



Doc. 12296

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Monitoring the Russian Federation

Reply to Written question¹: Written question No. 583 (Doc. 12172)
Committee of Ministers

Written Question No. 583 by Mr MacShane (Doc. 12172)

The Committee of Ministers is monitoring the state of implementation of the accession and other specific commitments by various member states of the Council of Europe. These regular “monitoring” reports (with different titles – monitoring, fact-finding, stock-taking or information/assistance) are prepared by the Secretariat or Committee’s Groups with different time-intervals pursuant to the decisions of the Committee of Ministers adopted under the so called 94 Declaration or on the basis of other respective decisions of the Committee.

During the last 5 years these reports have been prepared on a regular basis in relation to Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Moldova, Montenegro and Serbia. I have also consulted three reports prepared in 2009 by the Secretary General on “The Council of Europe and the conflict in Georgia – Activities for the promotion of Council of Europe values and standards” (SG/Inf(2009)5; SG/Inf(2009)5add and SG/Inf(2009)5 add2), which include the charts presenting the state of implementation of accession commitments by Georgia and the Russian Federation.

After thorough examination of the information provided in all the above-mentioned “monitoring” reports, it becomes clear that the situation with the implementation of commitments differs, in quality and quantity from state to state. However, I was struck by the fact that during the last 5 years there was not a single report about the state of implementation of commitments by the Russian Federation. Although, the abovementioned SG/Inf(2009)5 report and addendums provide with the charts, they first of all do not sufficiently present the state of commitment realisation and secondly, where more detailed information is available, it more or less covers the state of implementation of those commitments that are linked with the political conflicts in the territory of former USSR.

Keeping in mind the internationally available reports on the state of democracy, rule of law and Human Rights in the Russian Federation, I would like to ask the Committee of Ministers the following questions:

1. Does the Committee of Ministers consider that the state of realisation of Council of Europe commitments in the Russian Federation is far more advanced than in all the above-listed member states that are under the Committee of Ministers “monitoring”?
2. Why the Committee of Ministers is not “monitoring” the Russian Federation by using any of the existing “monitoring” procedures or formats available and applied to other above-stated member states of the Council of Europe?

Reply by the Committee of Ministers

1. In reply to the Honourable Parliamentarian’s question, the Committee of Ministers wishes to emphasise the importance it attaches to monitoring member states’ compliance with the undertakings they enter into when joining the Organisation and when ratifying various Council of Europe conventions.

1. adopted at the 1088th meeting of the Ministers’ Deputies (16 June 2010)



2. It is responsible for ensuring that the different treaties to which member states are party are properly implemented, in accordance with the relevant provisions of those treaties. It exercises this prerogative with regard to all member states, including the Russian Federation. For example, under Article 46 of the Convention for the Protection of Human Rights and Fundamental Freedoms, the Committee of Ministers is regularly called on to determine whether the Russian Federation is taking the necessary steps to remedy the consequences of breaches of the Convention identified by the European Court of Human Rights. The Committee of Ministers also monitors the application of the Framework Convention for the Protection of National Minorities and the European Social Charter, which came into force in the Russian Federation on 1 December 1998 and 1 December 2009 respectively.
3. Each year, the Committee of Ministers examines the annual report of the European Committee for the Prevention of Torture (CPT), which covers the Committee's activities in all the States Parties to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In this connection, it notes that Parliamentary Assembly [Resolution 1315 \(2003\)](#) called on the Russian authorities to publish the CPT's reports and that, in reply to Parliamentary Assembly [Recommendation 1517 \(2001\)](#), the Committee of Ministers itself encouraged all parties to the Convention to authorise publication, at the earliest opportunity, of all CPT visit reports and their responses. It will shortly be returning to this matter when it prepares its draft reply to Written Question No. 579 by Mrs Taktakishvili on "The publication of CPT reports".
4. The Committee of Ministers is informed of the situation regarding racism and discrimination in the Russian Federation in the reports of the European Commission against Racism and Intolerance (ECRI).
5. The Committee has regular meetings with the Commissioner for Human Rights, where he informs it of the results of his visits to the country. These meetings are also an opportunity for the Committee of Ministers to discuss these matters.
6. In addition, when preparing the replies it is required to make to written questions and recommendations from the Parliamentary Assembly, the Committee of Ministers regularly considers various aspects of democracy, the rule of law and human rights in Europe. Many of the questions and recommendations of this type relate specifically to the situation in the Russian Federation.
7. The Committee of Ministers confirms that, in accordance with its "Declaration on compliance with commitments accepted by member states of the Council of Europe" of 10 November 1994, it may be asked, particularly by the Parliamentary Assembly, to consider compliance with undertakings regarding democracy, human rights and the rule of law in any of the member states. For example, in the past the Parliamentary Assembly has specifically requested it to consider the situation in Chechnya.
8. Finally, at the request of the Ministers' Deputies, the Secretary General prepared a consolidated report on the conflict in Georgia, which he presented to them at their 1084th meeting. This report includes information on a number of the Russian Federation's obligations and undertakings vis-à-vis the Council of Europe with a direct bearing on the conflict.