of the member's term of office<sup>12</sup> or indefinitely;<sup>13</sup>
- with regard to access, electronic registers may be open to the public,<sup>14</sup> have restricted access,<sup>15</sup> or be accessible on request.<sup>16</sup> Conversely, some are not publicly accessible.<sup>17</sup>

<sup>1</sup> European Centre for Parliamentary Research and Documentation, request No. 2130 (of 26 October 2012).

<sup>2</sup> National Assembly of the Republic of Serbia, National Assembly of the Republic of Slovenia, the Seimas of the Republic of Lithuania, the Storting (Norway), House of Commons (United Kingdom).

<sup>3</sup> General Council of Andorra, French National Assembly, Chamber of Deputies of the Czech Republic, Romanian Parliament.

<sup>4</sup> European Parliament, French National Assembly.

<sup>5</sup> General Council of Andorra.

<sup>6</sup> The Sejm (Poland).

<sup>7</sup> General Council of Andorra, House of Representatives of Cyprus, Chamber of Deputies of the Czech Republic, the Seimas of the Republic of Lithuania, the Storting (Norway).

<sup>8</sup> The Storting (Norway) is currently looking into an online declaration system, to be introduced with effect from the next legislative period, late 2013.

<sup>9</sup> Eduskunta (Finland), French National Assembly.

<sup>10</sup> Chamber of Deputies of the Czech Republic, Sejm (Poland), Romanian Parliament; the proposal is being discussed in the French National Assembly.

<sup>11</sup> The Storting (Norway); however, information on gifts is removed from the register after 10 years.

<sup>12</sup> Five years in the German Bundestag and the Chamber of Deputies of the Czech Republic.

<sup>13</sup> General Council of Andorra, House of Representatives of Cyprus, the Saeima of Latvia, National Assembly of the Republic of Slovenia.

<sup>14</sup> House of Commons (Canada), Parliament of the Republic of Moldova, Parliament of Montenegro, the Sejm (Poland), the Romanian Parliament, the Storting (Norway), House of Commons and House of Lords (United Kingdom).

<sup>15</sup> The Seimas of the Republic of Lithuania, House of Representatives of Cyprus.

9. Lastly, with regard to the retention and conservation of gifts, it is interesting to note that in most parliaments which have regulations governing the declaration of gifts and similar benefits, gifts of a value exceeding the authorised limit must be surrendered to the relevant department.<sup>18</sup> In other parliaments, it is forbidden to keep gifts, whatever their value.<sup>19</sup>

### **3. Introduction of a procedure for registering gifts and similar benefits of a minimum value of €200**

10. In view of the Assembly's working methods, the following procedure is suggested:

– collection of information: any member having received a gift or enjoyed a similar benefit<sup>20</sup> of a minimum value of €200 must make a declaration to that effect, within one month, by filling out a standard form (draft version appended to this memorandum). The declaration should be e-mailed to the Assembly Secretariat using the following dedicated address ([pace.registrationgifts@coe.int](mailto:pace.registrationgifts@coe.int)).

– information management: once the declaration has been received, it will be entered, by date order, in a register kept by the secretariat of the Committee on Rules of Procedure, Immunities and Institutional Affairs. The information collected will be stored for a period of 5 years.

– access to the register: the declarations are public and may be made available to anyone on request.

### **4. Conclusion**

11. The Bureau of the Assembly is invited to consider this memorandum and approve the procedure for registering gifts or similar benefits of a minimum value of €200 (paragraph 10 above), and the standard declaration form (appended hereto).

---

<sup>16</sup> Accessible to anyone on request (Chamber of Deputies of the Czech Republic), or to a restricted number of people, e.g. the Auditor General of the Republic of Cyprus.

<sup>17</sup> The German Bundestag.

<sup>18</sup> To Protocol (General Council of Andorra, the Seimas of the Republic of Lithuania), to the Speaker (German Bundestag), to the Financial Administration Service (House of Representatives of Cyprus) or to another department (Eduskunta (Finland), Parliament of Montenegro, National Assembly of the Republic of Serbia, National Assembly of the Republic of Slovenia), or a given parliamentary committee (the Saiema of Latvia), sometimes within a given time (eight days, Parliament of Croatia). Members of the Bundestag (Germany), the Parliament of the former Yugoslav Republic of Moldova and the Assembly of the Republic of Macedonia may keep the gift if they pay a sum equivalent to its value. Members of Knesset (Israel) who would like to keep a gift and not giving away to the Knesset may ask for permission from a special committee.

<sup>19</sup> Members of the State Duma and the Council of the Federation (Russia) may keep the gift if they pay a sum equivalent to its value. The same applies to members of the Saiema of Latvia subject to a very strict procedure. Members of the Riigikogu (Estonia) may only keep a gift provided by an international custom or diplomatic etiquette. Members of the Riksdag (Sweden) cannot accept any gift whatsoever.

<sup>20</sup> Benefits (such as transportation, social or cultural events, meals, etc.) the costs of which are borne by the authorities are excluded from the declaration requirement on condition that these benefits are expressly mentioned in the official programme of the meeting (e.g. Standing Committee, committee or sub-committee or ad hoc committee or sub-committee), visit or mission (for example by the President of the Assembly, a rapporteur or Assembly representative).

## APPENDIX

Standard form for declaring gifts or similar benefits of a minimum value of €200

### DECLARATION DE CADEAU ET TOUT AVANTAGE SIMILAIRE/ DECLARATION OF GIFT AND ANY SIMILAR BENEFIT

INTERNAL USE ONLY / UTILISATION INTERNE UNIQUEMENT

A envoyer/to be sent to: [pace.registrationgifts@coe.int](mailto:pace.registrationgifts@coe.int)

#### DONNÉES PERSONNELLES / PERSONAL DETAILS

M./Mr  Mme/Ms

Nom de Famille / Surname:

Prénom / First Name:

Délégation/ Delegation:

#### DONATEUR/DONATOR

Nom de l'organisation, autorité,  
compagnie ou la personne /  
Name of the organisation, body,  
company or person:

#### REÇU(E)S A L'OCCASION DE LA MANIFESTATION SUIVANTE/ RECEIVED ON THE OCCASION OF THE FOLLOWING EVENT

Intitulé  
/ Title:

Date et  
lieu/  
Date  
and  
.

#### DESCRIPTION

Par exemple: dénomination du cadeau, objet (marque),  
repas, frais de déplacement, frais d'hébergement, billets  
de spectacle etc./

For example: name of a gift, object (brand), meals, travel  
expenses, accommodation expenses, show tickets, etc.

Valeur estimée / Estimated value

EUR

Information supplémentaire /  
Additional information:

Signature :

Date:



## **Bureau of the Assembly**

# **Protection mechanism against attacks, in the Bureau and committees, on members' honour and reputation**

## Memorandum prepared by the Secretary General of the Assembly

### **1. Introduction**

1. At the last three meetings of the Bureau of the Assembly, on 5 October, 29 November and 17 December 2012 respectively, the question has been raised, at the initiative of Mr Volontè, chair of the European People's party group, of statements made by members during meetings of the Bureau (and by extension the committees) which call into question the honour and reputation of an Assembly member<sup>21</sup>.

2. As Mr Volontè pointed out in those meetings, it is important to protect the dignity of Assembly members against offensive statements or accusations (of corruption for example) made by other Assembly members without foundation or proof. He furthermore thought it expedient to consider the possibility of setting up a specific committee within the Assembly to examine complaints from members targeted by statements of this kind and sanction those making such statements.

### **2. Existing rules**

3. The Assembly's Rules of Procedure contain provisions on members' conduct which give the President of the Assembly certain powers to guarantee the proper running of debates. The Rules state that those provisions may be applied by committee chairs where maintaining order in meetings is concerned.

*2.1. Provisions relating to the maintaining of order in plenary sittings*

4. Rule 21 of the Rules of Procedure regarding order stipulates *inter alia* that:

*"21.1. The President shall call to order any member of the Assembly who causes a disturbance during proceedings.  
(...)*

*21.6. Words or expressions which affront human dignity, undermine the right to respect for private life, or which may prejudice orderly debate may not be used. The President may order such words to be struck from the report of debates. (...)The report of the debates shall record any such decision."*

5. The Assembly adopted Resolution 1854 (2011) on "Ensuring protection against attacks on a person's honour and reputation"<sup>22</sup> to supplement the provisions in the Rules regarding members' conduct during plenary sittings of the Assembly.

---

<sup>21</sup> More specifically, the question relates to an incident at the Bureau meeting of 5 October 2012, when a member of the Bureau called into question the integrity and honesty of the author and first signatory of a motion for a resolution that was under discussion, alleging that he was acting as a lobbyist.

<sup>22</sup> See the report of the Committee on Rules of Procedure, Immunities and Institutional Affairs (Doc. 12703), rapporteur: Mrs Bemelmans-Videc (Netherlands, EPP/CD).

6. As mentioned in the 2011 report of the Committee on Rules of Procedure, Immunities and Institutional Affairs on protection against attacks on a person's honour and reputation, the protection of a person's reputation and honour forms an integral part of the right to respect for private life<sup>23</sup>.

*2.2. Provisions affording protection from attacks on a person's honour and reputation (Rule 21.6 of the Rules of Procedure) through a right of reply*

7. By adopting Resolution 1854 (2011), the Assembly established a mechanism allowing a person who believes that their reputation or honour has been damaged by a statement made during an Assembly debate to have a right of reply, with certain conditions attached:

*"1. Any member of the Assembly who has been named or referred to directly and considers that his or her reputation has been adversely affected by a statement made in the course of a debate by another member may ask the President of the Assembly to take the floor for not more than two minutes at the end of the debate. The President has the discretion to decide on how to respond to such a request. He or she may ask the person who made the statement to provide an explanation.*

*2. Any person who has been named or referred to directly and considers that his or her reputation has been adversely affected by a statement made in the course of a debate by a member of the Assembly may submit a written request to the President of the Assembly for an appropriate response to be included in the record.*

*3. The written request shall be reasoned, make reference to the impugned statement in the record and shall not contain any vexatious or offensive wording; it shall be submitted within three months of the date of the sitting during which the statement at issue was made.*

*4. The President shall examine the request and decide:*

*– either to include in the record a note in respect of the impugned statement along the following model: "By letter dated ..., [person's name] disagrees with the assertion/statement appearing in this record, on the ground that ";*

*– or not to include such a note.*

*5. This provision shall not apply if the words spoken have been struck from the record in accordance with Rule 21.6."*

*2.3. Application of these provisions to the maintaining of order in committee meetings*

8. The Rules of Procedure stipulate that *"Except as otherwise provided, procedure in committee shall follow that in the Assembly"* (Rule 46.1) and makes committee chairs responsible for ensuring compliance with provisions for maintaining order (Rule 46.6: *"The chairperson shall open, suspend and close the meeting and shall direct the committee's debates. (...) He or she shall ensure observance of the Rules and maintain order."*). Consequently, the provisions of Rule 21 of the Rules of Procedure are fully applicable to the maintaining of order in committee meetings.

9. Regarding statements or the disclosure of personal information that may damage the reputation and honour of individuals made during a committee meeting, it is pointed out that, unlike the Assembly's plenary sessions, committee meetings are not public and only Assembly members may attend them (unless a committee decides otherwise).

10. The requirement of confidentiality which this imposes on committee members means that they should not disclose the content of discussions taking place at committee meetings, and all the more so if these meetings are held *in camera*, like those of the Bureau, the Committee on the Honouring of Obligations and Commitments by member States and the Sub-Committee on the Election of Judges to the European Court of

---

<sup>23</sup> The report notes that there is no common definition of insult or defamation. "In general terms, defamation may be a statement in writing or in other forms, for example orally or by means of gestures. In order to be considered defamatory, an assertion must be public, harm a person's reputation and be false. An insult, in contrast to defamation, does not imply an allegation of a specific fact. The requirement of truthfulness does not mean that any statement which is not based on facts should be penalised. It has been found to be contrary to Article 10 of the Convention to require proof of the truth of a value judgement. However, even where a statement amounts to a value judgement, there must be a sufficient factual basis to support it, failing which it will be considered excessive" (paragraph 10 of the explanatory memorandum).

Human Rights, which are open solely to their members. Moreover, the minutes of Bureau and committee meetings are confidential, at least until they are adopted, after which they may be communicated on request.

11. However, a violation of the confidentiality requirement does not automatically harm a person's reputation and honour. To do so, the information revealed must be damaging, to a certain extent, to that person's character and integrity.

### **3. Proposals**

*Concerning the protection of Assembly members, in Bureau and committee meetings, from attacks on their honour and reputation:*

12. The application *mutatis mutandis* of the right-to-reply procedure provided for in Resolution 1854 (2011) concerning response to defamatory statements made in plenary sittings, to statements made during meetings of the Bureau or of committees would be quite feasible, if the provision's wording was adapted to indicate that the procedure must be implemented by the President of the Assembly in the case of Bureau meetings and by the chair of the committee concerned in the case of committee meetings.

*Concerning the setting up of a specific committee within the Assembly:*

13. The Committee on Rules of Procedure, Immunities and Institutional Affairs is currently examining the question of Assembly members' discipline. Within that framework, the Bureau could expressly assign it the task of examining the question of setting up a special committee responsible for order-related matters, including complaints over defamatory statements made by Assembly members.

14. The Bureau could therefore instruct the Committee on Rules of Procedure to examine this question, within the aforementioned framework.

### **4. Conclusion**

15. The Bureau of the Assembly is invited to examine the present memorandum and approve the proposals set out in paragraphs 12 to 14 above.

Appendix 4

#### ***Appointment of Assembly representatives for official activities***

The Bureau appointed the following representatives for official activities:

- Mr Cavuşoğlu (Turkey, EDG), 21<sup>st</sup> annual meeting of the Asia Pacific Parliamentary Forum and Round Table on "Russia as a bridge between Europe and Asia: parliamentary dimension", in Vladivostok (Russian Federation), 27-31 January 2013;
- Mr Flego (Croatia, SOC), High Level Conference on "Skills for a culture of democracy and intercultural dialogue: a political challenge and one of values", in Andorra la Vella, 7-8 February 2013;
- Mr Walter (United Kingdom, EDG), 128<sup>th</sup> Parliamentary Assembly of the Inter-Parliamentary Union (IPU), in Quito (Ecuador), 22-27 March 2013 (at no cost for the Assembly).