



Doc. 13595

15 September 2014

The progress of the Assembly's monitoring procedure (October 2013 – September 2014)

Report¹

Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe
(Monitoring Committee)

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Summary

In its annual progress report, the Monitoring Committee takes stock of its activities since October 2013 and assesses the progress made by the 10 countries under the Assembly's full monitoring procedure, and in the four countries engaged in a post monitoring dialogue, in honouring their obligations and commitments to the Council of Europe. It welcomes progress made and expresses concerns at setbacks, and addresses specific recommendations to the countries concerned.

In this reporting period, the Committee reflected extensively on ways to enhance the efficiency and impact of the Assembly's monitoring procedure with regard to all Council of Europe member States, and made a series of concrete recommendations in this respect. In particular, it decided to establish a periodic review, on a country-by-country basis, of the honouring of Council of Europe membership obligations by the 33 countries that are not under the full monitoring procedure or engaged in a post-monitoring dialogue.

1. Reference to committee: [Resolution 1115 \(1997\)](#).



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A. Draft resolution²

1. The Parliamentary Assembly acknowledges the work carried out by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) in fulfilling its mandate as defined in [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) (as modified by [Resolution 1431\(2005\)](#), [Resolution 1515 \(2006\)](#), [Resolution 1698 \(2009\)](#), [Resolution 1710 \(2010\)](#) and [Resolution 1936 \(2013\)](#)).
2. In particular, the Assembly commends the Monitoring Committee on its actions in accompanying the 10 countries under a monitoring procedure *sensu stricto* (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Republic of Moldova, Montenegro, the Russian Federation, Serbia and Ukraine) and the four countries engaged in a post-monitoring dialogue (Bulgaria, Monaco, “the former Yugoslav Republic of Macedonia” and Turkey) in their efforts to fully comply with the obligations and commitments they entered into upon accession to the Council of Europe.
3. The Assembly takes note that, during the reporting period, one full report on the Republic of Moldova, as well as two reports on the functioning of democratic institutions in Ukraine and one on Bosnia and Herzegovina, were prepared by the committee and debated by the Assembly. In addition, two reports and draft resolutions, on Albania and on Georgia, have been adopted by the committee and are due to be debated during the Assembly’s autumn 2014 part-session. A preliminary draft report on the honouring of obligations and commitments by Montenegro was adopted in September and sent to the Montenegrin authorities for their comments.
4. During the reporting period, the respective co-rapporteurs carried out fact-finding missions to Albania, Armenia, Azerbaijan (two visits), Bosnia and Herzegovina, Bulgaria, Georgia, Monaco, Montenegro, Serbia, “the former Yugoslav Republic of Macedonia”, Turkey and Ukraine (four visits). In addition, the respective co-rapporteurs participated in the pre-electoral and election observation missions in Azerbaijan, Georgia, “the former Yugoslav Republic of Macedonia”, Turkey and Ukraine. The co-rapporteurs produced information notes on Montenegro and Serbia, which were declassified by the committee, and made statements with regard to developments in Azerbaijan (two declarations), Georgia (three statements), Monaco, Montenegro, the Russian Federation, Turkey and Ukraine (three declarations). In addition, the committee itself adopted declarations on “the former Yugoslav Republic of Macedonia”, Turkey and Ukraine.
5. The Assembly commends the committee for its work in relation to the developments in Ukraine during the reporting period, including frequent visits by the co-rapporteurs to the country and the preparation of two reports on the functioning of democratic institutions for debate by the Assembly under urgent procedure. The Assembly notes that, in this context, the committee was also seized for report on the reconsideration of the previously ratified credentials of the Russian delegation.
6. With regard to the opinion on the request to open a monitoring procedure in respect of France, the Assembly notes that the committee has appointed two rapporteurs who went to Paris on 11 September 2014 for meetings with the authorities and other stakeholders concerned.
7. The Monitoring Committee held an exchange of views with Mr Štefan Füle, European Commissioner on European Union Enlargement and Neighbourhood Policy, on European Union enlargement and its neighbourhood policy, and with Mr Thomas Hammarberg, European Union Special Advisor on Constitutional and Legal Reform and Human Rights in Georgia, on his report “Georgia in transition”. In addition, the committee held an exchange of views with the Secretary General of the Council of Europe on his report on “Democracy, Human Rights and the Rule of Law in Europe”.
8. In the framework of the committee’s ongoing work in relation to the consequences of the war between Georgia and Russia, the Chair of the committee and the co-rapporteurs for Georgia and the Federation of Russia met, on 6 November 2013, with representatives of the Office of the Prosecutor of the International Criminal Court in The Hague.
9. The Assembly welcomes the positive developments and the progress made during the reporting period in a number of countries under a monitoring procedure or engaged in a post-monitoring dialogue. In particular:
 - 9.1. in Albania, the adoption of a number of crucial reforms that have strengthened the democratic developments of the country;

2. Draft resolution adopted by the committee on 3 September 2014.

- 9.2. in Armenia, the implementation of an alternative military service that is fully in line with European standards and the start of a constitutional reform process with a view to strengthening the balance of powers;
 - 9.3. in Georgia, the conduct of a presidential election that, in the view of international observers, was transparent, well organised and took place in a constructive environment, as well as the adoption of a comprehensive judicial reform package which aims to ensure genuine independence of the judiciary;
 - 9.4. in Montenegro, the renewed impetus to fight corruption;
 - 9.5. in Serbia, the ongoing reforms of the judiciary with a view to bringing them fully into line with European standards and the clear efforts to fight corruption in the country;
 - 9.6. in Ukraine, the holding of a presidential election which was considered to be genuinely democratic and in line with international standards and which respected fundamental rights and freedoms despite the difficult situation in the east of the country;
 - 9.7. in Monaco, the clear willingness of the authorities to continue the dialogue with the Assembly on fully honouring their commitments on the basis of a solution that would ensure the consideration of both the specificities of the Principality of Monaco and the values of the Council of Europe.
10. At the same time, the Assembly expresses its concern about developments and remaining shortcomings in a number of countries under a monitoring procedure or engaged in a post-monitoring dialogue, which undermine the democratic consolidation in those countries and are at odds with their obligations and accession commitments:
- 10.1. in Albania, the ongoing polarised climate between the opposition and the ruling majority, the shortcomings concerning the independence and impartiality of the judiciary and the persistent and the endemic corruption at all levels of Albanian society;
 - 10.2. in Azerbaijan, the high number of reportedly politically motivated prosecutions of, and pressure exerted on, journalists, civil society activists and opposition supporters, as well as the deterioration in the respect for fundamental human rights and freedoms;
 - 10.3. in Bosnia and Herzegovina, the lack of any credible efforts to reform the constitution as needed to implement the *Sejdić and Finci* judgment of the European Court of Human Rights and the growing disrespect for the rule of law, with high-level officials and party leadership ignoring and violating legal and constitutional requirements;
 - 10.4. in Georgia, the pressure exerted on opposition activists and local officials belonging to the opposition, as well as the allegations of politically motivated prosecution of former government members;
 - 10.5. in the Republic of Moldova, the ongoing tense political climate and absence of progress with regard to constitutional reform;
 - 10.6. in Montenegro, the highly polarised media climate and attacks on journalists;
 - 10.7. in the Russian Federation, the deterioration of the respect for fundamental human rights and freedoms, its illegal annexation of Crimea, in violation of international law, the Statute of the Council of Europe (ETS No. 1) and accession commitments, as well as its interference in, and pressure exerted on, several neighbouring countries in clear contradiction to its accession commitments;
 - 10.8. in Ukraine, the escalation of violence and the hard-handed approach of the former authorities in relation to the Euromaidan protests, as well as the delay in the implementation of crucial reforms, including constitutional reforms;
 - 10.9. in “the former Yugoslav republic of Macedonia”, the law on lustration and the decision of the main opposition members not to accept their mandates in the newly elected parliament and not to recognise the legitimacy of the 2014 presidential election;
 - 10.10. in Turkey, concerns regarding the independence of the judiciary.

11. Consequently, the Assembly urges all the countries that are under a monitoring procedure or engaged in a post-monitoring dialogue to step up their efforts to fully honour all membership obligations and accession commitments to the Council of Europe. In particular it calls on:

11.1. the political stakeholders in Albania to enter into a constructive dialogue and refrain from boycotting the work of the parliament, and the Albanian authorities to ensure that the many reforms adopted will also be implemented, especially with regard to the fight against corruption and the independence of the judiciary;

11.2. the parliament and authorities of Armenia to pursue the constitutional reforms in a transparent manner and on the basis of consultation and wide political consensus;

11.3. the parliament and authorities of Azerbaijan to refrain from exerting pressure on civil society activists and journalists, to ensure that the justice system is not used for political purposes, to implement the decisions of the European Court of Human Rights and to fully respect basic human rights and freedoms, including freedom of expression, freedom of association and freedom of assembly;

11.4. the parliament of Bosnia and Herzegovina to adopt a substantial constitutional reform in order to allow the country to become a fully functional democracy and to implement the judgment of the Court in the *Sejdić and Finci* case by changing the constitution and electoral legislation to remove the ethnicity-based regulations on standing for office;

11.5. the Georgian authorities to ensure an immediate halt to any pressure on opposition activists and officials; and to ensure that the legal proceedings against former government officials take place transparently, impartially and in full respect of the country's obligations under Articles 5 and 6 of the European Convention on Human Rights (ETS No. 5);

11.6. the parliament of the Republic of Moldova to adopt the necessary reforms to the constitution with regard to the election of the President of the Republic;

11.7. the parliament and authorities of Montenegro to take prompt action to end and fully investigate the attacks on journalists and media outlets;

11.8. the parliament and authorities of the Russian Federation to ensure the respect of the rights of freedom of expression, association and assembly; to fully honour, including in practice, their accession commitment "to denounce as wrong the concept of two different categories of foreign countries, whereby some are treated as a zone of special influence called 'the near abroad' and refrain from promoting the geographical doctrine of zones of special interests"; to reverse its illegal annexation of Crimea; and to fully investigate the circumstances and background of the death of Sergei Magnitsky, and the possible criminal responsibility of all the officials involved;

11.9. the parliament and authorities of Ukraine to adopt without further delay a comprehensive reform of the constitution and electoral legislation and to refrain from any initiatives that could unnecessarily increase tensions between different regions and groups in the country;

11.10. the authorities and parliament of Monaco to maintain and foster their dialogue with the Assembly on the implementation of their remaining accession commitments;

11.11. the political parties and parliament of "the former Yugoslav Republic of Macedonia" to change the polarised and politicised environment, and the parliament and authorities to promptly remedy the shortcomings observed during recent elections and to investigate transparently and impartially the credible allegations of intimidation and pressure on voters, as well as of vote buying;

11.12. the parliament and authorities of Turkey to ensure the independence of the judiciary in law and practice and to pursue the required reform of the constitution with a view to clarifying the separation of powers in the country.

12. The Assembly refers to its [Resolution 1953 \(2013\)](#) in which it resolves to pursue a more general reflection on ways to enhance the efficiency and impact of the Assembly's monitoring procedure with regard to all Council of Europe member States, and commends its Monitoring Committee, and its ad hoc Sub-Committee on the Functioning of the Parliamentary Monitoring Procedure, for the work accomplished in this respect. It welcomes in particular the decision to establish a periodic review, on a country-by-country basis, on the honouring of membership obligations to the Council of Europe of the 33 countries that are not under the monitoring procedure *sensu stricto* or engaged in a post-monitoring dialogue.

13. The Assembly reaffirms that the parliamentary monitoring procedure has played, and continues to play, an important and positive role in the transformation process of many Council of Europe member States. It has been highly instrumental in the democratisation and institution-building processes in these countries.

14. The crucial role of the Monitoring Committee in this respect has to be recognised. The Assembly commends the committee for the work it has carried out in fulfilling its mandate since its establishment in 1997.

15. The Assembly believes that while all member States are subject to the monitoring of their obligations, those countries which undertook a number of commitments upon accession should undergo specific monitoring until all the commitments have been fulfilled. It should be stressed that the commitments were meant to help to achieve the membership obligations incumbent on all Council of Europe member States and a formal fulfilment of commitments should therefore be measured by their implementation.

16. A more rigorous and homogenous assessment of each country under monitoring *sensu stricto* should be introduced in order to eliminate any feeling of unfairness and increase the transparency of the process. The Assembly welcomes the initiative of the Monitoring Committee to establish, for its own internal use, guidelines for considering the closing or opening of a specific monitoring procedure, which would consolidate the Council of Europe standards.

17. The time frame of the post-monitoring dialogue should be subject to more rigorous rules. The Assembly agrees that a negative report on a specific country should include deadlines, established in co-operation with the relevant authorities, for fulfilment of outstanding commitments, and that if the authorities do not comply with this road map, the country should be returned to the full monitoring procedure.

18. The Assembly recalls that the present statutory measures introduced by [Resolution 1936 \(2013\)](#) provide the Monitoring Committee with a simplified procedure for the monitoring of any Council of Europe member State whenever concerns arise, and it encourages the members of the Assembly to make use of this possibility whenever appropriate.

19. With a view to ensuring compliance by all Council of Europe member States with their obligations, including those which are not subject to specific monitoring procedures, the Assembly invites the Monitoring Committee to introduce a periodic overview of groups of countries in accordance with its internal working methods, and to launch issue-based, cross-country monitoring in close co-operation with the relevant Assembly committees as a complementary measure to the country-by-country monitoring.

20. In the light of the foregoing, the Assembly decides to amend [Resolution 1115 \(1997\)](#) (as modified by [Resolution 1431 \(2005\)](#), [Resolution 1515 \(2006\)](#), [Resolution 1698 \(2009\)](#), [Resolution 1710 \(2010\)](#) and [Resolution 1936 \(2013\)](#)) as follows:

20.1. after the third sentence of paragraph 8, add the following sentence: "The political groups are invited to ensure that no more than four members of the same national delegation of a country not under a monitoring procedure or involved in a post-monitoring dialogue sit on the Monitoring Committee";

20.2. replace paragraph 12.1 by the following paragraph: "The Monitoring Committee shall appoint two of its members as rapporteurs on a member State engaged in the post-monitoring dialogue. Co-rapporteurs on a post-monitoring dialogue shall be appointed according to the same criteria as those established by the present resolution and the Rules of Procedure of the Assembly for the appointment of co-rapporteurs for countries engaged in the monitoring procedure", and add the following footnote to the paragraph: "For countries engaged in a post-monitoring dialogue at the moment of the October 2014 part-session, this will take place as from the end of the Assembly's June 2015 part-session, or when the term of the current rapporteur expires, or when a report on the post-monitoring dialogue for that country has been debated in the Assembly, whichever occurs first";

20.3. in paragraph 12.2 and 12.3, replace the word "rapporteur" by "co-rapporteurs";

20.4. delete paragraph 15.

21. Furthermore, the Assembly decides to amend the terms of reference of the Assembly's Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) (as modified by [Resolution 1431 \(2005\)](#), [Resolution 1515 \(2006\)](#), [Resolution 1841 \(2011\)](#) and [Resolution 1936 \(2013\)](#)) as follows:

21.1. in paragraph 3.ii, delete the second part of the sentence "; in case ... vice-chairperson of the Monitoring Committee";

21.2. at the end of paragraph 4, add the following sentence: "The Monitoring Committee, with an absolute majority of all members of the committee and subject to confirmation by the Bureau of the Assembly, can decide not to take further action regarding a request to open a monitoring procedure originating under paragraph 3.iii of its terms of reference";

21.3. in the second sentence of paragraph 5, delete the following words: "or, in the case of a country involved in a post-monitoring dialogue, the rapporteur";

21.4. after paragraph 7, insert two new paragraphs to read as follows: "In order to ensure compliance with the obligations entered into by member States which are not subject to specific monitoring procedures, the committee will carry out periodic overviews of groups of countries, on a country-by-country basis, in accordance with its internal working methods." And: "Furthermore, as a complementary measure to the country-by-country approach, the committee will carry out issue-based, cross-country monitoring in close co-operation with the relevant Assembly committees, in accordance with its internal working methods";

21.5. replace paragraph 11 by the following paragraph: "A report to the Assembly on the post-monitoring dialogue carried out with a member State shall include a draft resolution which either states that the post-monitoring dialogue should be concluded or establishes concrete deadlines for the fulfilment of outstanding commitments. In the latter case, the failure to meet those deadlines, if so stated in the following report submitted to the Assembly within the statutory period of three years, would imply the return to the full monitoring procedure." And add a footnote to the paragraph "For countries engaged in a post-monitoring dialogue at the moment of the October 2014 part-session, the two-report criteria will start at the June 2015 part-session or after the adoption of the next report on the post-monitoring dialogue for that country, whichever comes first".

22. The Assembly invites the Monitoring Committee to pursue its own reflection on ways to reinforce co-operation with other Council of Europe monitoring mechanisms.

23. The Assembly invites the Bureau to consider the possibility of involving in the work of the Monitoring Committee members not belonging to a political group and countries engaged in the partnership for democracy.

24. The Assembly welcomes the close co-operation between the committee and the election observation missions of the Assembly, especially through the systematic *ex officio* participation of the committee's rapporteurs in the ad hoc committees that observe the elections as well as in the pre-electoral missions. It takes note of the intention of the committee to reflect on ways to develop a more structural and integrated relationship between the Monitoring Committee and the election observation missions of the Assembly.

B. Explanatory memorandum by Mr Schennach, rapporteur

1. Introduction

1. The basis for the Parliamentary Assembly's monitoring procedure is [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) (modified by [Resolution 1431 \(2005\)](#), [Resolution 1515 \(2006\)](#), [Resolution 1698 \(2009\)](#), [Resolution 1710 \(2010\)](#) and [Resolution 1936 \(2013\)](#)). This resolution defines the mandate of the Monitoring Committee, and entrusts it with the task of ensuring "the fulfilment of the obligations assumed by member States under the terms of the Statute of the Council of Europe (ETS No. 1), the European Convention on Human Rights (ETS No. 5, 'the Convention') and all other Council of Europe conventions to which they are parties" as well as ensuring the "honouring of commitments entered into by the authorities of member States upon their accession to the Council of Europe".

2. In accordance with [Resolution 1115 \(1997\)](#), as amended, the Monitoring Committee is obliged to report to the Assembly, on a yearly basis, on the general progress of the monitoring procedures. In line with established practice, the committee entrusted me, as its Chairperson, with the task of being the rapporteur on the committee's activities.

3. The progress in the monitoring procedure for the 10 countries that are subject to a monitoring procedure of the Assembly and the four countries that are engaged in a post-monitoring dialogue will be discussed in the second section of this report. Following customary practice I have limited myself to the findings in the relevant texts adopted by the Assembly as well as the reports, statements and other public documents prepared by the co-rapporteurs for the respective countries. In addition, where appropriate, I have made reference to the reports of the ad hoc committees for the observation of the elections in the countries concerned.

4. In [Resolution 1953 \(2013\)](#) on the progress of the its monitoring procedure, the Assembly resolved to pursue a more general reflection on ways to enhance the efficiency and impact of the Assembly's monitoring procedure with regard to all Council of Europe member States. The discussions on the functioning of the monitoring procedure and the ways to enhance its efficiency and impact formed a major component of the work of the committee in the reporting period. A special ad hoc Sub-Committee on the Functioning of the Parliamentary Monitoring Procedure, chaired by Mr Pedro Agramunt, was set up to facilitate these discussions and to make concrete proposals for the improvement of the monitoring procedure.

5. The report of the ad hoc sub-committee was adopted by the Monitoring Committee on 26 June 2014. The conclusions and contribution to the draft resolution on the progress of the Assembly's monitoring procedure are an integral part of this report. I will discuss, and where necessary elaborate on the conclusions of the committee with regard to the ways to improve the efficiency and impact of the monitoring procedure in the third section of this progress report and I will make a number of proposals to ensure their practical implementation.

6. When discussing the proposals to enhance the effectiveness and impact of the monitoring procedure, the Monitoring Committee decided that it would subject the 33 countries that are not subject to a monitoring procedure *sensu stricto*, or engaged in a post-monitoring dialogue, to a periodic review with regard to their honouring of the membership obligations to the Council of Europe. In this report, I will outline a mechanism on how to structure the periodic reporting on these countries. Pending the new reporting mechanism, the committee decided not to include in this report a review of the situation in all 33 countries that are not subject to a monitoring procedure *sensu stricto*, or engaged in a post-monitoring dialogue. A chart of ratifications and signatures of the main Council of Europe conventions with a monitoring mechanism is appended to this report.

2. Overview of the committee's activities

2.1. General remarks

7. Ten countries³ remain under the monitoring procedure and an additional four countries⁴ are engaged in a post-monitoring dialogue. During the reporting period, one full report, on the Republic of Moldova, was prepared and debated by the Assembly. In addition, a report on the functioning of democratic institutions in Bosnia and Herzegovina was debated by the Assembly. Two reports and draft resolutions, on Albania ([Doc. 13586](#)) and on Georgia ([Doc. 13588](#)), have been adopted by the committee and are due to be debated during

the autumn part-session of the Assembly. A preliminary draft report on the honouring of obligations and commitments of Montenegro was adopted in September 2014 and sent to the Montenegrin authorities for their comments.

8. The developments in Ukraine since November 2013 have been followed closely by, and were an important part of the work of, the committee. Two reports on the functioning of democratic institutions were adopted in debates under urgent procedure during the January and April 2014 part-sessions and the two co-rapporteurs, in addition to their frequent fact-finding visits, participated in a visit of the Presidential Committee to Ukraine (Kyiv, Donetsk and Lviv) from 22 to 24 March 2014.

9. On 7 April 2014, the Monitoring Committee was seized, in line with the Rules of Procedure of the Assembly, for report on two motions challenging the ratified credentials of the Russian delegation on substantive grounds. The report was debated by the Assembly on 10 April 2014 and [Resolution 1990 \(2014\)](#) was adopted.

10. During the reporting period, the respective co-rapporteurs carried out fact-finding missions to Albania, Armenia, Azerbaijan (two visits), Bosnia and Herzegovina, Bulgaria, Georgia, Monaco, Montenegro, Serbia, “the former Yugoslav Republic of Macedonia”, Turkey and Ukraine (four visits). In addition, the respective co-rapporteurs participated in the pre-electoral and election observation missions in Azerbaijan, Georgia, “the former Yugoslav Republic of Macedonia”, Turkey and Ukraine.

11. The co-rapporteurs produced information notes on Montenegro and Serbia, which were declassified by the committee, and declarations/statements with regard to developments in Azerbaijan (two declarations), Georgia (three statements), Monaco, Montenegro, the Russian Federation, Turkey and Ukraine (three declarations). The committee adopted declarations on “the former Yugoslav Republic of Macedonia”, Turkey and Ukraine.

12. With regard to the request to open a monitoring procedure in respect of France, the committee appointed two co-rapporteurs in December 2013. A first fact-finding visit to Paris is scheduled to take place on 10 and 11 September 2014.

13. On 13 December 2013, the committee held an exchange of views with Mr Štefan Füle, European Commissioner on European Union Enlargement and Neighbourhood Policy, on the European Union enlargement and its neighbourhood policy. Also on 13 December 2014, the committee held an exchange of views with Mr Thomas Hammarberg, European Union Special Advisor on Constitutional and Legal Reform and Human Rights in Georgia on his report “Georgia in transition”. Furthermore, on 27 February 2014, in Malta, the committee held an exchange of views with Mr Thorbjørn Jagland, Secretary General of the Council of Europe, on his report on Democracy, Human Rights and the Rule of Law in Europe.

14. In the framework of the committee’s ongoing work in relation to the consequences of the war between Georgia and Russia, the Chair of the Committee and the co-rapporteurs for Russia and Georgia met, on 6 November 2014, with representatives of the Office of the Prosecutor of the International Criminal Court in The Hague.

15. On 29 January 2014, the committee organised a public hearing on the misuse of administrative resources in the electoral process with the participation of the European Commission for Democracy through Law (Venice Commission) and the Election Observation Department of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR).

16. In addition to the committee meetings, the ad hoc Sub-Committee on the Functioning of the Parliamentary Monitoring Procedure met four times and presented its report to the committee on 26 June 2014. Following the adoption of its report, the ad hoc sub-committee was dissolved.

3. Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Russian Federation, Serbia and Ukraine.

4. Bulgaria, Monaco, “the former Yugoslav Republic of Macedonia” and Turkey.

2.2. Overview of monitoring in the reporting period with regard to countries under a monitoring procedure *sensu stricto*.

2.2.1. Albania

17. The rapporteurs visited Albania on 2 and 3 June 2014, with a view to discussing their preliminary draft report on the honouring of obligations and commitments by Albania that was adopted by the committee on 27 February 2014 and sent to the Albanian authorities for their comments. The report and draft resolution were unanimously adopted by the committee on 24 June 2014 and are scheduled to be debated in plenary during the autumn 2014 part-session of the Assembly.

18. Recently, after a long delay resulting from the political crisis in the country following the 2009 parliamentary elections, Albania has made marked progress in honouring its obligations and commitments to the Council of Europe, but a number of areas of concern remain. Regrettably the political climate continues to be tense and polarised as it was during the 2013 parliamentary elections. Consensus on important reforms is often lacking and the opposition has occasionally boycotted the work of the parliament on important reforms such as the administrative territorial reform.

19. Despite numerous reforms, the independence and impartiality of the judiciary and justice system is not sufficiently ensured in Albania. The justice system continues to suffer from political pressure and interference and is undermined by endemic corruption in the judiciary. Further and far-reaching reforms are necessary, including of the Supreme Court and High Council of Justice. In this respect, the committee has welcomed the close co-operation with the Venice Commission that was established by the authorities with regard to the reform of the judiciary and justice system.

20. The persistent and endemic corruption at all levels of Albanian society undermines the country's democratic and socio-economic development and is an issue of major concern. Despite a recent increase in prosecutions, most indicators show that corruption has been increasing, rather than diminishing, over recent years, which underscores the need for urgent and far-reaching reforms. Efficiently and effectively combating the endemic corruption in the judiciary will be crucial for overall success in this area.

21. The authorities have started an administrative territorial reform with a view to strengthening local self-government as a key mechanism to further democratic consolidation of the country. While timely, there is some concern that the planned reform seems, at this moment, to be mostly focused on the administrative division of the country and less on the functional aspects of local self-government and especially the manner in which local authorities would obtain the necessary resources to implement the services that the law, and citizens, are expecting from them. As a result, this reform is controversial. Regrettably, the work of the special parliamentary ad hoc committee that was set up to guide this reform was boycotted by the opposition.

2.2.2. Armenia

22. The co-rapporteurs visited Armenia from 16 to 18 June 2014. This was the first fact-finding visit after the cycle of presidential and parliamentary elections in 2012 and 2013. Following his re-election, President Sargsyan re-appointed Prime Minister Tigran Sargsyan and his government with very little changes in its composition. However, on 3 April 2014, Prime Minister Sargsyan resigned, ostensibly for personal reasons. On 13 April 2014, President Sargsyan appointed parliamentary Speaker Hovik Abrahamyan as Prime Minister and Davit Harutyunyan – who until then was the Chair of the Armenian delegation to our Assembly – was appointed Head of the Prime Minister's Cabinet and Minister for the Co-ordination of the Cabinet of Ministers. Several important changes took place in the government which seem to suggest that President Sargsyan wished to install a new government team in order to revive the faltering reform programme and to counter the low level of public trust in the government.

23. Armenia and the European Union originally announced that they would initial an Association Agreement, including a Deep and Comprehensive Free Trade Agreement, during the Vilnius Summit. However, on 3 September 2012, in an unexpected U-turn when visiting Moscow, President Sargsyan announced that Armenia would join the Customs Union of the Commonwealth of Independent States (CIS) as a precursor to a Eurasian Economic Union. President Sargsyan pointedly admitted that this decision was based on Armenia's national security interests and the need to maintain good relations with Moscow for that purpose. The decision to join the Customs Union is controversial among a large segment of Armenian society, which fears a possible deterioration of political freedoms and human rights as a result of Armenia joining the Customs Union.

24. In June 2013, President Sargsyan established a Specialised Commission on Constitutional Reform with the aim of “improving constitutional mechanisms to ensure fundamental human rights and freedoms, guaranteeing full balance of power and raising the efficiency of public administration”. This commission presented its concept paper for constitutional reform in June 2014. In order to ensure that the discussions on the future political system in Armenia did not get entangled in speculations about his own political future, President Sargsyan announced, in May 2014, that he would neither seek the post of Prime Minister nor a third term as President even if this were possible.⁵

25. Final amendments to the Law on Alternative Service were adopted in October 2013. As a result, Armenia has successfully honoured its accession commitment of implementing a proper system of alternative military service that is in line with Council of Europe standards. Following the adoption of the Law on Alternative Service, all persons that were either convicted or prosecuted for refusing military service were given the possibility to opt for alternative military service, with any detention being subtracted from their period of service.

2.2.3. Azerbaijan

26. The co-rapporteurs visited the country from 20 to 24 January 2014 and from 19 to 21 May 2014. In addition, they participated *ex officio* in the ad hoc committee of the Assembly to observe the presidential election that took place on 9 October 2013.

27. The presidential election took place in Azerbaijan on 9 October 2013 and was observed by an ad hoc committee of the Assembly. Regrettably it was not possible to agree on a joint statement within the International Election Observation Mission (IEOM), as is customary. Instead the ad hoc committee of the Assembly issued a joint statement with the European Parliament delegation, and the Election Observation Mission of the OSCE/ODIHR and the Parliamentary Assembly of the OSCE issued a separate one.

28. The presidential election was the first since the constitutional amendments that removed the two-term limit for the president and therewith allowed incumbent President Aliyev to stand for a third consecutive term. In the view of the ad hoc committee of the Parliamentary Assembly of the Council of Europe, the elections on polling day were conducted in a free and transparent manner, but improvements to the electoral framework in the run-up to the elections, were still desirable, as the electoral process was still far from perfect. This presidential election was won by incumbent President Aliyev with 84% of the votes.

29. Several personalities and institutions, including the Council of Europe Commissioner for Human Rights and the co-rapporteurs, expressed their concern about the deteriorating respect for fundamental human rights, such as freedom of expression, freedom of association and freedom of assembly, as well as an increase in possibly politically motivated prosecutions of journalists and civil society and opposition activists, since the last presidential election.

30. The number of alleged politically motivated prosecutions is a point of contention and is being investigated by, *inter alia*, the co-rapporteurs. Increasingly, civil society activists and journalists are prosecuted, allegedly for high treason and spying for Armenia, which carry very long prison sentences. This has had a chilling effect on the non-governmental organisation (NGO) and media community. On 22 May 2014, in its judgement in the case of *Ilgar Mammadov v. Azerbaijan*, the European Court of Human Rights (“the Court”) considered that the charges against him were not substantiated by the prosecution and that there was therefore no reasonable suspicion justifying his arrest and pre-trial detention. Moreover, the Court considered that the courts had failed to verify the soundness of the claims of the prosecution. Importantly, the Court found a violation under Article 18, clearly indicating that other reasons than those allowed by the European Convention on Human Rights (ETS No. 5) had played a role in the prosecution and conviction of Mr Mammadov.

2.2.4. Bosnia and Herzegovina

31. The co-rapporteurs visited the country from 7 to 9 July 2014. On 2 October 2013, the Assembly adopted [Recommendation 2025 \(2013\)](#) on the functioning of democratic institutions in Bosnia and Herzegovina.

32. In this recommendation, the Assembly expressed its regret that no credible efforts had been made by the Bosnian authorities to prepare the comprehensive package of constitutional amendments needed to implement the *Sejdić and Finci* judgment of the European Court of Human Rights that held that the

5. Under the current Constitutional Provisions, a president is barred from serving more than two consecutive terms.

constitutional framework for elections in Bosnia and Herzegovina was discriminatory and violates the European Convention on Human Rights. In the view of the Assembly, “the execution of the *Sejdić and Finci* judgment is a first step in the comprehensive constitutional reform that is needed in order to move away from the institutional straitjacket created by the Dayton Constitution, towards a modern, euro-compatible and functional democracy in which every citizen, regardless of his or her ethnic affiliation, enjoys the same rights and freedoms”.⁶

33. The Assembly expressed its serious concern about growing disrespect for the rule of law in Bosnia and Herzegovina, with State institutions being attacked by high-level officials and political parties and their leadership ignoring, and often violating, legal and constitutional requirements. In the view of the Assembly, the current situation hampers much-needed reforms in key areas such as democratic institutions, the rule of law and human rights. In that context, the Assembly regretted that since 2006 only very limited progress had been achieved in the implementation of outstanding accession commitments of the country to the Council of Europe, which, if continued, could affect the relations between the Assembly and Bosnia and Herzegovina.

2.2.5. Georgia

34. The rapporteurs visited Georgia from 13 to 16 January 2014 and participated *ex officio* in the pre-electoral mission (24-25 September 2013) and election observation mission of the ad hoc committee of the Assembly to observe the presidential election in Georgia, on 27 October 2013. On 24 June 2014, the committee adopted a report and draft resolution on the functioning of democratic institutions in Georgia, which is scheduled to be debated in plenary during the 4th part-session of the Assembly in 2014.

35. On 27 October 2013, the presidential election took place in Georgia, observed by an ad hoc committee of the Assembly in the framework of the International Election Observation Mission. In the view of the IEOM, this election was “efficiently administered, transparent and took place in an amicable and constructive environment”. In addition, it concluded that “[f]undamental freedoms of expression, movement and assembly were respected, and candidates were able to campaign without restriction”.⁷ This election was won with 61% of the vote by Giorgi Margvelashvili of the Georgian Dream coalition, former Speaker Davit Bagradze of the United National Movement came in second. Mr Margvelashvili was inaugurated on 17 November 2014. The local elections that were held in July 2014 heralded the final phase of the democratic transfer of power in the country. During these elections, for the first time, all mayors and chiefs of city executives (*gamgebeli*) were directly elected. The Georgian Dream coalition consolidated its control over the country by winning all mayor and *gamgebeli* races and by obtaining a majority in practically every city council in the country.

36. The independence of the judiciary and administration of justice in Georgia have been an issue of concern for the Assembly in previous years. In that respect, the adoption of a comprehensive reform package for the judiciary and justice system that aimed to ensure genuine independence of the judiciary and a truly adversarial justice system is already showing some positive results and is to be welcomed. However, there are continuing vulnerabilities and deficiencies in the justice system that need to be addressed and further reforms of the judiciary, particularly of the prosecution service, are still necessary.

37. Following the 2012 parliamentary elections, more than 20 000 complaints were filed with the prosecution service against former government officials for alleged criminal conduct during their tenure in office. Following this, the authorities opened a number of criminal investigations and initiated several prosecutions against former government officials. These prosecutions were decried as politically motivated and revanchist justice by the former ruling party, the United National Movement. The Assembly has stressed that, while there can be no impunity for ordinary crimes, the government has to ensure that the investigations and court proceedings are conducted transparently and impartially and fully respect the principles of a fair trial as enshrined in the European Convention on Human Rights. This is especially important in the context of politically sensitive cases such as those against former government members.

38. The many reports, several of them verified, of pressure on local officials belonging to the opposition to resign or switch sides, as well as pressure on opposition candidates in the recent local elections to withdraw their candidatures, is a point of serious concern and it hampers the democratic consolidation of the country. All these reports need to be fully investigated and the perpetrators brought to justice. A clear and unambiguous signal needs to be given to their supporters by the leadership of the ruling coalition that pressure on opposition activists and supporters will not be tolerated.

6. [Recommendation 2012 \(2013\)](#), paragraph 5.

7. [Doc. 13359](#), paragraph 10.

39. On 27 June 2014, Georgia signed an Association Agreement, including a Deep and Comprehensive Free Trade Agreement (DCFTA) with the European Union.

2.2.6. Republic of Moldova

40. No visits by the rapporteurs on the Republic of Moldova took place during the reporting period. On 2 October 2013, the Assembly adopted [Resolution 1955 \(2013\)](#) on the honouring of obligations and commitments by the Republic of Moldova.

41. Constitutional amendments to avoid a political deadlock over the election of the President of the Republic, leading to repeated parliamentary elections, are still needed as are further reforms of the electoral legislation and election process. The current potential for conflict and political instability due to shortcomings in the constitution and electoral legislation remains of concern.

42. Further reforms are still necessary to ensure the full separation of powers and to de-politicise judicial institutions. Far-reaching reforms are needed to combat widespread corruption, especially in the judiciary, police, and health and education services, which remains of serious concern.

43. On 27 June 2014, the Republic of Moldova signed an Association Agreement, including a Deep and Comprehensive Free Trade Agreement (DCFTA) with the European Union.

2.2.7. Montenegro

44. The co-rapporteurs visited Montenegro from 14 to 16 April 2014. A preliminary draft report on the honouring of obligations and commitments by Montenegro was prepared by the rapporteurs and sent to the Montenegrin authorities after adoption in the committee on 3 September 2014.

45. Corruption continues to be a point of concern in Montenegro. While welcoming the progress made to meet Council of Europe standards in this respect, the co-rapporteurs for Montenegro called on the Montenegrin authorities to ensure that their declared willingness to fight corruption would lead to concrete results. In this context, the consensual appointment of an independent and de-politicised Supreme State Prosecutor by the Montenegrin Parliament is crucial.

46. The media environment in Montenegro remains highly polarised and the repeated attacks against journalists and media outlets are of concern. The establishment of a special commission to investigate assassinations of, and threats against, journalists was welcomed by the two co-rapporteurs.

2.2.8. Russian Federation

47. No monitoring visits to the Russian Federation took place during the reporting period. A request of the co-rapporteurs to make a fact-finding visit in July 2014 was refused by the Russian authorities.

48. Respect for the fundamental rights of freedom of expression and freedom of assembly continue to be of concern. On 25 February 2014, the co-rapporteurs for Russia issued a statement expressing their deep concern at the disproportionate prison sentences given to the Bolotnaya Square demonstrators. They noted that the procedural shortcomings during the trial, as well as the long pre-trial detention, raised justified suspicions of politically motivated justice.

49. Russia's actions towards its immediate neighbours have been a source of great concern to the Assembly. In [Resolution 1974 \(2014\)](#) on the functioning of democratic institutions in Ukraine, the Assembly reminded the Russian Federation of its accession commitment to the Council of Europe "to denounce as wrong the concept of two different categories of foreign countries, whereby some are treated as a zone of special influence called 'the near abroad' and refrain from promoting the geographical doctrine of zones of special interests".

50. In [Resolution 1988 \(2014\)](#) "Recent developments in Ukraine: threats to the functioning of democratic institutions", the Assembly strongly condemned the Russian military aggression against Ukraine and the subsequent annexation of the Crimea by the Russian Federation in clear violation of international law, including the United Nations Charter, the OSCE Helsinki Act and the Statute and basic principles of the Council of Europe.

51. Following the annexation of the Crimea by the Russian Federation, the already ratified credentials of the Russian delegation to the Assembly were challenged on substantive grounds by a large number of members of the Assembly. In [Resolution 1990 \(2014\)](#) on the reconsideration of the previously ratified

credentials of the Russian delegation, the Assembly again considered that Russia's actions in Ukraine violated international law, including its obligations and commitments to the Council of Europe and in this respect regretted that Russia rejected international mechanisms available to it to peacefully resolve its conflict with Ukraine. In the view of the Assembly, with its violation of the sovereignty and territorial integrity of Ukraine, Russia had created a threat to stability and peace in Europe. The Assembly therefore decided to suspend, until January 2015, the voting rights of the Russian delegation in the Assembly as well as its right to be represented on the Bureau of the Assembly, the Presidential Committee and the Standing Committee and its right to participate in election observation missions. However, underscoring its belief in the privileged position of political dialogue, the Assembly decided not to annul the credentials of the Russian delegation.

52. On 26 June 2014, the Monitoring Committee established an ad hoc Sub-Committee on Russia's Neighbourhood Policy, also with a view to fostering an open and frank dialogue with the Russian delegation on this issue which is of great concern to the Assembly.

53. In [Resolution 1996 \(2014\)](#) on refusing impunity for the killers of Sergei Magnitsky, based on a report by the Committee on Legal Affairs and Human Rights, prepared by one of the two co-rapporteurs, the Assembly urged the Russian Federation to fully investigate the circumstances and background of Russian tax lawyer Sergei Magnitsky's death, and the possible criminal responsibility of all officials involved. It recommended that Council of Europe member States, as a last resort, consider adopting "targeted sanctions" against the individuals involved in the death of Mr Magnitsky – such as visa bans and the freezing of accounts – if the competent authorities in Russia failed to respond adequately to its demands within a reasonable period of time.

2.2.9. Serbia

54. The co-rapporteurs visited Serbia from 25 to 27 November 2013 and presented an information note⁸ that was declassified by the committee on 30 January 2014.

55. During the reporting period, Serbia continued to make good progress in honouring its obligations and commitments to the Council of Europe. The European Commission agreed to open accession negotiations in 2014, on the understanding that visible and sustainable progress in normalisations with Kosovo continued.

56. Key reforms with a view to strengthening the independence of the judiciary and reintegrating the 600 judges who were unlawfully dismissed in 2009 continued. While welcoming these reforms, the co-rapporteurs for Serbia noted that amendments to Serbia's Constitution were necessary to address the lack of real independence in the judiciary. There are no indications that the adoption of such amendments is foreseen in the foreseeable future.

57. The fight against corruption remained a main priority for the Serbian authorities. A key role in the anti-corruption strategy is given to the Anti-Corruption Agency, which is an independent agency directly accountable to the National Assembly. However, the modalities for the functioning of this agency are not clear and its lack of power to impose sanctions undermines the effectiveness of its work. In a welcome development, a law on whistle-blowers is being prepared by the authorities. Despite positive developments, serious obstacles to the fight against corruption remain in place and State institutions need to be strengthened, and their transparency increased. This is also true for the media environment, where lack of transparency of media ownership remains a point of concern.

2.2.10. Ukraine

58. The monitoring of Ukraine's honouring of obligations and commitments to the Council of Europe during the reporting period was dominated by the Euromaidan protests followed by the illegal annexation of the Crimea and the separatist insurgency in eastern Ukraine. In the reporting period, the co-rapporteurs visited Ukraine from 18 to 20 December 2013, 17 to 21 February 2014, 22 to 24 March 2014 (jointly with the Presidential Committee) and from 8 to 11 July 2014. In addition, they participated, *ex officio*, in the pre-electoral delegation of the ad hoc committee of the Assembly for the extraordinary presidential election on 25 May 2014. On 30 January 2014, the Assembly adopted in a debate under urgent procedure, requested by the Monitoring Committee, [Resolution 1974 \(2014\)](#) on the functioning of democratic institutions in Ukraine. On 9 April 2014, the Assembly adopted, also in a debate under urgent procedure requested by the Monitoring Committee, [Resolution 1988 \(2014\)](#) "Recent developments in Ukraine: threats to the functioning of democratic Institutions".

8. AS/Mon (2014) 01 rev.

59. A political crisis ensued in Ukraine when, on 21 November 2013, the Ukrainian authorities under former President Yanukovich, decided to suspend the procedure for the signing of an Association Agreement, including a Deep and Comprehensive Free Trade Agreement with the European Union. The authorities claimed that political pressure by the Russian Federation, including the threat of sanctions had been the main reason for this decision.

60. This surprise decision led to mass protest on Independence Square in Kyiv, most commonly refer to as Maidan by the local population. Attempts by the authorities to break up the protests with the use of disproportionate force only galvanised the protests and turned them into a general protest against the governing style of the ruling majority, including the lack of democratic decision making and endemic corruption under the country's leadership. Regrettably, calls by national and international actors, including the Assembly, on the Ukrainian authorities to refrain from any action that could further escalate the situation and not to attempt to break up the protests by force, were not heeded by the authorities. Their increasingly hard-handed approach caused an unprecedented escalation of violence, culminating in the dramatic events on Maidan in Kyiv from 18 to 20 February 2014 that lead to the death of over a hundred protesters and 17 police officers. As a result of the increasing violence and brutality in the week of 18 to 20 February, including the use of snipers against protesters, large numbers of key personalities and financial interests withdrew their support from the then President Yanukovich. As a result, on 21 February 2014, the foreign ministers of Poland, Germany and France, on behalf of the European Union, managed to broker an agreement between the President and opposition parties. This agreement foresaw the re-enactment of the 2004 constitutional amendments followed by constitutional reform, the formation of a national unity government and an early presidential election. Recognising that most of his supporters had abandoned and effectively disowned him, President Yanukovich fled to Russia immediately after the signature of the agreement. An independent advisory panel was established by the Council of Europe to assist an impartial investigation into the violence on both sides that occurred during the Euromaidan protests.

61. A large part of the 21 February agreement continued to be implemented by the Verkhovna Rada, which, in line with constitutional provisions, appointed parliamentary Speaker Turchinov as acting President of Ukraine. An early presidential election was called for 25 May 2014.

62. The early presidential election on 25 May 2014 was observed by an ad hoc committee of the Assembly in the framework of an International Election Observation Mission that also consisted of the OSCE/ODIHR, the OSCE Parliamentary Assembly and the Parliamentary Assembly of the North Atlantic Treaty Organization (NATO). The two co-rapporteurs were *ex officio* members of this ad hoc committee. The election was won, in the first round, by Petro Poroshenko with 54.7% of the votes cast. In the view of the IEOM, the early presidential election was a genuinely democratic election, largely in line with international standards and respecting fundamental rights and freedoms, despite the problematic security situation in the east of the country.

63. Regrettably, the political developments in Ukraine were overshadowed by the armed intervention and subsequent annexation of the Crimea by the Russian Federation and the armed insurgency in the Donetsk and Luhansk regions in the east of Ukraine. The annexation of the Crimea by the Russian Federation, as well as its interference in the east of Ukraine, has been condemned by the Assembly, which has repeatedly expressed its strong support for the territorial integrity and unity of Ukraine.

64. On 27 June 2014, Ukraine signed an Association Agreement, including a Deep and Comprehensive Free Trade Agreement with the European Union.

2.3. Countries engaged in a post-monitoring procedure

2.3.1. Bulgaria

65. The rapporteur visited Bulgaria on 12 and 13 February 2014. No reports or information documents were adopted during the reporting period.

66. On 23 July 2014, following a crisis involving two of the main banks in the country and after a poor result for his party in the European elections in May 2014, the Prime Minister of Bulgaria, Mr Plamen Oresharski, resigned. On 6 August 2014, President Plevnelliev called for early parliamentary elections on 5 October 2014 and appointed a caretaker Cabinet led by Mr Georgi Bliznashki.

2.3.2. Monaco

67. The rapporteur visited Monaco on 5 and 6 June 2014. No reports or information notes were published on Monaco during the reporting period.

68. In November 2013, Monaco ratified the Cybercrime Convention. In a statement following his visit, the rapporteur also welcomed the ongoing reform of the Criminal and Criminal Procedure Codes and the preparations for a new law on the functioning of the National Council, which is expected to be adopted in 2015.

69. The non-ratification of Protocols 1 and 12 of the European Convention on Human Rights, as well as of the European Social Charter (ETS Nos. 35 and 163), remain of concern. However the rapporteur noted and welcomed the willingness of the Monegasque authorities to continue the dialogue with the Assembly about these commitments with a view to finding a solution that would ensure both the consideration of the specificities of the Principality of Monaco and the values of the Council of Europe.

2.3.3. "The former Yugoslav Republic of Macedonia"

70. The rapporteur visited Macedonia⁹ on 2 and 3 December 2013 and participated in the pre-electoral mission and election observation missions for the presidential and parliamentary elections that took place on 13 and 27 April and 27 April 2014 respectively.

71. The ongoing lustration process in Macedonia is controversial, contentious, and politicised. The law on lustration has been challenged in the Constitutional Court and a case against the lustration process has been filed with the European Court of Human Rights by the former President of the Constitutional Court.

72. In its 2013 progress report, the European Commission recommended the start of accession negotiations between Macedonia and the European Union for the fifth time. However, due to lack of progress regarding the name issue, no such decision was taken by the European Council.

73. The extreme politicisation of public life, both along ethnic lines and political affiliation, is a point of serious concern. The relations between the ruling majority and the opposition remain very difficult and undermine the decision-making process.

74. The politicised and polarised environment also undermines public trust in the judiciary as the perception of selective justice is high. This is compounded by the high level of corruption in the country, including among the judiciary.

75. The media environment also remains an issue of concern. There are repeated allegations of pressure on journalists and the media legislation that is under preparation is seen by some stakeholders as attempting to curb the freedom of the media.

76. On 5 March 2014, the parliament was dissolved on the initiative of the Democratic Union for Integration, the junior party in the ruling coalition, following disagreements with the main party in the ruling coalition, VMRO-DPMNE, over its choice of candidate in the presidential election. Following the dissolution of the parliament, it was agreed to organise parliamentary elections at the same time as the second round for the presidential election, on 27 April 2014. The first round of the presidential election took place on 13 April 2014.

77. These elections were observed by a delegation of the Assembly in the framework of an International Election Observation Mission with the OSCE/ODIHR and the OSCE Parliamentary Assembly. The IEOM concluded that the elections were organised efficiently, with freedom of assembly and association respected during the campaign period. However, the campaign and media environment were biased in favour of the ruling party, and allegations of pressure on voters, some of them credible, were persistent throughout the campaign period.

78. On 16 May 2014, the Monitoring Committee issued a statement in which it expressed its concern about the decision of the main opposition party, the Social Democratic Union of Macedonia, not to accept their mandates in the newly elected parliament and not to recognise the legitimacy of the presidential election. It also deplored the decision of the Democratic Union for Integration to boycott the presidential election. At the

9. The use in the text of the term "Macedonia" is for descriptive purposes and the convenience of the reader. It does not prejudice the position of the Assembly on the question of the name of the State and does not reflect the position of the Council of Europe.

same time, the committee called on the authorities to promptly remedy the shortcomings in the election process, as noted by the IEOM, and to investigate transparently and impartially the credible allegations of intimidation and pressure on voters, as well as of vote buying.

2.3.4. Turkey

79. The rapporteur visited Turkey from 26 to 28 May 2014. The committee issued a declaration with regard to developments in the country on 29 January 2014. The rapporteur issued statements on 21 March and 30 May 2014.

80. The independence of the judiciary is a point of concern in Turkey, especially after the strong reaction of the ruling party against allegations of high-level corruption in the Turkish Government. In its declaration, the committee called on the Turkish authorities to guarantee judicial independence and impartiality and expressed its expectation that constitutional reform, clarifying the separation and balance of powers in the country, would soon be adopted. Similarly, in her declaration, the rapporteur for Turkey called for greater social and political stability in the country.

81. On 10 August 2014, a presidential election took place in Turkey, which was observed by a delegation of the Parliamentary Assembly in the framework of an International Election Observation Mission with the OSCE Parliamentary Assembly and OSCE/ODIHR. The observers concluded that, while candidates were able to campaign freely, the playing field was skewed in favour of the candidate of the ruling party.

2.4. Requests to open a monitoring procedure

2.4.1. France

82. On 26 June 2013, 21 members of the Assembly tabled a motion for a resolution requesting the opening of a monitoring procedure in respect of France, claiming serious setbacks in the field of human rights and the rule of law in relation to police action against protesters against the Taubira Law, as well as in relation to the compulsory teaching of gender theory as from the age of six.

83. In line with the Rules of Procedure of the Assembly, the committee appointed two co-rapporteurs in December 2013 to prepare a written opinion on this subject. A first fact-finding visit of the rapporteurs to Paris is scheduled to take place on 10 and 11 September 2014.

3. Enhancement of the efficiency and impact of the Assembly's monitoring procedure

84. In [Resolution 1953 \(2013\)](#) on the progress of the Assembly's monitoring procedure the Assembly resolved to pursue a reflection on ways to enhance the effectiveness and impact of the Assembly's monitoring procedure. It is important to highlight that the initiative of a reflection on ways to improve the monitoring procedure originated in the committee itself, in particular from my predecessors Mr Dick Marty and Mr Andres Herkel.

85. The reflection on the enhancement of the efficiency and impact of the monitoring procedure with regard to all Council of Europe member States has been a major component of the work of the Committee over the reporting period. A special ad hoc sub-committee was set up by the committee for this purpose and tasked with formulating concrete proposals in this respect. This sub-committee was constituted on the basis of a precise formula that would allow for a balanced and representative composition, including between countries under a monitoring procedure *sensu stricto*, countries engaged in a post-monitoring dialogue, countries that had been under a monitoring procedure *sensu stricto* and countries that have never been under a monitoring procedure *sensu stricto*.

86. The sub-committee presented its findings and conclusions to the committee on 26 June 2014, which adopted its conclusions and endorsed the report. The findings and conclusions are an integral part of this progress report. The report of the ad hoc sub-committee, as endorsed by the committee, is in Appendix 1.

87. The committee unanimously agreed that the monitoring procedure of the Assembly has played, and continues to play, an important and positive role in the transformation processes in many countries which joined the Organisation during and after the 1990s. The monitoring process, and the work of the Monitoring Committee, is one of the core activities of the Assembly that needs to be maintained and reinforced.

88. The 10 countries that are currently under the monitoring procedure for obligations and commitments *sensu stricto* should therefore remain under this specific monitoring as long as the commitments they agreed upon when acceding to the Council of Europe have not been entirely fulfilled. At the same time, it was agreed that there can be no dividing lines and that also the 33 countries that are not under a monitoring procedure *sensu stricto* should be periodically reviewed by the Monitoring Committee with regard to the honouring of membership obligations to the Council of Europe. I was tasked by the committee with proposing a reporting mechanism for such a periodical review, which I will do in the section below.

89. With regard to the post-monitoring dialogue, it was agreed that this dialogue should have a clearly defined timeline. If the issues delegated to a post-monitoring dialogue were, in the view of the Assembly, not resolved within such a time frame, the country in question should automatically return to a monitoring procedure *sensu stricto*. The report of the ad hoc sub-committee, as approved by the committee, made a number of concrete proposals in this respect. I was also tasked with clarifying some aspects of this procedure, especially with regard to transitional provisions and the possible return of a country to the monitoring procedure *sensu stricto*.

90. The possibility for involvement in the work of the committee of the countries engaged in the partnership for democracy was raised. However, the modalities for such involvement are not clear and would need further reflection by the committee. I propose to come back to this subject in the context of the 2015 progress report of the monitoring procedure. In this context, it is also important to highlight the close relationship and complementarity between the work of the committee and the election observation missions of the Assembly. Close co-operation between the committee and the observation missions exists and has been strengthened by the systematic *ex officio* participation of our rapporteurs in the ad hoc committees that observe the elections as well as in the pre-electoral missions. The input of our rapporteurs in these observations missions and the contextual reference they provide are a valuable addition to the election observation exercise. Therefore, the possibility of developing a more structural and integrated relationship between the Monitoring Committee and the election observation missions of the Assembly needs to be investigated. This would also provide the election observation delegations with a stronger institutional and less ad hoc basis for their work and reporting. I will formulate concrete proposals in this respect in the next progress report on the monitoring procedure.

3.1. Reporting on the 33 countries that are neither under the monitoring procedure *sensu stricto* nor engaged in a post-monitoring dialogue

91. As already mentioned, on 26 June 2014, the Monitoring Committee approved the report of the ad hoc Sub-Committee on the Functioning of the Parliamentary Monitoring Procedure. In this report, it was agreed, *inter alia*, to subject the 33 countries that are not under the monitoring procedure *sensu stricto* or engaged in a post-monitoring dialogue, to a periodic review of their honouring of membership obligations to the Council of Europe. Furthermore, it was agreed that such reviews would be on a country-by-country basis, complemented, if need be, by issue-based monitoring. It was agreed that, on the basis of these principles, a proposal for the reporting on these 33 countries, taking into account the Assembly's financial and human resource constraints, would be included in the 2014 progress report on the monitoring procedure.

92. Reporting on the countries that are subject to the monitoring procedure or engaged in a post-monitoring dialogue is defined by the nature of the procedure and the accession commitments made,¹⁰ and will therefore not substantially change. However, it was agreed that the committee, for its internal use, would establish a set of guidelines to be used when considering the opening or the closing of a monitoring procedure. These guidelines should be presented for discussion in the committee by December 2014.

93. For the periodic review of the 33 countries, it is proposed that for the countries selected (see proposal for the selection process below), a concise preliminary report divided into sections be compiled for each country. The first section would be an outline of any major political developments since the last review by the Monitoring Committee¹¹ with respect to the functioning of democratic institutions, the rule of law and respect for human rights. The second part would be an assessment of the findings of the different convention-based and institutional monitoring bodies of the Council of Europe published during the reference period.

94. As they will be ultimately part of the progress report, the preliminary reports will be drafted by the Chair or one of the vice-chairpersons, if appropriate.

10. Or items for the post-monitoring dialogue agreed upon.

11. The 2013 progress report (Doc. 13304), which contained a summary assessment for all the 33 countries concerned, will be considered as the first country review.

95. The preliminary report would be discussed by the committee and sent to the national delegation of the country in question with a request for comments by the authorities on its findings. On the basis of these comments, a draft report would be produced that would be the subject of an exchange of views in the committee in the presence of a representative of the majority and opposition of the country in question. The final report, adopted after this exchange of views, would be included in the progress report of the Monitoring Committee for the year in which it was adopted.

96. When, in these reports, a country is found to be globally honouring its membership obligations to the Council of Europe, no further action should be necessary until the next reporting cycle. However, if on the contrary, the committee considers that certain developments are of serious concern, it can decide on one of the two following actions.

97. Should the committee conclude that some of the developments in a given country constitute a serious risk to the proper functioning of democratic institutions, it can table a motion for a resolution, in line with paragraph 7 of its terms of reference, on the functioning of the democratic institutions in that country.

98. If, in the view of the committee, a country is found to be structurally failing to honour its obligations as a member State of the Council of Europe, the committee can propose the opening of a monitoring procedure on the basis of paragraphs 3 and 5 of the terms of reference of the committee.

99. In practical terms, it is proposed to discuss the preliminary reports and hold the exchanges of views with representatives of the parliamentary delegations concerned at each committee meeting in Paris.¹² These meetings should be extended by half a day for that purpose. The discussions should be organised on the basis of groups of three countries. Each meeting would discuss three preliminary reports and hold three exchanges of views.

100. The exchange of views on the draft reports with the representatives concerned will take place two meetings after the meeting in which the preliminary report was adopted. This will allow the authorities three months to submit their comments on the preliminary draft report, similar to countries under a monitoring procedure *sensu stricto*. With this schedule, the committee could, after an initial phase, properly review 12 countries each year, allowing it to review all current 33 countries that are not under a monitoring procedure *sensu stricto* or engaged in a post-monitoring dialogue within three years. After the initial year, the procedure should be evaluated, also taking into account financial and human resource constraints, to see if this schedule needs to be adjusted.

101. In view of the opposition expressed in the committee to the geographical grouping of countries, it is proposed that for the periodical review the countries be grouped by three in (English) alphabetical order. Thus Andorra, Austria and Belgium will be the first countries to be reviewed, followed by Croatia, Cyprus and the Czech Republic.

102. The report of the ad hoc sub-committee states that issue-based monitoring can complement country-by-country monitoring for the 33 countries that are not under a monitoring procedure *sensu stricto* or engaged in a post-monitoring dialogue. As mentioned in the report of the ad hoc sub-committee, many of the other Assembly committees produce regular reports that constitute issue-based monitoring on many of the subjects that the Monitoring Committee is concerned with. It is important that our committee avoids duplicating their work, with the risk of contradictions, especially in the context of the current constraints on our resources. However, the Monitoring Committee could provide a wider country-specific context that highlights the interrelations with other subjects. This is one of the key strengths of the Monitoring Committee in its reporting on the countries under the monitoring procedure *sensu stricto*. In order to foster this synergy between the Monitoring Committee and the specialised committees of the Assembly, it is proposed to organise, on an annual basis, an exchange of views between the Monitoring Committee and the chairpersons of the relevant specialised committees of the Assembly. Possible joint action could be agreed upon, if considered opportune, during these exchanges of views.

103. The above reporting procedure would allow us to implement the conclusions of the Sub-Committee on the Functioning of the Parliamentary Monitoring Procedure, as agreed upon by the committee at its meeting on 26 June 2014, with due consideration to the constraints on the financial and human resources of the committee.

12. The committee meeting agendas in Strasbourg are already too overloaded for such an exercise and meeting facilities are scarce during that period.

3.2. Post-monitoring dialogue

104. As mentioned above, the committee proposes to set a clearly defined time frame with regard to the post-monitoring dialogue. However, from the discussions in the committee it was clear that there was a need for a clarification of the procedure for the post-monitoring dialogue as proposed by the committee.

105. When a monitoring procedure in respect of a given country is closed, the Assembly can decide to open a post-monitoring dialogue with that country on a select and well-defined number of issues that still require specific action by the authorities. When a post-monitoring dialogue is opened, it is proposed that two rapporteurs¹³ be appointed by the Monitoring Committee on the same basis as the rapporteurs for a monitoring procedure *sensu stricto*. The rapporteurs for the post-monitoring procedure will have up to three years to produce their first report on the post-monitoring dialogue. If, at that time, not all subjects have been satisfactorily addressed by the authorities of the country in question, the rapporteurs will outline the remaining items together with a concrete proposal, developed in dialogue with the authorities, on how these questions should be remedied. If, by the next report, which again needs to be published within three years after adoption of the first report, these issues have not been solved satisfactorily, and the Assembly decides on that basis not to close the post-monitoring dialogue, then the country will automatically return to the monitoring procedure *sensu stricto*. It should be clear that this is always based on a decision of the Assembly in the framework of a draft resolution proposed by the Monitoring Committee that contains a decision not to close a post-monitoring dialogue. Also, the Assembly can decide to close the post-monitoring procedure even if some, in the view of the Assembly, minor issues have not been completely resolved.

106. For the four countries currently engaged in a post-monitoring dialogue, transitional provisions are necessary with regard to the limited time frame, as well as the appointment of extra rapporteurs, which I have been tasked to draft by the committee.

107. With regard to the limited time frame of two reports, the next report after the adoption of these changes will count as the first report in the two-report cycle for those countries already engaged in a post-monitoring dialogue.

108. As far as the appointment of two rapporteurs for the four countries currently engaged in a post-monitoring dialogue is concerned, the second rapporteur will be appointed during the second part-session of the Assembly in 2016, or when the term of the current rapporteur expires, or when a report on the post-monitoring dialogue for that country has been debated in the Assembly, whichever of these events occurs first.

3.3. Miscellaneous provisions

109. With the addition of the new comprehensive periodic review of the – currently 33 – countries that are not under the monitoring procedure *sensu stricto* or engaged in a post-monitoring dialogue, the Assembly will have a comprehensive overview of the state of honouring of membership obligations in all member States of the Council of Europe, and would therefore be in a position to consider prompt action in the event that concerns arise in this context. This would allow us to address a vulnerability that exists in the current application procedure for the opening of a monitoring procedure. Theoretically, 20 members, for narrow political reasons not related to the honouring of membership obligations, can request the opening of a monitoring procedure for a given country. Currently, the Assembly has no possibility to dismiss any frivolous or politicised request, and the Monitoring Committee is obliged to start a full-scale investigation by two rapporteurs. It is therefore proposed that the committee, on a proposal from the Chair, with an absolute majority of all of its members, and subject to confirmation by the Bureau, can decide not to take any further action on an application to initiate a monitoring procedure made under paragraph 3.iii of the terms of reference of the Monitoring Committee. It should be clear that this is not applicable for requests originating under paragraphs 3.i, 3.ii and 3.iv of the terms of reference of the committee.

13. Currently one rapporteur.

Appendix 1 – Activity report of the ad hoc Sub-Committee on the Functioning of the Parliamentary Monitoring Procedure¹⁴

(Chairperson: Mr Pedro Agramunt, Spain, Group of the European People's Party)

1. Background of the reform process

1. In [Resolution 1953 \(2013\)](#), adopted in October 2013 following the debate on the Monitoring Committee's progress report, the Parliamentary Assembly resolved to pursue a more general reflection on ways to enhance the efficiency and the impact of the Assembly's monitoring procedures with regard to all Council of Europe member States, and took note of the intention of the Monitoring Committee to establish a working group tasked with the preparation of concrete proposals in this respect.
2. The initiative to launch a discussion on different aspects of the Assembly's monitoring procedure and possible ways to improve it originated from the Monitoring Committee itself, and more particularly from its then Chair, Mr Dick Marty, as early as 2011, and was supported by his successor, Mr Andres Herkel. It was partly prompted by the growing frustration of some parliamentarians with the situation in which a number of countries, which had been under a monitoring procedure *sensu stricto* for many years, did not seem to be making any significant progress in terms of the fulfilment of their obligations and commitments.
3. While some parliamentarians openly expressed their anxiety about the credibility of the Organisation in the light of its inefficiency in this respect, others, representing the countries which have been monitored for the longest, criticised the alleged discriminatory nature, unfairness and vagueness of the monitoring procedure in its present form. As a result, it was widely agreed that there should be reflection on the possible reform of the parliamentary monitoring procedure.
4. In addition to the internal discussions in the committee, and in the Assembly on the occasion of the debates on two consecutive progress reports, in 2012 and 2013, the then President of the Assembly, Mr Jean-Claude Mignon, supported the reflection by inviting all national delegations to contribute to the discussions and by organising a meeting with the heads of delegations in October 2013. The then Chair of the Monitoring Committee contributed to the exchange of views.
5. In order to better advance in the reflection process, the Monitoring Committee established, in January 2014, an ad hoc sub-committee on the functioning of the parliamentary monitoring procedure composed of 16 members appointed by the political groups in accordance with a number of criteria, including the repartition between countries which are or have been under the monitoring or post-monitoring procedure and those which have never been subject to specific monitoring. I was appointed Chair. The ad hoc sub-committee was tasked with making proposals, in the form of a written report accompanied by a draft resolution, on possible ways to improve the Assembly's monitoring procedure, including its format and working methods, and to submit them to the full committee during the June 2014 part-session.
6. The ad hoc sub-committee met three times and held exchanges of views on the basis of two memoranda prepared by the Secretariat on my instructions and under my responsibility, taking into account all prior discussions and contributions, with a view to facilitating the discussions by better structuring them.
7. The members were fully informed of the ongoing process of reform of the monitoring procedures in the intergovernmental sector of the Organisation. At their initiative, an exchange of views with Mr Thorbjørn Jagland, the Secretary General of the Council of Europe, took place at the committee's meeting in February 2014.
8. The present report is the result of a clear consensus on crucial questions on the scope of the monitoring procedure, which was reached within the ad hoc sub-committee. I have also taken the liberty of making some additional concrete proposals aimed at improving the Monitoring Committee's working methods.

2. The scope and content of the monitoring procedure

1. There was unanimous agreement that the parliamentary monitoring procedure has played – and continues to play – an important and positive role in the transformation process of many of the countries which joined the Organisation during and after the 1990s. Beyond any doubt, it contributed in a significant way to the democratisation and institution building in these countries. All the members of the ad hoc sub-committee

14. Approved by the ad hoc sub-committee on 23 June 2014 and by the full committee on 26 June 2014.

confirmed that the monitoring process is one of the core activities of the Parliamentary Assembly and should not only not be abolished or weakened, but, on the contrary, be reinforced. Furthermore, everybody recognised the important role played by the Monitoring Committee and stressed that it should be maintained.

2. Similarly, the members agreed that the ten countries which are currently under the monitoring procedure of obligations and commitments *sensu stricto* should remain subject to this specific monitoring as long as the commitments entered into by them upon accession have not been entirely fulfilled. It was pointed out that the list of commitments for each country had been carefully established in co-operation with the authorities concerned, which they, of their own free will, undertook to fulfil. The obligation to fulfil their commitments cannot be perceived as a punishment or a sign of “unfairness”.

3. It was also underlined that the spirit behind the commitments had always been clear: they are not limited to the formal accomplishment of an objective, for example the adoption of a specific law. What matters is the proper implementation of the law in question and safeguarding democratic principles. The commitments are clearly meant to allow countries to achieve the basic democratic standards of our Organisation, they are not goals in themselves. Therefore, criticism based on the claim that “new commitments are added to the list established upon accession” is completely groundless.

4. Having said that, we agreed that more rigorous and homogenous assessment with regard to each country under monitoring *sensu stricto* should be applied in order to eliminate any feeling of “unfairness”. A number of interesting proposals for more uniform criteria for evaluation were put forward during the discussions. I will raise them in the next chapter devoted to our working methods. The question of a more uniform pattern for the preparation of reports will also be tackled.

5. With regard to the post-monitoring dialogue in which four countries are currently engaged, there was a consensus that this procedure should have a clearly defined time frame. A negative report on a specific country should set a deadline for the authorities to remedy a number of concerns. These deadlines, which would be a sort of a road map, should be established in close co-operation with the authorities. A follow-up negative report would result in returning the country in question to the monitoring *sensu stricto*. A positive report would terminate the post-monitoring procedure. Again, the question of more uniform criteria is a central point for this exercise. The question of the introduction of two co-rapporteurs for more political balance will also be dealt with later.

6. If approved by the Assembly, this modification would, in my opinion, have a beneficial impact on the efficiency of our political dialogue by providing the authorities of the countries concerned with a very concrete prospect of either leaving the procedure or returning to the category of countries under monitoring *sensu stricto*.

7. The next major question concerns the way in which the monitoring procedure should be applied to the 33 countries which are currently not under the monitoring *sensu stricto* or engaged in the post-monitoring dialogue. Before I enter into the substance of proposals put forward by the members of the ad hoc sub-committee, I wish to comment on the present situation in this respect.

8. It is true that our yearly overview of the conclusions of the different Council of Europe monitoring mechanisms with respect to the 33 countries in question, which we include in our progress reports, may not fully address the concerns of those who speak about “dividing lines” and “double standards”. Over the last few years consecutive committee chairs have tried to improve the method for presenting the findings on the 33 countries, notably by attaching more importance to the analytical dimension of the exercise. We have to admit, however, that a proper review of the situation in 33 countries is hardly feasible for one rapporteur on a yearly basis. I think that after having reached the limits of this exercise, we should abandon it, and find a more practical way of completing this task.

9. I should stress here that the present statutory measures introduced by the Assembly following the debate on the report that I presented on behalf of the Committee on Rules of Procedure and Immunities in 2013¹⁵, provide the committee with unprecedented possibilities for the monitoring of all Council of Europe member States. The new terms of reference of the Monitoring Committee allow for the possibility of preparing a report on the functioning of democratic institutions in any member State, on the basis of a motion for a resolution tabled by members of the Assembly. In practical terms, this means that we no longer need a lengthy procedure to open monitoring and prepare a report: we can react punctually to a worrying development in any Council of Europe member State.

15. [Resolution 1936 \(2013\)](#).

10. This new rule has great potential for our future work and should become a precious tool in addressing the challenges we are confronted with. It may satisfy all those who insist on subjecting all Council of Europe member States to some kind of monitoring procedure.

11. It was argued during the discussions in the ad hoc sub-committee that a grouping, on a geographical basis, of several countries under the responsibility of two co-rapporteurs tasked with the preparation of a multiannual report on those countries, taking into account the findings of the Council of Europe monitoring mechanisms and completed with possible fact-finding visits to the countries, would allow for a more thorough and systematic review of the situation in the member States which are not subject to any specific monitoring procedure. The question of the establishment of the "list of countries" will be tackled in the chapter on working methods.

12. The above-mentioned new rule allowing for a simplified procedure for the preparation of reports in the Monitoring Committee may also address the calls for the introduction of some kind of issue-based or thematic monitoring.

13. While the members of the ad hoc sub-committee agreed that country-by-country monitoring should be continued and cannot be replaced by issue-based, cross-country monitoring, there was a general feeling that some kind of targeted issue-based monitoring could complement country-by-country monitoring.

14. It is true that many other committees of the Parliamentary Assembly draw up reports which could be considered to be a kind of issue-based monitoring. It is enough to mention such reports as: "Freedom of the media" or "Execution of the judgments of the European Court of Human Rights". Our intention is not to prevent these committees from doing their work or to downgrade it. It is also important to ensure that the work within the Assembly is not duplicated.

15. This problem could be solved by increased co-operation between the Monitoring Committee and the relevant Assembly committee on concrete questions which could then be tackled on a cross-country basis. Such co-operation could include the organisation of a joint hearing or conference.

16. This inter-committee co-operation could already start by identifying concerns. The Monitoring Committee could periodically invite the chairs of other committees to discuss concerns which ought to be tackled in a cross-country report. A formula of joint debates – of the Monitoring and relevant committees on different aspects of the question under discussion – could be envisaged. Thus, the expertise of a specific committee would bolster the cross-country report by the Monitoring Committee. As a result, the work of the Monitoring Committee would not try to replace the work of the other committees but reinforce it by adding the dimension of high-level political dialogue.

17. If agreed, this new activity could address the concerns of those who wish to extend monitoring to all the Council of Europe members States. Indeed, a cross-country, issue-based procedure would obviously be applied to those countries which are not subject to another specific procedure.

18. Another positive result would be greater involvement and awareness of Assembly members from outside the Monitoring Committee in the monitoring activities. This could in turn contribute to increased impact of the Assembly's action in the national parliaments.

19. Finally, it was suggested that the countries engaged in the Partnership for Democracy should be involved in the work of the Monitoring Committee and also monitored in accordance with modalities to be established.

3. Working methods

1. During the discussion in the ad hoc sub-committee, it was generally agreed that some of the Monitoring Committee's present working methods should be improved. The members put forward a number of ideas which, in their view, should contribute to improving the committee's efficiency and increasing its impact.

2. Nobody challenged the method of appointment of committee members by political groups. The question of a better geographical repartition was raised. While at present the countries under specific monitoring can only be represented by two members, there are no limits for other countries, which may lead – and it has in fact led – to a striking over-representation of some countries. A special amendment in the Rules should be introduced to prevent this from happening in the future.

3. Similarly, the method for the appointment of co-rapporteurs was not questioned. As mentioned in the previous chapter, it was agreed that reports on the countries engaged in the post-monitoring dialogue should also be under the responsibility of two co-rapporteurs so as to ensure a better political balance. The length of the rapporteurs' mandate should remain unchanged. Similarly, the frequency of the presentation of reports does not require any revision.
4. The confidentiality of the committee's proceedings was not criticised. However, the committee should have the possibility added in the Rules of Procedure to lift the confidentiality clause for a specific event, such as a joint hearing with another committee. I will propose introducing such an amendment to the Rules.
5. With regard to the establishment of a list of criteria which would allow for more "objective", "fair" and "homogenous" assessment of the state of fulfilment of the commitments undertaken by a country, there was a general consensus that such a list might contribute to the transparency of the whole process. It would constitute a reference – a sort of guidance for the co-rapporteurs and the members of the committee – for considering closing or opening a monitoring procedure.
6. It goes without saying that there is no question of "inventing" or adding new principles. The list would simply consolidate our standards. As I said before, commitments are meant to lead to democratic standards, and achievement of these democratic standards constitutes an obligation undertaken by each country upon accession.
7. This is not, of course, the place to draw up such a list of criteria for the more uniform preparation of reports. But if the committee agrees on this principle, the Secretariat could be tasked with preparation of this document, under the responsibility of the Chair, for the committee's approval. This revision of our working methods does not require any specific amendment to the Rules.
8. The members of the ad hoc committee unanimously stressed the importance of better co-operation and synergy with the Committee of Ministers and stakeholders in the Organisation. It was proposed that the President of the Assembly be systematically accompanied by the relevant co-rapporteurs on his or her official visits to the member States.
9. Co-ordination between the different stakeholders is particularly important in the area of the monitoring of commitments and obligations. We should therefore aim at improving working relations within the Organisation by systematically inviting the chair of the Committee of Ministers' Rapporteur Group on Democracy (GR-DEM) to our meetings for an exchange of information. We should also seek reciprocity: whenever the monitoring of specific countries is on the GR-DEM's agenda, the relevant co-rapporteurs should be invited.
10. We should also try to identify more efficient modalities for co-operation with other Council of Europe monitoring mechanisms. Again, it is not my role to enter into the operational details of such contacts, but I propose that we instruct the Secretariat to come up with very concrete and consistent proposals. Reinforcement of co-operation does not require any change in the Rules, it is a question of mutual political will and practical arrangements.
11. Finally, there were proposals from some members to change the name of the committee in order to decrease the alleged frustration of the countries targeted by the procedure. However, the majority did not support this initiative. I believe that the Monitoring Committee should not try to disguise its mission. It has made its name over the years of valuable and appreciated work, and it should continue to do it in an open, non-dissimulated manner for the benefit of all those concerned.

4. Proposed modifications to [Resolution 1115 \(1997\)](#)

1. On the basis of the proposals outlined in the previous two chapters, I have prepared elements for a draft resolution which puts forward a number of amendments to [Resolution 1115 \(1997\)](#) with regard to the mandate of the Monitoring Committee. Once agreed by the ad hoc sub-committee, it will be submitted to the plenary committee, and if adopted, will be debated by the Assembly, hopefully in October 2014.
2. The revised [Resolution 1115 \(1997\)](#) could enter into force as from January 2015.

5. Conclusions

1. I believe that the reflection process on the development of the parliamentary monitoring procedure has been useful and fruitful. The ad hoc sub-committee in its deliberations has addressed all the concerns formulated on different occasions by the critics of the monitoring procedure and has come up with some concrete proposals for improvement and ways to increase in its impact.
2. I find it extremely important that the crucial importance of the parliamentary monitoring procedure and of the Monitoring Committee has been confirmed. There was unanimous agreement within the ad hoc sub-committee that the activities of the Monitoring Committee belong to the core business of the Assembly and should be reinforced.
3. The members have proposed an excellent and feasible way of extending the monitoring procedure to those countries which are not subject to any specific monitoring, by introducing a punctual overview of groups of countries, and by launching issue-based, cross-country monitoring in close co-operation with the relevant committees of the Assembly as a complementary measure to the country-by-country approach.
4. Finally, the report comes up with a number of proposals by members for improvement of the committee's working methods. The majority of them do not require modification of the terms of reference but need the committee's approval.
5. Last but not least, we are aware that the proposals contained in this report, including the increase in the number of missions carried out by committee members, will have important financial implications, while our Organisation as a whole, and the Parliamentary Assembly as such, have to make budgetary savings and face constraints in terms of human and budgetary resources. Carrying out the reformed monitoring and post-monitoring procedures, in line with the proposals of the ad hoc Sub-committee, will thus require finding the necessary means to implement this core activity of our Assembly.
6. I am confident that all proposed modifications I have put forward in this report will largely contribute to increasing the efficiency and impact of our work.

Appendix 2 – Council of Europe treaties signed and/or ratified between 1 October 2013 and 21 August 2014 by the 33 countries which are not under the monitoring procedure or engaged in a post-monitoring dialogue

Countries	Treaties signed and/or ratified between 1 October 2013 and 21 August 2014	Signature/ratification
Andorra	E TS No. 127 Convention on Mutual Administrative Assistance in Tax Matters O ETS No. 201 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse C ETS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters C ETS No. 210 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence	S : 5/11/2013 R : 30/4/2014 S : 5/11/2013 R : 22/4/2014
Austria	E TS No. 143 European Convention on the Protection of the Archaeological Heritage (Revised) E TS No. 191 Additional Protocol to the Criminal Law Convention on Corruption C ETS No. 199 Council of Europe Framework Convention on the Value of Cultural Heritage for Society C ETS No. 210 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence	S : 5/6/2014 S + R : 13/12/2013 S : 5/6/2014 R : 14/11/2013
Belgium	C ETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	S : 7/10/2013
Croatia	E TS No. 062 European Convention on Information on Foreign Law E TS No. 127 Convention on Mutual Administrative Assistance in Tax Matters C ETS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters	R : 6/2/2014 R : 28/2/2014 R : 28/2/2014
Cyprus	E TS No. 092 European Agreement on the Transmission of Applications for Legal Aid E TS No. 106 European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities E TS No. 127 Convention on Mutual Administrative Assistance in Tax Matters E TS No. 159 Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities E TS No. 169 Protocol No. 2 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning interterritorial co-operation E TS No. 179 Additional Protocol to the European Agreement on the Transmission of Applications for Legal Aid C ETS No. 206 Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs) C ETS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters C ETS No. 209 Third Additional Protocol to the European Convention on Extradition	R : 12/2/2014 R : 18/12/2013 S : 10/7/2014 R : 17/4/2014 R : 17/4/2014 R : 12/2/2014 R : 17/4/2014 S : 10/7/2014 R : 7/2/2014

Countries	Treaties signed and/or ratified between 1 October 2013 and 21 August 2014	Signature/ratification
Czech Republic	E TS No. 127 Convention on Mutual Administrative Assistance in Tax Matters E TS No. 189 Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems C ETS No. 201 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse C ETS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters C ETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 11/10/2013 R : 7/8/2014 S: 17/7/2014 R : 11/10/2013 S: 5/11/2013
Denmark	C ETS No. 210 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence	R: 23/4/2014
Estonia	E TS No. 127 Convention on Mutual Administrative Assistance in Tax Matters C ETS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters C ETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms C ETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 8/7/2014 R : 8/7/2014 R : 30/4/2014 S: 17/2/2014
Finland	E TS No. 182 Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters C ETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 16/4/2014 S: 2/10/2013
France	C ETS No. 210 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence C ETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 4/7/2014 S: 2/10/2013
Germany	E TS No. 183 European Convention for the Protection of the Audiovisual Heritage E TS No. 184 Protocol to the European Convention for the Protection of the Audiovisual Heritage, on the Protection of Television Productions C ETS No. 202 European Convention on the Adoption of Children (Revised)	R: 5/12/2013 R : 5/12/2013 S: 23/5/2014
Greece	C ETS No. 197 Council of Europe Convention on Action against Trafficking in Human Beings	R: 11/4/2014
Hungary	E TS No. 127 Convention on Mutual Administrative Assistance in Tax Matters C ETS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters C ETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence C ETS No. 211 Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health	S: 12/11/2013 S: 12/11/2013 S: 14/3/2014 R : 9/1/2014
Iceland	No treaty signed and/or ratified between 1 October 2013 and 21 August 2014	
Ireland	No treaty signed and/or ratified between 1 October 2013 and 21 August 2014	
Italy	C ETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	S: 2/10/2013

Countries	Treaties signed and/or ratified between 1 October 2013 and 21 August 2014	Signature/ratification
Latvia	E TS No. 127 Convention on Mutual Administrative Assistance in Tax Matters O ETS No. 201 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse E TS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters O ETS No. 212 Fourth Additional Protocol to the European Convention on Extradition	R : 15/7/2014 R : 18/8/2014 R : 15/7/2014 R : 24/2/2014
Liechtenstein	E TS No. 127 Convention on Mutual Administrative Assistance in Tax Matters O ETS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters E TS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	S : 21/11/2013 S : 21/11/2013 R : 26/11/2013
Lithuania	E TS No. 127 Convention on Mutual Administrative Assistance in Tax Matters O ETS No. 196 Council of Europe Convention on the Prevention of Terrorism E TS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters O ETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms E TS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	R : 4/2/2014 R : 15/5/2014 R : 4/2/2014 S : 10/6/2014 S : 10/6/2014
Luxembourg	E TS No. 127 Convention on Mutual Administrative Assistance in Tax Matters O ETS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters	R : 11/7/2014 R : 11/7/2014
Malta	E TS No. 191 Additional Protocol to the Criminal Law Convention on Corruption O ETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	R : 1/7/2014 R : 29/7/2014
Netherlands	O ETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms O ETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	S : 22/10/2013 S : 7/11/2013
Norway	O ETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms O ETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	R : 17/6/2014 S : 27/6/2014
Poland	E TS No. 187 Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances E TS No. 191 Additional Protocol to the Criminal Law Convention on Corruption E TS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R : 23/5/2014 R : 30/4/2014 S : 9/4/2014
Portugal	E TS No. 160 European Convention on the Exercise of Children's Rights	R : 31/3/2014
Romania	E TS No. 127 Convention on Mutual Administrative Assistance in Tax Matters O ETS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters E TS No. 210 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence	R : 11/7/2014 R : 11/7/2014 S : 27/6/2014

Countries	Treaties signed and/or ratified between 1 October 2013 and 21 August 2014	Signature/ratification
San Marino	E TS No. 122 European Charter of Local Self-Government E TS No. 127 Convention on Mutual Administrative Assistance in Tax Matters E TS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters E TS No. 210 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence E TS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms E TS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 29/10/2013 S: 21/11/2013 S: 21/11/2013 S: 30/4/2014 R: 6/11/2013 S: 2/10/2013
Slovak Republic	E TS No. 127 Convention on Mutual Administrative Assistance in Tax Matters E TS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters E TS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms E TS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 21/11/2013 R: 21/11/2013 R: 7/2/2014 S: 2/10/2013
Slovenia	E TS No. 193 European Convention for the Protection of Animals during International Transport (Revised) E TS No. 209 Third Additional Protocol to the European Convention on Extradition E TS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 12/5/2014 R: 11/4/2014 S: 2/10/2013
Spain	E TS No. 153 European Convention relating to questions on Copyright Law and Neighbouring Rights in the Framework of Transfrontier Broadcasting by Satellite E TS No. 189 Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems E TS No. 209 Third Additional Protocol to the European Convention on Extradition E TS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	R: 16/1/2014 S: 27/11/2013 S: 27/11/2013 R: 10/4/2014
Sweden	E TS No. 182 Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters E TS No. 198 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism E TS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	R: 20/1/2014 R: 23/6/2014 R: 1/7/2014
Switzerland	E TS No. 127 Convention on Mutual Administrative Assistance in Tax Matters E TS No. 201 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse E TS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters	S: 15/10/2013 R: 18/3/2014 S: 14/10/2013
United Kingdom	E TS No. 209 Third Additional Protocol to the European Convention on Extradition E TS No. 212 Fourth Additional Protocol to the European Convention on Extradition	S: 6/1/2014 S: 6/1/2014

Appendix 3 – Chart of ratifications and signatures of the main Council of Europe conventions with a monitoring mechanism by the 33 countries which are not under the monitoring procedure or engaged in a post-monitoring dialogue (situation at 21 August 2014)

Table of abbreviations
R: Ratified
S: Signed but not yet ratified
–: neither signed nor ratified
ECHR: Convention for the Protection of Human Rights and Fundamental Freedoms
ECPT: European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
ESC: European Social Charter (1961 or revised)
FCNM: Framework Convention for the Protection of National Minorities
ECRML: European Charter for Regional or Minority Languages
ECLS-G: European Charter of Local Self-Government

Member States not currently under monitoring procedure or post-monitoring dialogue	Total number of conventions ratified or signed (out of 214)	DEMOCRACY ECLS-G	RULE OF LAW		HUMAN RIGHTS											
			Convention on Corruption		Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990 or rev)	ECHR	Protocols ECHR				ECPT	Social rights			Minority rights	
			Civil Law	Criminal Law			6	12	13	14		ESC	Protocol ESC on collective complaints	FCNM	ECRML	
Andorra	44 R 9 S	R	S	R	R 1990 – rev	R	R	R	R	R	R	– 1961 R rev	–		–	
Austria	109 R 36 S	R	R	R	R 1990 S rev	R	R	S	R	R	R	R 1961 R rev	S		R	
Belgium	130 R 36 S	R	R	R	R 1990 R rev	R	R	S	R	R	R	R1961 R rev	R		–	
Croatia	92 R 7 S	R	R	R	R 1990 R rev	R	R	R	R	R	R	R 1961 S rev	R		R	
Cyprus	130 R 19 S	R	R	R	R 1990 R rev	R	R	R	R	R	R	R1961 R rev	R		R	
Czech Republic	105 R 12 S	R	R	R	R 1990 – rev	R	R	S	R	R	R	R 1961 S rev	R		R	
Denmark	134 R 18 S	R	S	R	R 1990 S rev	R	R	–	R	R	R	R 1961 S rev	S		R	
Estonia	86 R 13 S	R	R	R	R 1990 S rev	R	R	S	R	R	R	– 1961 R rev	–		–	
Finland	111 R 14 S	R	R	R	R 1990 S rev	R	R	R	R	R	R	R1961 R rev	R		R	
France	133 R 37 S	R	R	R	R 1990 S rev	R	R	–	R	R	R	R1961 R rev	R		–	S
Germany	124 R 46 S	R	S	S	R 1990 – rev	R	R	S	R	R	R	R 1961 S rev	–		R	
Greece	97 R 55 S	R	R	R	R 1990 S rev	R	R	S	R	R	R	R 1961 S rev	R		S	–
Hungary	83 R 22 S	R	R	R	R 1990 R rev	R	R	S	R	R	R	R1961 R rev	S		R	

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			Convention on Corruption		Convention on Search, Seizure and Confiscation of the Proceeds from Crime (1990 or rev)	ECHR	Protocols ECHR				ECPT	Social rights		Minority rights	
			Civil Law	Criminal Law			6	12	13	14		ESC	Protocol ESC on collective complaints	FCNM	ECRML
Iceland	84 R 37 S	R	S	R	R 1990 S rev	R	R	S	R	R	R	R 1961 S rev	–	S	S
Ireland	102 R 16 S	R	S	R	R 1990 – rev	R	R	S	R	R	R	R1961 R rev	R	R	–
Italy	126 R 46 S	R	R	R	R 1990 S rev	R	R	S	R	R	R	R1961 R rev	R	R	S
Latvia	96 R 5 S	R	R	R	R 1990 R rev	R	R	S	R	R	R	R1961 R rev	–	R	–
Liechtenstein	80 R 12 S	R	–	S	R 1990 – rev	R	R	S	R	R	R	S 1961 – rev	–	R	R
Lithuania	96 R 12 S	R	R	R	R 1990 – rev	R	R	–	R	R	R	– 1961 R rev	–	R	–
Luxembourg	130 R 52 S	R	S	R	R 1990 S rev	R	R	R	R	R	R	R 1961 S rev	–	S	R
Malta	86 R 19 S	R	R	R	R 1990 R rev	R	R	–	R	R	R	R1961 R rev	–	R	S
Netherlands	149 R 17 S	R	R	R	R 1990 R rev	R	R	R	R	R	R	R1961 R rev	R	R	R
Norway	144 R 13 S	R	R	R	R 1990 – rev	R	R	S	R	R	R	R1961 R rev	R	R	R
Poland	89 R 16 S	R	R	R	R 1990 R rev	R	R	–	S	R	R	R 1961 S rev	–	R	R
Portugal	112 R 40 S	R	–	R	R 1990 R rev	R	R	S	R	R	R	R1961 R rev	R	R	–

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			Convention on Corruption		Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990 or rev)		ECPT	Protocols ECHR				Social rights		Minority rights	
			Civil Law	Criminal Law				6	12	13	14	ESC	Protocol ESC on collective complaints	FCNM	ECRML
Romania	104 R 15 S	R	R	R	R 1990 R rev	R	R	R	R	R	R	S 1961 R rev	–	R	R
San Marino	47 R 16 S	S	–	S	R 1990 R rev	R	R	R	R	R	R	– 1961 S rev	–	R	–
Slovak Republic	100 R 7 S	R	R	R	R 1990 R rev	R	R	S	R	R	R	R 1961 R rev	S	R	R
Slovenia	108 R 14 S	R	R	R	R 1990 R rev	R	R	R	R	R	R	S 1961 R rev	S	R	R
Spain	125 R 9 S	R	R	R	R 1990 R rev	R	R	R	R	R	R	R 1961 S rev	–	R	R
Sweden	138 R 15 S	R	R	R	R 1990 R rev	R	R	–	R	R	R	R 1961 R rev	R	R	R
Switzerland	114 R 15 S	R	–	R	R 1990 – rev	R	R	–	R	R	R	S 1961 – rev	–	R	R
United Kingdom	117 R 24 S	R	S	R	R 1990 – rev	R	R	–	R	R	R	R 1961 S rev	–	R	R