



Europarådet

Til: Delegationens medlemmer og stedfortrædere
Dato: 14. maj 2008

Korrespondance om "dobbelmandater"

Vedlagt omdeles henvendelsen fra formanden for Political Affairs Committee om "Use by Assembly members of their "double mandate" national and European" og delegationsformandens svar herpå.

Med venlig hilsen

Mette Vestergaard,
delegationssekretær

Mr. Göran Lindblad
Chairman of the Political Affairs Committee
Parliamentary Assembly of the Council of Europe
F-67075 Strasbourg Cedex
France

**The Danish Delegation to the
Parliamentary Assembly**

Christiansborg
DK-1240 Copenhagen K

Tel. +45 33 37 55 00

Fax +45 33 32 85 36

www.ft.dk

ft@ft.dk

Dear Chairperson,

13 May 2008

The Danish Delegation has discussed the proposals concerning the drafting of a resolution on the double mandate, attached to your letter of 20 March 2008.

Ref. 08-000062-27

Contact
Mette Vestergaard
Secretary to the Danish Delegation

Dir. tel. +45 33 37 55 17

First of all the delegation finds it very important to enhance and intensify the interaction between the Assembly and the national delegations and in so doing even with the national parliaments. It is always relevant for us, as members of the Assembly, to ask ourselves how the decisions taken by the Assembly can be of benefit to others, including our colleagues in our national parliaments.

On the other hand we are very eager not to create a new bureaucratic structure. Our principal concern is to service rather than formalize and to create simple ways of communication.

Consequently we find contacts between members of relevant committees from the national parliaments and the Assembly's committees highly relevant, i.e. bullet 4 and 5 under the headline for Assembly committees, and we don't think such contacts should be limited to meetings being held in the member state.

We also accept the role of national parliaments in implementing the texts of the Assembly and therefore support the first bullet under the headline for the Bureau of the Assembly. The Danish Delegation has already decided after each part session to select a few items to specific follow-up in the Danish Parliament by forwarding them to relevant committees or spokespersons.

Concerning the proposals to monitor the execution of judgments of the European Court of Human Rights we refer to the attached letter of 7 December 2006 from the President of the Danish Parliament to the former President of the Assembly, which still covers the Danish position.

Finally we would recommend you not to use the expression "double mandate" in this connection as we find it misleading.

Yours sincerely

Michael Aastrup Jensen
Chairman of the Danish Delegation

Mr. René van der Linden
President of the Parliamentary Assembly
of the Council of Europe
F-67075 Strasbourg Cedex
France

7 December 2006
Ref. 05-001773-40

Implementation of judgments of the European Court of Human Rights

Dear Mr. President

I refer to your letter of 16 November 2006 concerning the Danish Parliament's follow-up to the Assembly's Resolution 1516 (2006).

First of all I would like to emphasize that all Danish governments irrespective of their political complexion always have shown and – I am convinced – always will show great respect for the judgments of the European Court of Human Rights. In this context I have even remarked with pleasure that Mr Jurgens in his report, on which the resolution is based, has found no reason to mention Denmark.

Furthermore, the Danish media show great interest in the fortunately few occasions where Denmark has lost a case at the European Court of Human Rights. Such a judgement will never pass unnoticed by the media. It means that no government would have a chance to consign implementation of judgments of the European Court of Human Rights to oblivion.

Although I am thus convinced that judgments of the European Court of Human Rights will always be implemented in Denmark, I have all the same asked the Parliament's Legal Affairs Committee to pay special attention to the Assembly's Resolution 1516 (2006).

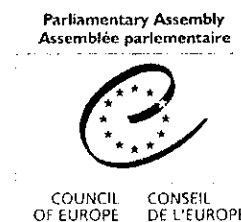
Yours faithfully

Chr. Mejdahl

Parliamentary Assembly Assemblée parlementaire

Political Affairs Committee

The Chairperson



Stockholm, 20 March 2008

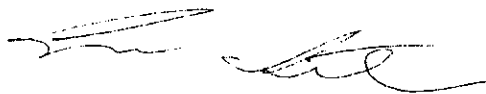
Dear Chairperson,

At its meeting last September 2007, the Political Affairs Committee agreed that Lord Tomlinson, Rapporteur on the **“Use by Assembly members of their “double mandate” national and European”** would consult the heads of national delegations for their input on the drafting of a resolution on the double mandates in order to have coordination among the 47 national parliaments on this topic.

It is therefore my pleasure to transmit to you a list of proposals and ideas drawn up by the Rapporteur concerning the possible issues to be included in a resolution on the use of double mandates.

I would be grateful if you could give this list of proposals the attention it deserves in your national parliament and send us your contributions by the **14 April 2008** in order for us to have the chance to discuss and exchange views on this topic during our meetings in Strasbourg between 14-18 April, 2008.

Yours sincerely



Göran Lindblad

To the Chairpersons of National Delegatins

Cc: Lord Tomlinson

**Proposals concerning the drafting of a resolution on the double mandate
For the attention of heads of national delegations**

The aim of a resolution on the use by Assembly members of their "double mandate", national and European, would be to underline firstly that having a double mandate could heighten parliamentarians' awareness of human rights, rule of law and democracy issues, thereby helping to promote them at national level, and, secondly, could draw the international community's attention to problems that may exist in a member state or a given region. Double mandates are of growing usefulness in a world where European and national issues are increasingly interlinked.

The text of the resolution could call on the Bureau of the Assembly, on the Assembly's committees, members, national parliaments of member states and on the Secretary General of the Assembly to take different actions. These actions could be as follows:

For the Bureau of the Assembly, it could be asked to:

- single out a small number of texts adopted by the Assembly which are to be communicated to national parliaments concerned on the understanding that all delegations would take appropriate follow-up commitments regarding the implementation of those texts in the national parliaments.
- consider introducing an obligation for heads of national delegations to report on the follow-up given at the national level to the resolutions and recommendations adopted by the Assembly.

For the Assembly committees they could be asked to:

- reinforce their relations with the relevant committees in the national parliaments, above all in the context of the preparation of specific reports.
- monitor closely, in co-operation with national delegations concerned, the follow-up given to adopted texts emanating from committees in the national parliaments.
- pay attention to national parliaments' concerns regarding possible subjects of debate at committee level.
- invite, in justified cases, the Chairs of the relevant committees from the national parliaments to the meetings of the Assembly's committees and organise meetings between the Chairs of national committees and the Chair of the relevant Assembly committee in order to discuss matters of joint interest which could be followed-up at both national and European levels.
- invite members of the relevant committees from the national parliament concerned, and as far as possible, any national parliamentarians even if they are not members of the Assembly, to meetings and other events of the Assembly when they are being held in the member states.

For members of the Assembly, they could be asked to:

- promote Assembly documents and work and, more generally, the values of the Council of Europe in their national parliaments;
- monitor the implementation in their national parliaments of adopted texts by the Assembly and take any necessary action to achieve their implementation;
- inform the relevant committees of the Assembly of topics debated in their national parliaments of interest for the work of the Assembly;

For national parliaments of the member states they could be asked to:

- reinforce their co-operation with the various committees of the Assembly in order to establish a degree of coherence among their activities.
- deal with questions raised by the Assembly in their specialised committees and not solely in their foreign affairs committees.

- initiate regular debates in plenary and in committees on the texts adopted by the Assembly with a view to identifying appropriate action.
- promote debates in plenary and in committees on the state of ratification of Council of Europe conventions.
- monitor the execution of judgments of the European Court of Human Rights by the national authorities and take all necessary measures for their rapid and efficient execution and to report to the committee on legal affairs and human rights of the Assembly on follow-up.
- establish a mechanism for considering the conformity of national legislation with the case-law of the European Court of Human Rights.
- seek involvement, at national level, in the preparation and implementation of the programme of the Chairmanship of the Committee of Ministers when the Chairmanship is from their country.
- hold an annual debate on the activities of the Council of Europe if such is not already the case in their national parliament.
- systematically draw up reports on the activities of the Assembly through the intermediary of the national delegations.

The Secretary General of the Assembly could be asked to:

- continue ensuring that the communication methods through electronic means and internet make full use of the new possibilities made available by the technological development with a view to enhancing the effectiveness of communication about the work of the Assembly.