



**Resolution 1936 (2013)<sup>1</sup>**

Final version

## Harmonisation of regulatory and para-regulatory provisions of monitoring and post-monitoring dialogue procedures

Parliamentary Assembly

1. Since the introduction, by [Resolution 1115 \(1997\)](#) on setting up of an Assembly committee on the honouring of obligations and commitments by member states of the Council of Europe (Monitoring Committee), of an ad hoc mechanism monitoring the obligations and commitments entered into by Council of Europe member States, implemented by a specific Parliamentary Assembly committee created by that document, the Assembly has taken the opportunity on several occasions to improve the procedure enabling it to check that Council of Europe member States honour the obligations contracted by them under the Statute of the Council of Europe (ETS No. 1), the European Convention on Human Rights (ETS No. 5) and all the Organisation's other conventions to which they are party, as well as the specific commitments they may have entered into upon joining the Council of Europe.
2. The Assembly refers to the recent progress reports presented by its Monitoring Committee, setting out various proposals for making monitoring and post-monitoring procedures more efficient and giving the committee's work greater impact.
3. In this connection, the Assembly considers that the frequency of presentation of monitoring and post-monitoring reports to the Assembly should be revised so that one report is presented to the Assembly at least once every three years on each country monitored or involved in post-monitoring dialogue.
4. Furthermore, where the examination of an application to open or reopen a monitoring procedure is concerned, within the framework of discussion on the establishment of a time limit for the Monitoring Committee to decide whether or not to open a monitoring procedure with regard to a member State, the Assembly considers it expedient to endorse the methodology followed by the Monitoring Committee when examining such an application, in so far as this promotes constructive and substantial dialogue and the seeking of effective solutions to the political or legal problems signalled; it also considers that the duration of the committee's examination of an application to open or reopen a monitoring procedure must be in line with the common time limit laid down by the Rules of Procedure for ordinary references to committees, in Rule 25.4, namely two years.
5. Finally, the Monitoring Committee must be able to express an opinion on institutional developments in all Council of Europe member States, where these cause concern over the honouring of their statutory and convention-based obligations. The Assembly considers that the Monitoring Committee's terms of reference must formally provide for the possibility of it preparing a report on the functioning of democratic institutions in a member State, on the basis of a motion for a resolution or for a recommendation examined in accordance with Rule 25 of the Rules of Procedure, concerning references to committees.
6. In this connection, the Assembly reiterates that it expects member States to fully co-operate with the Monitoring Committee, whether within the framework of a monitoring procedure or post-monitoring dialogue or in connection with the examination of an application to open or reopen a monitoring procedure, or the examination of the functioning of their democratic institutions.

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1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 31 May 2013 (see [Doc. 13206](#), report of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Mr Agramunt).*



7. In the light of the foregoing, the Assembly decides to further amend [Resolution 1115 \(1997\)](#) as follows:

7.1. in [Resolution 1115 \(1997\)](#), paragraph 14, replace the words “at least once every two years on each country being monitored and at least once every four years on each country involved in a post-monitoring dialogue” with “at least once every three years on each country being monitored or involved in post-monitoring dialogue”;

7.2. in the terms of reference of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), after paragraph 1, add the following paragraph: “The member States shall fully co-operate with the Monitoring Committee within the framework of the present terms of reference”;

7.3. in the terms of reference of the Monitoring Committee, at the end of paragraph 3, add the following sentence: “References to the Monitoring Committee requesting examination of such applications under the procedure provided for in paragraph 4 shall lapse after two years, in accordance with Rule 25.4 of the Rules of Procedure of the Assembly”;

7.4. in the terms of reference of the Monitoring Committee, after paragraph 5, add the following paragraph: “The Monitoring Committee shall examine questions concerning the functioning of democratic institutions in Council of Europe member States, taking account of their statutory and convention-based obligations, in accordance with Rule 25 of the Rules of Procedure. Paragraph 11 of [Resolution 1115 \(1997\)](#) shall apply accordingly”.

8. The Assembly decides that these amendments shall enter into force upon the adoption of the present resolution.