



Resolution 1515 (2006)¹

Progress of the Assembly's Monitoring Procedure (May 2005- June 2006)

Parliamentary Assembly

1. The Parliamentary Assembly welcomes the work carried out for over nine years now by its Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee). Its increasing efficiency, impact and credibility are widely acknowledged.
2. Out of the eight monitoring reports the Monitoring Committee has presented to the Assembly from May 2005 to June 2006, three take stock of the situation in Georgia, the Russian Federation and Ukraine and constitute genuine road maps for future reforms in these countries; the other five react to current political events, namely the constitutional reform in Armenia, the functioning of democratic institutions in Azerbaijan and Moldova, as well as the challenge of the still unratified credentials of the parliamentary delegation of Azerbaijan on substantial grounds following the parliamentary elections in the country in November 2005.
3. Amendments to [Resolution 1115 \(1997\)](#) on the setting up of an Assembly committee on the honouring of obligations and commitments by member states of the Council of Europe (monitoring committee), adopted last year by virtue of [Resolution 1431 \(2005\)](#) on the initiation of a monitoring procedure and post-monitoring dialogue, were aimed at reinforcing the role of the Assembly in what is a highly political area, namely the decision to open or re-open a monitoring procedure. One year after the entry into force of these changes, it appears, however, that the rules are still not clear, in particular as regards the time limit within which the Bureau of the Assembly has to refer a motion for a resolution on an application to open a monitoring procedure to the Monitoring Committee.
4. Also, [Resolution 1115 \(1997\)](#), as revised by [Resolution 1431 \(2005\)](#), still fails to properly regulate the procedures governing the conclusion of the post-monitoring dialogue carried out with a member state for which the monitoring procedure has been closed.
5. Consequently, in order to enhance clarity and thus increase the credibility and transparency of its monitoring mechanism, the Assembly decides to further amend the terms of reference of the Monitoring Committee, and notably to:
 - 5.1. introduce the following paragraph after paragraph 2 of the appendix to [Resolution 1115 \(1997\)](#):
“The Bureau shall refer applications tabled in accordance with paragraphs 2.i and iii above to the Monitoring Committee at one of its next two meetings following their tabling.”;

1. *Assembly debate* on 29 June 2006 (22nd Sitting) (see [Doc. 10960](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), rapporteur: Mr Frunda). *Text adopted by the Assembly* on 29 June 2006 (22nd Sitting).



5.2. introduce in the appendix to [Resolution 1115 \(1997\)](#) the following paragraph after paragraph 7:

“When reporting to the Bureau of the Assembly on the post-monitoring dialogue carried out with a member state upon a decision by the Assembly, the Monitoring Committee shall state in its relevant memorandum whether the post-monitoring dialogue with this state is to be considered concluded:

– if the Bureau agrees with the Monitoring Committee’s recommendation to conclude the post-monitoring dialogue, such recommendation should be recorded in the progress report of the Bureau and the Standing Committee;

– if the Bureau does not agree with the Monitoring Committee’s recommendation to conclude the post-monitoring dialogue, the memorandum adopted by the Monitoring Committee shall be transformed, by way of derogation from Rule 49.2 of the Rules of Procedure, into a report containing a draft resolution and the Bureau shall include the item in the agenda and order of business of the next Assembly part-session for debate and adoption. A representative of the Bureau may speak in its name in this debate.”;

5.3. The new provisions shall enter into force upon their adoption.

6. The Assembly notes with satisfaction that the European Commission has regularly referred to the fulfilment of commitments and obligations towards the Council of Europe in its assessments of progress made by states involved in the European Union accession or pre-accession procedures. Compliance with Council of Europe obligations and commitments is also a very important element in the assessment of the democratic and human rights record of European states participating in the European Neighbourhood Policy (ENP) or of the Russian Federation, with which the European Union has a special Partnership and Co-operation Agreement. Thus the work of the Monitoring Committee is of paramount importance in the framework of the European Union’s future enlargement, the ENP and special agreements. This has been recently reaffirmed by Mr Juncker, Prime Minister of Luxembourg, in his report on the relations between the Council of Europe and the European Union.

7. Therefore the Assembly:

7.1. recalling its [Recommendation 1724 \(2005\)](#) on the Council of Europe and the European Neighbourhood Policy of the European Union, reiterates that for the countries covered by the ENP which are members of the Council of Europe, compliance with Council of Europe commitments and obligations should be made a precondition for any further European integration;

7.2. fully endorses the recommendation made in the Juncker report according to which a working rule should be established whereby the reports, conclusions and recommendations to the states concerned issued, *inter alia*, by its Monitoring Committee, as well as its own resolutions on the honouring of obligations and commitments by Council of Europe member states should be systematically and expressly cited as the first reference source in Europe for democracy, the rule of law and human rights;

7.3. encourages its Monitoring Committee to enhance its contacts with the European Parliament, as well as the relevant services of the European Commission and the Council of Ministers.

8. [Resolution 1115 \(1997\)](#) clearly underlines the importance “to ensure full compliance with the undertakings made by all [Council of Europe] member states, in a spirit of co-operation and non-discrimination” and entrusts the Monitoring Committee with the task of verifying not only the honouring of the specific commitments accepted by member states upon their accession to the Council of Europe but first of all “the obligations assumed by the member states under the terms of the Council of Europe Statute, the European Convention on Human Rights and all other Council of Europe conventions to which they are parties”.

9. However, despite the clear wording of [Resolution 1115 \(1997\)](#) and subsequent appeals by the Assembly, the Monitoring Committee has so far been unable to carry out its full mandate and to verify the honouring of statutory obligations assumed by all member states since, with the exception of one member state, monitoring procedures have so far been initiated only with respect to member states that have joined the Organisation since 1989. At the same time, it is also true that the mechanism to open new monitoring procedures is complex and its use carries a certain political weight.

10. Consequently, the Assembly welcomes the Monitoring Committee's initiative to prepare and attach to its annual progress reports to the Assembly periodic reports on states which are not currently subjected to a monitoring procedure or involved in a post-monitoring dialogue. Such reports will be based on:

10.1. a country-by-country assessment carried out by other Council of Europe bodies and institutions (the Committee of Ministers, the Commissioner for Human Rights, the Congress of Local and Regional Authorities of the Council of Europe, the Group of States against Corruption (GRECO), the Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Advisory Committee on the Framework Convention for the Protection of National Minorities, the Committee of Experts of the European Charter for Regional or Minority Languages, the European Commission against Racism and Intolerance (ECRI) and the European Committee of Social Rights);

10.2. resolutions and recommendations of the Assembly on specific issues in member states that have been examined by rapporteurs from other committees of the Assembly.

11. The Assembly underlines that, should the situation warrant it, the existence of such periodic reports shall not prevent the initiation of a monitoring procedure with respect to one or more of the states concerned in accordance with paragraph 2 of the appendix to [Resolution 1115 \(1997\)](#).

12. For this year, the Monitoring Committee has presented such reports on 11 out of the 33 member states currently not involved in a monitoring procedure or a post-monitoring dialogue, and these have been chosen on the basis of alphabetical order: Andorra, Austria, Belgium, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France and Germany. A second group of states will be examined as part of the Monitoring Committee's progress report for 2007 and the first three-year cycle will be completed with the last group of states being examined in 2008.

13. On the basis of the reports attached to this year's progress report of the Monitoring Committee, the Assembly:

13.1. invites the national parliaments of the states concerned to:

13.1.1. use these reports as the basis for a debate on their country's record with regard to the fulfilment of their statutory and conventional obligations as member states of the Council of Europe;

13.1.2. promote execution of the judgments of the European Court of Human Rights and compliance with recommendations made by the Commissioner for Human Rights and the other Council of Europe specific monitoring bodies, both by provoking and accelerating necessary legislative initiatives and exercising their role of oversight of government action;

13.2. noting the interim resolution adopted by the Committee of Ministers on 5 April 2006 concerning the judgment of the European Court of Human Rights in the case of *Čonka v. Belgium*, encourages the Belgian authorities and, in particular, the Belgian Parliament, to accelerate the legislative reforms required to ensure full execution of the judgment;

13.3. invites the Commissioner for Human Rights to give priority in organising visits and preparing reports on Austria, Belgium and Germany, which his predecessor did not visit.

14. The Assembly, noting that a number of the member states under consideration are not yet subject to certain specific monitoring mechanisms of the Organisation because they have not ratified the relevant conventions or have not joined the relevant bodies, invites the member states to take the necessary steps within three years. It notably urges:

14.1. Andorra to sign and ratify and France to ratify the European Charter of Local Self-Government (ETS No. 122);

14.2. Andorra, Austria, Belgium, France and Germany to ratify the Civil Law Convention on Corruption (ETS No. 174);

14.3. Andorra, Austria, France and Germany to ratify the Criminal Law Convention on Corruption (ETS No. 173);

14.4. Andorra, Croatia, the Czech Republic, Denmark, France and Germany to sign and ratify and Austria, Belgium, Cyprus and Finland to ratify the 2005 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198), noting that all of them have ratified the 1990 convention on the same subject matter (ETS No. 141);

- 14.5. Andorra, Denmark and France to sign and ratify and Austria, Belgium, the Czech Republic, Estonia and Germany to ratify Protocol No. 12 to the European Convention on Human Rights (ETS No. 177);
- 14.6. France to ratify Protocol No. 13 to the European Convention on Human Rights concerning the abolition of the death penalty in all circumstances (ETS No. 187);
- 14.7. Andorra and Belgium to ratify Protocol No. 14 to the European Convention on Human Rights amending the control system of the Convention (CETS No. 194);
- 14.8. Austria, the Czech Republic, Denmark and Germany to ratify the revised European Social Charter (ETS No. 163), noting that all of them have ratified the 1961 European Social Charter (ETS No. 35);
- 14.9. Andorra, Estonia and Germany to sign and ratify and Austria, the Czech Republic and Denmark to ratify the Additional Protocol to the European Social Charter providing for a system of collective complaints (ETS No. 158);
- 14.10. Andorra and France to sign and ratify and Belgium to ratify the Framework Convention for the Protection of National Minorities (ETS No. 157);
- 14.11. Andorra, Belgium and Estonia to sign and ratify and the Czech Republic and France to ratify the European Charter for Regional or Minority Languages (ETS No. 148);
- 14.12. Austria to join the specific monitoring bodies of GRECO and MONEYVAL;
- 14.13. Belgium, Denmark, Finland and Germany to join MONEYVAL.