



BUREAU OF THE ASSEMBLY

AS/Bur/CB (2017) 04

25 April 2017

## To the Members of the Assembly

### Synopsis of the meeting held in Strasbourg on 24 April 2017

The Bureau of the Assembly, meeting on Monday 24 April 2017 in Strasbourg, with Mr Pedro Agramunt, President of the Assembly, in the Chair, as regards:

- **Communication by the President:** took note of the communication by the President as well as of his explanations concerning his visit to Syria in his personal capacity; decided the modalities of the public hearing of the President with the participation of Mr Alain Destexhe (Belgium, ALDE) and Mr Jordi Xuclà (Spain, ALDE), which would take place on Tuesday 25 April 2017, from 1 to 2 pm in the Hemicycle and be chaired by Ms Stella Kyriakides (Cyprus, EPP/CD), Chairperson of the delegation of Cyprus to the Assembly;
- **Second part-session of 2017 (Strasbourg, 24-28 April):**
  - i. *Requests for debates under urgent procedure:*
    - decided to recommend to the Assembly not to hold a debate under urgent procedure on *Political consequences of the new Israeli Settlement Regulation Law* and that, should the Assembly decide otherwise, the matter be referred to the Committee on Political Affairs and Democracy *for report*;
    - took note of the request submitted by the Committee of Ministers for the Assembly to hold a debate under urgent procedure on the Assembly's Opinion on the *Draft Council of Europe Convention on Offences relating to Cultural Property*; decided to recommend that the Assembly hold this debate and to refer the matter to the Committee on Culture, Science, Education and Media *for report*;
    - took note of the request tabled by Mr Michele Nicoletti (Italy, SOC), on behalf of the SOC Group, for the Assembly to hold a debate under urgent procedure on *Alarming developments in Hungary: new NGO law restricting civil society and closure of international university*; decided to recommend that the Assembly hold this debate and to refer the matter to the Committee on Political Affairs and Democracy *for report*;
    - took note of the request tabled by 38 members of the Assembly for the Assembly to hold a debate under urgent procedure on *Introducing an impeachment procedure for Members holding elected office in the Parliamentary Assembly*; decided to recommend to the Assembly not to hold this debate and that, should the Assembly decide otherwise, the matter be referred to the Committee on Rules of Procedure, Immunities and Institutional Affairs *for report*;
  - ii. *Request for a current affairs debate:* decided to recommend to the Assembly to hold a current affairs debate on *European values under threat: addressing rising xenophobia, antisemitism and islamophobia in Europe*, and designated Mr Talip Küçükcan (Turkey, EC) as the first speaker;
  - iii. *Draft agenda:* updated the draft agenda;
  - iv. *Election of a judge to the European Court of Human Rights in respect of Albania:* took note of the report drawn up by the Committee on the Election of Judges following interviews with candidates;

- **Allegations of corruption in the Assembly:**
  - o took note of the memorandum submitted by the Chairpersons of the five political groups and adopted the terms of reference of the independent external investigation body (Appendix 1), subject to ratification by the Assembly in the addendum to the Progress report;
  - o invited Bureau members to propose candidates for membership in the independent external investigation body to be considered by the Bureau at its next meeting;
  - o with a view to implementing its decisions, instructed the Secretary General of the Assembly to:
    - hold private talks with the candidates whose names would have been proposed by the Bureau;
    - come up with a proposal on the composition of the investigation body, with a view to submitting it to the Bureau for approval at its meeting in Prague on 29 May 2017, subject to ratification by the Assembly in its Progress report;
    - guarantee the investigation body the resources required to ensure its proper functioning, in accordance with the stipulations contained in paragraphs 24-26 of the terms of reference and, to this end, make provision in the Assembly budget for the appropriations necessary for the functioning of the investigation body, and if need be, in accordance with Article 38.d. of the Statute of the Council of Europe, ask the Secretary General of the Council of Europe to allocate a specific budget for the investigation body;
- **Election observation:**
  - i. *Bulgaria: early parliamentary elections (26 March 2017)*: approved the report of the ad hoc committee;
- **Progress report of the Bureau of the Assembly and the Standing Committee (27 January – 23 April 2017)** (Rapporteur: Mr Jordi Xuclà (Spain, ALDE)): approved the Progress report;
- **Issues raised by committees:**
  - i. *Committee on Political Affairs and Democracy:*
    - authorised Mr Attila Korodi (Romania, EPP/CD), Rapporteur on *Libya's future between the threats of terrorism and a democratic prospect*, to carry out a fact-finding visit to Tunisia in 2017, in the framework of the preparation of his report;
    - authorised Mr Alain Destexhe (Belgium, ALDE), Rapporteur on *The evaluation of the partnership for democracy in respect of the Parliament of the Kyrgyz Republic*, to carry out fact-finding visits to Kyrgyzstan and Uzbekistan in 2017, in the framework of the preparation of his report;
  - ii. *Committee on Migration, Refugees and Displaced Persons:* authorised Mr Duarte Marques (Portugal, EPP/CD), Rapporteur on *A comprehensive humanitarian and political response to the migration crisis in Europe* to carry out a fact-finding visit to Morocco, in the framework of the preparation of his report;
- **Composition of the Committee on Rules of Procedure, Immunities and Institutional Affairs:** on the basis of a proposal by the EC Group, nominated Ms Ingebjørg Godsken (Norway);
- **General Rapporteurs:**
  - approved the revised terms of reference of a General Rapporteur on the rights of LGBT people, subject to ratification by the Assembly in the Progress report (Appendix 2);
  - approved the terms of reference of a General Rapporteur on Conditions of Reception of Refugees and Migrants, subject to ratification by the Assembly in the Progress report (Appendix 3);
  - took note of the decision of the Committee on Social Affairs, Health and Sustainable Development to abolish the General Rapporteurship on Children;
- **Date and place of next meeting:**

Friday, 28 April 2017, Strasbourg at 8.30 am.

Sonia Sirtori, Angela Garabagiu

Copy to:

Secretary General of the Assembly  
Director General, Director 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 1**

### **Terms of reference of the independent external investigation body**

#### *Title and length of the term of office*

1. The Assembly decides to set up an independent external investigation body to look into allegations of corruption within the Assembly.
2. It shall begin its duties with effect from the appointment of its members and its duties shall terminate on the submission of its final report, or at the latest on 31 December 2017. The Bureau of the Assembly may extend the investigation body's terms of reference, if need be.

#### *Purpose*

3. The purpose of the investigation body is to carry out a detailed independent inquiry into the allegations of corruption and fostering of interests made against certain members or former members of the Assembly, to examine the practical functioning of the Assembly in its various activities (including but not restricted to part-sessions, committee and sub-committee meetings, rapporteur missions, election observation missions and participation in various events) and its decision-making mechanisms in order to:
  - verify whether there are any forms of individual conduct by members of the Assembly or former members of the Assembly which have not respected the provisions of the Code of Conduct for members of the Parliamentary Assembly and other relevant codes of conduct;
  - identify any practices contrary to the Assembly's ethical standards, and determine the extent thereof;
  - establish, in the light of these findings, whether there is sufficient proof to take action against members or former members of the Assembly, pursuant to paragraphs 19 and 20 of the Code of Conduct for members of the Parliamentary Assembly;
  - draw up recommendations on the measures to be implemented to rectify the shortcomings and fill the gaps in the Assembly's ethical framework.

#### *Composition*

4. The investigation body shall comprise three members, independent senior figures, from institutions enjoying the highest moral reputation, having proven and acknowledged professional competence, expertise and experience in connection with the mission of the investigation body (such as ethics officer, financial auditor, fraud examiner, legal professional having served as an investigator, prosecutor, judge or expert in procedures for monitoring ethical standards).
5. Members must have knowledge of parliamentary functioning and, if possible, of the functioning of the Council of Europe.
6. Members are appointed by the Bureau of the Assembly, which shall seek a suitable balance of skills and knowledge – and wherever possible a gender balance. These appointments are submitted to the Assembly for ratification. Once appointed, members cannot be dismissed.
7. A vacancy caused by resignation or death shall be filled for the remainder of the term of office by the Bureau of the Assembly, subject to ratification of the appointment by the Assembly.

#### *Procedure and competence*

8. The investigation body shall decide on its mode of operation, its working methods and the procedures required to enable it to fulfil its mission, in keeping with the legal and regulatory framework of the Council of Europe. It informs the Bureau accordingly and seeks its advice if needed. The Bureau may decide if necessary to create an ad hoc liaison committee to facilitate this task.

9. The investigation body shall gather and make use of all relevant information and all documentary, testimonial and material evidence necessary for the fulfilment of its mission. It may, in particular:

- summon anyone, in particular any member or former member of the Assembly, while respecting their parliamentary status,<sup>1</sup> and any member of the Assembly secretariat, to give evidence,
- hear any witness wishing to be heard by the investigation body,
- request the assistance of any national authority of a member state,
- request the provision of any document it deems relevant for its investigation.

10. The investigation body shall have no jurisdictional competence. It may decide to transmit the information it has gathered to any national judicial authorities, on official request, in the context of ongoing criminal investigations or proceedings, in keeping with the legal and regulatory framework of the Council of Europe.

11. The work of the investigation body shall enjoy the utmost confidentiality.

12. The investigation body shall report back to the Bureau of the Assembly, presenting a final report. This report shall be made public. The investigation body may decide that parts of this report shall remain confidential.

13. The working languages of the investigation body shall be the two official languages of the Organisation.

14. The investigation body shall sit in Strasbourg (at the seat of the Council of Europe) and may, in the exercise of its mission, travel to any member state.

15. In drafting its recommendations, the investigation body shall refer to the ethical standards in force in the Assembly and shall take account of the case-law of the European Court of Human Rights and the work of the Group of States against Corruption (GRECO), MONEYVAL and the Venice Commission.

#### *Status of the investigation body*

16. The members of the investigation body shall serve in an individual capacity, independently of their national obligations.

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<sup>1</sup> General Agreement on Privileges and Immunities of the Council of Europe, Part V:

*“Article 13*

No administrative or other restriction shall be imposed on the free movement to and from the place of meeting of Representatives to the Consultative (Parliamentary) Assembly and their Substitutes.

Representatives and their Substitutes shall, in the matter of customs and exchange control, be accorded:

- a. by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official duty;
- b. by the governments of other Members, the same facilities as those accorded to representatives of foreign governments on temporary official duty.

*Article 14*

Representatives to the Consultative (Parliamentary) Assembly and their Substitutes shall be immune from all official interrogation and from arrest and all legal proceedings in respect of words spoken or votes cast by them in the exercise of their functions.

*Article 15*

During the sessions of the Consultative (Parliamentary) Assembly, the Representatives to the Assembly and their Substitutes, whether they be members of Parliament or not, shall enjoy:

- a. on their national territory, the immunities accorded in those countries to members of Parliament;
- b. on the territory of all other member States, exemption from arrest and prosecution.

This immunity also applies when they are travelling to and from the place of meeting of the Consultative (Parliamentary) Assembly. It does not, however, apply when Representatives and their Substitutes are found committing, attempting to commit, or just having committed an offence, nor in cases where the Assembly has waived the immunity.”

17. In the exercise of their duties, the members of the investigation body shall enjoy the privileges and immunities granted to experts of the Council of Europe (applicable under Article 2 of the Protocol to the General Agreement on Privileges and Immunities (ETS No.10)).<sup>2</sup> Council of Europe member states are called upon to facilitate the mission of the investigation body and, in particular, guarantee the freedom of movement of its members within their respective territory.

18. Privileges and immunities are granted to the members of the investigation body in the interests of the Council of Europe, not for their personal benefit, in order to enable them to carry out their duties in an independent and efficient manner.

#### *Rights and obligations*

19. The members and honorary members of the Assembly shall undertake to co-operate fully with the investigation body, in the exercise of its mission and at every stage of its investigation. They shall be required to provide any information demanded of them and any document in their possession. Due account shall be taken of relevant national legislations providing parliamentarians with specific rights and protection in this regard.

20. Staff of the Council of Europe Secretariat, including the Assembly secretariat, shall be covered, from the point of view of whistle-blowing, by the provisions of Rule No. 1327 of the Secretary General of the Council of Europe of 10 January 2011 on awareness and prevention of fraud and corruption.<sup>3</sup>

21. The protection recognised by the above mentioned Rule No. 1327 shall apply to any witness heard by the investigation body who, although they are not Council of Europe Secretariat members, participate in the Council of Europe's activities, wherever they may be held – in particular trainees, experts, consultants.

22. The rules governing the access to, holding of and exploitation of Council of Europe documents apply to the investigation body. The Secretary General of the Council of Europe is called upon to facilitate the mission of the investigation body by putting at its disposal the documents, of any kind, which the investigation body believes are necessary. The investigation body shall make use of confidential or restricted documents only if they are directly related to the investigation it is tasked with.

23. In its final report the investigation body shall mention any refusal to co-operate, or any refusal to disclose information or to give access to or transmit any document necessary to carry out its duties.

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<sup>2</sup> Representatives attending meetings convened by the Council of Europe (...) shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

- a. Immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind.
- b. Inviolability for all papers and documents.
- c. The right to use codes and to receive papers or correspondence by courier or in sealed bags.
- d. Exemption in respect of themselves and their spouses from immigration restrictions or aliens registration in the State which they are visiting or through which they are passing in the exercise of their functions.
- e. The same facilities in respect of currency or exchange restrictions as are accorded to representatives of comparable rank of diplomatic missions.
- f. The same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions."

The representatives, however, "shall not be exempt from arrest and prosecution when found committing, attempting to commit, or just having committed an offence".

Lastly, "the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties".

<sup>3</sup> [Rule No. 1327 of 10 January 2011](#)

Reference is also made to the Committee of Ministers Recommendation CM/Rec(2014)7 on the protection of whistleblowers.

*Means and material conditions of operation of the independent investigation body*

24. The Secretary General of the Parliamentary Assembly shall ensure that the investigation body is provided with the administrative and financial resources required to fulfil its mission and covering all operating costs of the investigation body and its secretariat (wages, fees, per diem, travel expenses in accordance with the rules applicable to Council of Europe official journeys, insurance).

25. The investigation body shall be assisted by a secretariat with knowledge and expertise in the functioning of the Council of Europe, that is however independent of the Parliamentary Assembly.

26. The premises made available to the investigation body shall ensure a working environment guaranteeing confidentiality, security and calm.

## **Appendix 2**

### **Revised terms of reference of the General rapporteur on the rights of LGBT people**

**New denomination:** General rapporteur on the rights of lesbian, gay, bisexual, transgender and intersex people (LGBTIs).

**Term of office:** one year renewable, subject to a maximum of two years.

**Subject:** it is the duty of the general rapporteur on LGBTI rights to intervene in the area of the protection and the promotion of the rights of LGBTI people, particularly on issues related to discrimination on grounds of sexual orientation and gender identity. He or she shall report periodically to the committee on the information collected and the action taken.

**Responsibilities:** The role of the general rapporteur is to:

- follow activities and maintain working relations with the Office of the Council of Europe Commissioner on Human Rights, the Committee of Ministers and the European Court of Human Rights;
- follow activities and maintain working relations with national parliaments, the European Parliament, the Office of the United Nations High Commissioner for Human Rights, the Fundamental Rights Agency the European Commission, as well as with non-governmental organisations active in the area of the protection and the promotion of the rights of LGBTI people;
- follow up on relevant resolutions and recommendations of the Parliamentary Assembly, such as Resolution 1728 and Recommendation 1915 (2010) on “Discrimination on the basis of sexual orientation and gender identity”, Recommendation 1635 (2003) on “Lesbians and gays in sport”, Recommendation 1470 (2000) on “Situation of gays and lesbians and their partners in respect of asylum and immigration in the member states of the Council of Europe”, Recommendation 1474 (2000) on the “Situation of lesbians and gays in Council of Europe member states”, Resolution 2048 (2015) on “Discrimination against transgender people in Europe”, also taking into consideration Recommendation (2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity.



### Appendix 3

#### **Terms of reference of the General Rapporteur on Conditions of Reception of Refugees and Migrants**

**Denomination:** General Rapporteur on Conditions of Reception of Refugees and Migrants

**Term of office:** one year renewable, subject to a maximum of two years

**Subject:** the General Rapporteur on Conditions of Reception of Refugees and Migrants is mandated to examine the conditions of reception of refugees and migrants in Council of Europe member States.

**Responsibilities:** the General Rapporteur shall contribute to raising awareness in Council of Europe member States of concerns relating to conditions in reception facilities for refugees and migrants. S/he will promote good practice and implementation of international standards in this area. S/he shall act as an early warning mechanism in relation to new or evolving situations of concern, making representations to national authorities, as appropriate, alerting the Committee on Migration, Refugees and Displaced Persons to such situations, and where necessary proposing further action at Committee level.

In addition, the role of the General Rapporteur on conditions of reception of refugees and migrants is to:

- follow activities and maintain working relations with relevant Council of Europe intergovernmental and monitoring bodies dealing with issues relating to refugees and migrants as well as with the Special Representative of the Secretary General on Migration and Refugees;
- follow activities and maintain working relations with external bodies and institutions active in relation to conditions of reception of refugees and migrants, notably UNHCR.