



Resolution 2018 (2014)¹

Final version

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

Parliamentary Assembly

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 debated by the Assembly at its 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 statements), Georgia (three statements), Monaco, Montenegro, the Russian Federation, Turkey and Ukraine (three statements). In addition, the committee itself adopted statements 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.

1. *Assembly debate* on 2 October 2014 (35th Sitting) (see [Doc. 13595](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), rapporteur: Mr Stefan Schennach). *Text adopted by the Assembly* on 2 October 2014 (35th Sitting).



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 co-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 for Enlargement and European Neighbourhood Policy, on European Union enlargement and its neighbourhood policy, and with Mr Thomas Hammarberg, European Union Special Adviser 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 Russian Federation 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;

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 it 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;

9.8. in Turkey, the adoption of a framework law to further the settlement of the Kurdish question and the possibility for Turkish citizens residing abroad to vote in the first direct election of the President of the Republic.

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 widespread corruption at many levels of Albanian life;

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 which is necessary 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 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; its covert support given to the armed insurgents in eastern Ukraine, including reports of direct military intervention in the conflict; as well as its interference in, and pressure exerted on, several neighbouring countries in clear contradiction of 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, as well as the right to freedom of expression and the right to freedom of assembly.
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 immediately and unconditionally release all those held in pre-trial detention on politically motivated charges, to implement the decisions of the European Court of Human Rights and to fully respect fundamental 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 immediately halt 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; to cease any military aid to the insurgents in eastern Ukraine, as well as to withdraw its military forces from that area and the borders of Ukraine; to refrain from any actions that could directly or indirectly aggravate the situation in eastern Ukraine; 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 current 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 and to take all necessary measures to overcome the polarisation in society.

12. The Assembly refers to its [Resolution 1953 \(2013\)](#) on the progress of the Assembly’s monitoring procedure (June 2012-September 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, of the honouring of obligations incumbent upon member States of the Council of Europe specifically with regard to the 33 countries that are not subject to a 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 countries achieve the membership obligations incumbent on all Council of Europe member States and that 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 \(2013\)](#) on the progress of the Assembly’s monitoring procedure (October 2013-September 2014) 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.