Resolution 1155 (1998)[1]

Progress of the Assembly's monitoring procedures (April 1997 - April 1998)

Parliamentary Assembly

1. The Assembly recalls that, at the Second Summit of Heads of State and Government (October 1997), Council of Europe member states confirmed their determination to respect the commitments and obligations, freely accepted upon accession, which flow from the Organisation's basic principles, as set forth in its Statute and the European Convention on Human Rights (ECHR): pluralist democracy, human rights and the rule of law.

2. In order to strengthen its means of inquiry into the observance of these principles, the Assembly reaffirms the sui generis character of its Committee on the Honouring of Obligations and Commitments by Member States (Monitoring Committee), established on 25 April 1997 by Resolution 1115 (1997), namely:

membership on the basis of proposals by the political groups;

ex-officio membership of the chairpersons of the Political Affairs Committee and the Committee on Legal Affairs and Human Rights;

criteria of "political and regional balance" in the appointment of co-rapporteurs;

invitations to representatives of both the governing majority and the opposition from the parliamentary delegations of monitored countries, for the relevant debates of the committee.

3. The Assembly approves the guidelines developed by the Monitoring Committee for its work, notably:

3.1. a non-confrontational long-term approach based on the logic of persuasion, with a view to solving specific problems in the monitored countries;

3.2. focus on the political character of parliamentary monitoring;

3.3. full account of the geopolitical context and domestic concerns of the monitored countries;

3.4. development of a confidential dialogue, focused on well-defined issues, with the national parliamentary delegation of the member state for which monitoring is initiated or envisaged.

4. The Assembly notes with satisfaction that the Monitoring Committee – in addition to ten visits by co-rapporteurs (and participation in election observation missions for Moldova and Ukraine), exchanges of views and opening of dialogue with ten parliamentary delegations, approval of transmission of five reports for comment by the competent national authorities (Bulgaria, Croatia, Russia, "The former Yugoslav Republic of Macedonia" and Ukraine), and examination of two memoranda (Turkey and Albania):

4.1. has brought before the Assembly reports on the Czech Republic and on Lithuania, leading to the adoption of recommendations aimed at influencing:

a. the monitoring procedure of the Committee of Ministers; and

b. the Council of Europe's intergovernmental work programme, notably the special programmes of co-operation and assistance for the countries of central and eastern Europe;

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1. Assembly debate on 21 April 1998 (11th Sitting) (see Doc. 8057, report of the Honouring of Obligations and Commitments by Member states, rapporteur: Mr de Marco). Text adopted by the Assembly on 21 April 1998 (11th Sitting).

4.2. has transmitted to the Bureau, at its request, a written opinion on the situation of the Muslim minority in Western Thrace (Greece);

4.3. has proposed and obtained the opening by the Bureau of the Assembly of a monitoring procedure for Latvia, on the basis of a written reasoned application prepared in full co-operation with the Latvian parliamentary delegation;

4.4. is currently monitoring the obligations and commitments of Albania, Bulgaria, Croatia, Latvia, Moldova, Russia, Slovakia, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

5. The Assembly stresses the need for co-operation and clear relations of complementarity between the Monitoring Committee and other Assembly committees, including ad hoc committees of the Bureau, on the basis of the understanding that:

5.1. under Resolution 1115 (1997), the Monitoring Committee is responsible for the whole range of obligations (Statute of the Council of Europe, European Convention on Human Rights and other conventions) and commitments entered into by member states ("country monitoring");

5.2. other committees shall continue to deal with specific issues within their traditional areas of competence which arise in member states, but shall seek to co-ordinate their work on monitored countries with the Monitoring Committee, notably in regard to the sanctions envisaged under Resolution 1115.

6. The Assembly stresses the need for stronger co-operation and dialogue with the Committee of Ministers. To this effect, monitoring of obligations and commitments of member states should be regularly on the agenda of the Joint Committee. Replies and interim replies within reasonable time by the Committee of Ministers to Assembly recommendations on monitored countries are an indispensable basis for this dialogue.

7. With a view to transparency, the Assembly decides that written opinions of the Monitoring Committee on whether to open a procedure will be published as attachments to the progress report of the Bureau and the Standing Committee.

8. The Assembly welcomes the full co-operation which has been given by national parliamentary delegations in support of monitoring procedures. It reaffirms that:

8.1. the purpose of monitoring is to help ensure that all countries build upon, and stay within, a common legal and political framework of the rule of law, of parliamentary democracy, and of human rights protection according to the standards of the Council of Europe;

8.2. the opening of a monitoring procedure – in respect either of a limited number or a wide range of issues – has, as such, no implications for the status of any country as a member of the Council of Europe;

8.3. monitoring is the expression of the Assembly's political will to ensure that:

no unnecessary strains are placed on the European Court of Human Rights;

commitments entered into upon accession to the Council of Europe should be met;

the principles of pluralist democracy are respected;

a crisis of state authority does not put basic human rights at risk.