

**AS/Jur/Inf (2023) 28**  
23 November 2023  
ajinf28 2023

# Election of the Council of Europe Commissioner for Human Rights by the Parliamentary Assembly

## Memorandum prepared by the Secretariat of the Committee on Legal Affairs and Human Rights

### TIMETABLE FOR THE ELECTION OF THE COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS 2024

- **19 October 2023:** Deadline for submission of candidatures
- **21-23 November 2023:** Consideration of candidates by the Ministers' Deputies and transmission of a list of three candidates to the Parliamentary Assembly
- **1 December 2023:** interviews by the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly
- **14 December 2023:** Consideration of the meeting report of the Committee on Legal Affairs and Human Rights by the Bureau of the Parliamentary Assembly
- **22-26 January 2024 (first part-session of 2024):** Election by the Parliamentary Assembly
- **1 April 2024:** Newly elected Commissioner takes up office

*The Council of Europe's Commissioner for Human Rights is elected by the Parliamentary Assembly for a non-renewable term of office of six years, from a list of three candidates drawn up by the Committee of Ministers (see Articles 9 and 11 of Committee of Ministers Resolution (99) 50 in Appendix 1). The procedure leading up to the election of the Commissioner has two stages. The first is the selection of candidates by the Committee of Ministers leading up to the transmission to the Assembly of a list of three candidates. The second stage of the procedure is the responsibility of the Assembly. Following the assessment (based on interviews) by its Committee on Legal Affairs and Human Rights of the three candidates shortlisted by the Committee of Ministers, it is up to the Assembly's plenary to elect one of the three candidates.*

*The term in office of the present Commissioner for Human Rights, Ms Dunja Mijatović, will come to an end on 31 March 2024. The newly elected Commissioner will take up office on 1 April 2024.*

1. For the election of the first Commissioner in 1999, the Assembly decided to invite the candidates to a personal interview in the form of a hearing organised under the responsibility of its Committee on Legal Affairs and Human Rights (Order No. 547 (1999)). At that time and for the subsequent elections (2006, 2012 and 2018), the interviews were held by the Sub-Committee on Human Rights of the Committee on Legal Affairs and Human Rights. For the current election, the Committee on Legal Affairs and Human Rights of the Assembly will proceed with the interviews of the three candidates.<sup>1</sup> The interviews will be held on 1 December 2023 in the Paris Office of the Council of Europe.

2. The Committee has 86 seats, including the chairpersons of political groups of the Assembly, who are *ex officio* members. The Committee meeting takes place *in camera* (only Committee members<sup>2</sup> and secretariat,

<sup>1</sup> AS/Jur(2023) CB 05. AS/Bur (2023) CB 09.

<sup>2</sup> [pace.coe.int/en/aplist/committees/5/commission-des-questions-juridiques-et-des-droits-de-l-homme](http://pace.coe.int/en/aplist/committees/5/commission-des-questions-juridiques-et-des-droits-de-l-homme).

along with the candidates being interviewed, may attend). The meeting begins with a short briefing by the Chairperson of the Committee. Candidates are interviewed separately, in alphabetical order. Each candidate is interviewed for 30 minutes and may make a presentation of their candidature during the first five minutes, if they so wish. After the first five minutes (if used), the Chairperson opens the interviews. Members can ask any questions, including clarifications regarding the candidate's *curriculum vitae*. Candidates are invited to give their answers in either of the two official languages of the Council of Europe, English and French.

3. The three interviews are followed by an exchange of views between Committee members. The Committee then decides on its preference among the candidates, with an indication of the degree of preference. Voting to establish the preferences among the candidates is by secret ballot of full members of the Committee or, in the absence of a full member, his or her alternate.

4. The Committee adopts a summary report of its meeting, drafted by the Chairperson. The report states the order of preference among the candidates, indicating whether there is unanimity, a large majority or a majority in favour of one of the candidates, without detailing the reasons for such a choice or the exact results of the vote (incorporating practice from the Committee on the Election of Judges to the European Court of Human Rights). The Chairperson transmits the summary meeting report to the Bureau of the Assembly.

5. The Bureau of the Assembly publishes the summary meeting report of the Committee as an addendum to the progress report of the Bureau (Assembly's website).

6. The Assembly will proceed to the election of the Commissioner during its first part-session of 2024. The voting takes place by secret ballot (Rule 40.11 of the Rules of Procedure of the Assembly). A first round of election is held on the Tuesday of the part-session. The names of the candidates appear on the ballot paper in alphabetic order. The ballot paper does not reflect the preference expressed by the Committee. If one candidate obtains the absolute majority of the votes cast, he or she is declared elected. Failing that, a second round takes place on the Wednesday, for which a relative majority is sufficient (Rule 41.1.c). The election results are publicly announced by the President of the Assembly on the same day.

7. If one of the three candidates withdraws before the first ballot, the Assembly asks the Committee of Ministers to complete the list of candidates.

**Appendix 1**

COUNCIL OF EUROPE  
COMMITTEE OF MINISTERS

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RESOLUTION (99) 50

**ON THE COUNCIL OF EUROPE  
COMMISSIONER FOR HUMAN RIGHTS**

*(Adopted by the Committee of Ministers on 7 May 1999, at its 104<sup>th</sup> Session, Budapest)*

The Committee of Ministers,

Considering that the aim of the Council of Europe is the achievement of greater unity between its Members and that one of the methods by which that aim is to be pursued is the maintenance and further realisation of human rights and fundamental freedoms;

Having regard to the decisions taken by the Heads of State and Government of the Member States of the Council of Europe at their Second Summit (Strasbourg, 10-11 October 1997);

Considering also that the 50<sup>th</sup> Anniversary of the Council of Europe provides an occasion to enhance further the work undertaken since its creation,

Decides to institute the office of Council of Europe Commissioner for Human Rights ("the Commissioner") with the following terms of reference:

*Article 1*

1. The Commissioner shall be a non-judicial institution to promote education in, awareness of and respect for human rights, as embodied in the human rights instruments of the Council of Europe.
2. The Commissioner shall respect the competence of, and perform functions other than those fulfilled by, the supervisory bodies set up under the European Convention of Human Rights or under other human rights instruments of the Council of Europe. The Commissioner shall not take up individual complaints.

*Article 2*

The Commissioner shall function independently and impartially.

*Article 3*

The Commissioner shall:

- a. promote education in and awareness of human rights in the member States;
- b. contribute to the promotion of the effective observance and full enjoyment of human rights in the member States;
- c. provide advice and information on the protection of human rights and prevention of human rights violations. When dealing with the public, the Commissioner shall, wherever possible, make use of and co-operate with human rights structures in the member States. Where such structures do not exist, the Commissioner will encourage their establishment;
- d. facilitate the activities of national ombudsmen or similar institutions in the field of human rights;
- e. identify possible shortcomings in the law and practice of member States concerning the compliance with human rights as embodied in the instruments of the Council of Europe, promote the effective implementation of these standards by member States and assist them, with their agreement, in their efforts to remedy such shortcomings;

- f. address, whenever the Commissioner deems it appropriate, a report concerning a specific matter to the Committee of Ministers or to the Parliamentary Assembly and the Committee of Ministers;
- g. respond, in the manner the Commissioner deems appropriate, to requests made by the Committee of Ministers or the Parliamentary Assembly, in the context of their task of ensuring compliance with the human rights standards of the Council of Europe;
- h. submit an annual report to the Committee of Ministers and the Parliamentary Assembly;
- i. co-operate with other international institutions for the promotion and protection of human rights while avoiding unnecessary duplication of activities.

*Article 4*

The Commissioner shall take into account views expressed by the Committee of Ministers and the Parliamentary Assembly of the Council of Europe concerning the Commissioner's activities.

*Article 5*

1. The Commissioner may act on any information relevant to the Commissioner's functions. This will notably include information addressed to the Commissioner by governments, national parliaments, national ombudsmen or similar institutions in the field of human rights, individuals and organisations.
2. The gathering of information relevant to the Commissioner's functions shall not give rise to any general reporting system for member States.

*Article 6*

1. Member States shall facilitate the independent and effective performance by the Commissioner of his or her functions. In particular, they shall facilitate the Commissioner's contacts, including travel, in the context of the mission of the Commissioner and provide in good time information requested by the Commissioner.
2. The Commissioner shall be entitled, during the exercise of his or her functions, to the privileges and immunities provided for in Article 40 of the Statute of the Council of Europe and in the agreements made thereunder.

*Article 7*

The Commissioner may directly contact governments of member States of the Council of Europe.

*Article 8*

1. The Commissioner may issue recommendations, opinions and reports.
2. The Committee of Ministers may authorise the publication of any recommendation, opinion or report addressed to it.

*Article 9*

1. The Commissioner shall be elected by the Parliamentary Assembly by a majority of votes cast from a list of three candidates drawn up by the Committee of Ministers.
2. Member States may submit candidatures by letter addressed to the Secretary General. Candidates must be nationals of a member State of the Council of Europe.

*Article 10*

The candidates shall be eminent personalities of a high moral character having recognised expertise in the field of human rights, a public record of attachment to the values of the Council of Europe and the personal authority necessary to discharge the mission of the Commissioner effectively. During his or her term of office, the Commissioner shall not engage in any activity which is incompatible with the demands of a full-time office.

*Article 11*

The Commissioner shall be elected for a non-renewable term of office of six years.

*Article 12*

1. An Office of the Commissioner for Human Rights shall be established within the General Secretariat of the Council of Europe.
2. The expenditure on the Commissioner and the Office of the Commissioner shall be borne by the Council of Europe.

**Appendix 2**

MINISTERS' DEPUTIES

Decisions

CM/Del/Dec(2023)1469/4.1

14 June 2023

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**1469<sup>th</sup> meeting, 14 June 2023**

**4.1 Council of Europe Commissioner for Human Rights**

Procedure for election

Reference document  
Resolution Res(99)50

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*Decision*

The Deputies, regarding the election of the Council of Europe Commissioner for Human Rights, in accordance with Resolution Res(99)50, adopted the timetable for the election of the new Commissioner as follows:

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| <b>19 October 2023</b><br><b>(6 p.m. CET)</b>                                    | Deadline for the submission of candidates   |
| <b>21-23 November 2023</b><br><b>(1481<sup>st</sup> meeting of the Deputies)</b> | Consideration of candidates by the Ministers' Deputies and transmission of a list of three candidates to the Parliamentary Assembly |
| <b>January 2024</b><br><b>part-Session</b><br><b>(22-26 January 2024)</b>        | Election by the Parliamentary Assembly  |
| <b>1 April 2024</b>  | Newly elected Commissioner takes up office  |

## Appendix 3

### ***Terms of reference of the Committee on Legal Affairs and Human Rights (AS/Jur) of the Parliamentary Assembly of the Council of Europe***

#### **ii. Specific terms of reference**

(Extract from Appendix to Resolution 1842 (2011), The terms of reference of Parliamentary Assembly committees – Implementation of Resolution 1822 (2011) on the reform of the Parliamentary Assembly, as amended by Resolution 2002 (2014), § 9.10)

2. Committee on Legal Affairs and Human Rights (AS/Jur)

(...)

2. 5. The Committee shall be in charge of interviewing all candidates for the post of Council of Europe Commissioner for Human Rights, before his or her election by the Assembly. (...)