



Resolution 2078 (2015)¹

The progress of the Assembly's monitoring procedure (October 2014-August 2015)

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 \(2010\)](#), [Resolution 1936 \(2013\)](#) and [Resolution 2018 \(2014\)](#)).
2. In particular, the Assembly commends the committee on its actions in accompanying the nine countries under a monitoring procedure *sensu stricto* (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Republic of Moldova, the Russian Federation, Serbia and Ukraine) and the four countries engaged in a post-monitoring dialogue (Bulgaria, Montenegro, "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 notes with satisfaction the closure of the monitoring procedure and the opening of a post-monitoring dialogue in respect of Montenegro, as well as the closure of the post-monitoring dialogue in respect of Monaco. It urges the Monégasque authorities to implement [Resolution 2052 \(2015\)](#) on the post-monitoring dialogue with Monaco and set up the expected mechanisms to find a suitable legal solution that would allow for the ratification of Protocols Nos. 1 and 12 to the European Convention on Human Rights (ETS Nos. 9 and 177), as well as the revised European Social Charter (ETS No. 163), while respecting the specificity of the country. The Assembly will continue to follow these developments through the periodic review carried out by the Monitoring Committee of the honouring of the membership obligations to the Council of Europe by countries that are not subject to a monitoring procedure *sensu stricto* or engaged in a post-monitoring dialogue with the Assembly.
4. During the reporting period, the Assembly considered two full reports on Albania and Montenegro, two reports on the functioning of democratic institutions with regard to Georgia and Azerbaijan and a report on the post-monitoring dialogue with Monaco.
5. During the reporting period, the respective co-rapporteurs carried out fact-finding visits to Albania, Armenia, Azerbaijan, Bulgaria, Georgia, the Republic of Moldova (two visits), Monaco (two visits), Montenegro (two visits), the Russian Federation, Serbia, Turkey and Ukraine (three visits). In addition, the respective co-rapporteurs participated in the pre-electoral and election observation missions in Bosnia and Herzegovina, the Republic of Moldova, "the former Yugoslav Republic of Macedonia", Turkey and Ukraine. The co-rapporteurs produced information notes on Georgia, the Republic of Moldova, Monaco, Turkey and Ukraine, which were declassified by the committee, as well as statements with regard to developments in Armenia (two statements), Azerbaijan (three statements), Bulgaria, Georgia (three statements), the Republic of Moldova, the Russian Federation (two statements), "the former Yugoslav Republic of Macedonia" (two statements), Turkey (three statements) and Ukraine (three statements).

1. *Assembly debate* on 1 October 2015 (35th Sitting) (see [Doc. 13868 Part 1](#), [Part 2](#), [Part 3](#), [Part 4](#) and [Part 5](#), 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 1 October 2015 (35th Sitting).



6. The Assembly takes note of the fact that the Monitoring Committee was seized, in line with the Rules of Procedure of the Assembly, for report on the challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation. Subsequently, in line with [Resolution 2034 \(2015\)](#), the committee presented a report on the consideration of the annulment of the previously ratified credentials of the delegation of the Russian Federation (follow-up to paragraph 16 of [Resolution 2034 \(2015\)](#)). The Assembly commends the committee for its ongoing efforts in relation to the developments in Ukraine.

7. The Assembly is disappointed by the decision of the Russian delegation to boycott the work of the Assembly, which was a clear rejection of the Assembly's offer of dialogue and a violation of the Russian delegation's commitment to co-operate and to maintain a constructive dialogue with the Assembly.

8. The committee held an exchange of views with Mr Laurent Nouvion, Speaker of the National Council of Monaco, and Mr Jacques Rit, Chairperson of the Special Committee on modification of the law on the organisation and functioning of the National Council, on the ongoing developments with regard to the implementation of Monaco's remaining accession commitments. In addition, the committee held an exchange of views with Ambassador Heidi Tagliavini, Special Representative of the Chairperson-in-Office of the Organization for Security and Co-operation in Europe (OSCE) in Ukraine and member of the Trilateral Contact Group on the implementation of the "Package of Measures for the Implementation of the Minsk Agreements" with regard to the conflict in eastern Ukraine, as well as with Sir Nicolas Bratza, Chair of the International Advisory Panel on Ukraine, on the report of the Advisory Panel on the review of the Maidan investigations.

9. The Assembly notes that the ad hoc sub-committee on Russia's neighbourhood policy with regard to other Council of Europe member States was disbanded in January 2015 and that, in the light of the four ongoing frozen conflicts in the Council of Europe geographical area, an ad hoc sub-committee on conflicts between Council of Europe member States was set up to replace it.

10. The Assembly welcomes 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, the positive developments and the progress include, in:

10.1. Albania, the successful implementation of the first phase of the territorial-administrative reforms and the holding of local elections that, despite shortcomings, generally respected fundamental freedoms of assembly and expression, as well as the December 2014 agreement that resulted in the return of the opposition to the work of the parliament;

10.2. Armenia, the initiation of the constitutional reform with the stated objective of guaranteeing the respect for fundamental rights and freedoms and strengthening the balance of powers in the country;

10.3. Azerbaijan, efforts to increase transparency and fight corruption, terrorist financing, money laundering and organised crime;

10.4. Georgia, the ongoing reform of the justice system with a view to increasing the efficiency of the administration of justice and the independence of the judiciary;

10.5. the Republic of Moldova, the parliamentary elections that allowed voters to express their will freely and choose from a wide range of political alternatives, as well as the renewed impetus given by the Moldovan authorities to the settlement of the Transnistrian conflict;

10.6. Ukraine, the ongoing efforts to reform the constitution and decentralise power to the regions;

10.7. Bulgaria, the improved political climate and consensual adoption of a strategy to reform the judicial system;

10.8. Montenegro, the considerable progress made in honouring its obligations and accession commitments with regard to the independence of the judiciary, the situation of the media, the fight against corruption and organised crime, the rights of minorities and the fight against discrimination and the situation of refugees and internally displaced persons (IDPs);

10.9. "the former Yugoslav Republic of Macedonia", the agreement reached in July 2015 between the main political parties to overcome the political crisis in the country;

10.10. Turkey, the parliamentary elections which led to a more pluralist parliament, the outstanding efforts to accommodate two million refugees from Syria, the improvement of relations with religious minorities and the restitution of confiscated properties to churches and their communities.

11. 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. These shortcomings undermine the democratic consolidation of those countries and are at odds with their obligations and accession commitments. These shortcomings include:

11.1. in Albania, the persistent and widespread corruption at many levels of Albanian society, the continued politicisation of the civil service and the lack of independence and impartiality of the judiciary;

11.2. in Armenia, the ongoing polarisation of the political environment, including over the constitutional reforms;

11.3. in Azerbaijan, the lack of independence of the judiciary, the reprisals against independent media and journalists and the systemic repression and criminal prosecution, on dubious charges, of human rights defenders, leaders of non-governmental organisations (NGOs), journalists, their lawyers and others who express critical opinions of the government;

11.4. in Bosnia and Herzegovina, the continuing ethnic divide and persistent lack of any credible efforts to reform the constitution in order to implement the Sejdić and Finci judgment of the European Court of Human Rights, as well as an ever-growing public mistrust in the functioning of democratic institutions which is undermining the stability and compromising the future of the country;

11.5. in Georgia, the continued polarisation of the political environment, the increase in intolerant discourse against minorities and the systemic deficiencies in court proceedings that negatively affect the respect for a fair trial in certain cases, including of opposition political figures;

11.6. in the Republic of Moldova, the high electoral threshold to enter the parliament and insufficient transparency of campaign financing, the dysfunctioning of State institutions as highlighted by the 2014-15 bank scandal, as well as the enduring impunity for corruption;

11.7. in the Russian Federation, the illegal annexation of Crimea and waging of a covert war in eastern Ukraine, as well as the signing of the so-called "treaty on alliance and strategic partnership" with the occupied region of Abkhazia, in Georgia, and the so-called "treaty on alliance and integration" with the Tskhinvali Region/South Ossetia, in Georgia, in violation of, *inter alia*, international law, the Statute of the Council of Europe (ETS No. 1) and Russia's accession commitments, the repressive legal framework for civil society organisations, the harassment and prosecution of NGOs critical of the government, the restrictive legal environment for media and journalists, which challenges the right to freedom of expression in Russia, and the interference in, and pressure on, neighbouring countries, in clear contradiction with its accession commitments;

11.8. in Ukraine, the credible reports of human rights abuses and violations of international human rights and humanitarian law by all sides in the conflict in the east of the country, including forces under the control of the Ukrainian authorities, as well as the postponement of the implementation of the Law on the General Prosecutor, which is a setback for the legal reform process;

11.9. in Bulgaria, the persistent ill-treatment of prisoners by the police and prison staff, the appalling prison conditions, overcrowding and endemic corruption in the penitentiary institutions, as well as the lack of any concrete steps by the authorities to address this serious situation;

11.10. in Montenegro, the widespread corruption, the situation of the media and discrimination against lesbian, gay, bisexual and transgender (LGBT) persons;

11.11. in "the former Yugoslav Republic of Macedonia", corruption, the political crisis in the country following the parliamentary elections which underscores persistent deficiencies in the functioning of democratic institutions and the institutional make-up of the country, as well as the apparent extent of surveillance at all levels carried out in the country in recent years;

11.12. in Turkey, the recent suspension of the peace process with regard to the Kurdish question, the deterioration of the independence and efficient functioning of the judiciary, prosecution service and police force and the continuing threats to freedom of expression and freedom of assembly.

12. Consequently, the Assembly urges all the countries 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:

12.1. the Albanian authorities to implement a comprehensive reform of the justice system, including of the prosecution service, on a consensual and inclusive basis and in full respect of the independence of the judiciary, and to ensure that local authorities are given clear and concrete powers and functions of

self-government and the necessary means to implement them properly; and calls on all political forces in the parliament to participate fully in the work of the ad hoc parliamentary committee on judicial reform established by the Albanian Parliament;

12.2. the Armenian authorities to ensure a democratic referendum process on the planned constitutional changes, including comprehensive public consultations and debate before the referendum takes place, as well as to transparently investigate any allegations of excessive use of force by the police during recent demonstrations;

12.3. the Azerbaijani authorities to put an end to systemic repression of human rights defenders, the media and those critical of the government, including politically motivated prosecutions, and allow for effective judicial review of such practices, and to create an adequate balance between fighting terrorism and organised crime and the right to freedom of expression and association;

12.4. the authorities and political forces in Bosnia and Herzegovina to overcome the ethnic divide and adopt the long overdue constitutional amendments to implement the judgment of the European Court of Human Rights in the Sejdić and Finci case;

12.5. the Georgian authorities to continue the reform of the justice system, and especially of the prosecution service, with a view to establishing a genuinely independent judiciary, and to address the systemic shortcomings in the judicial procedures noted in the monitoring report of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) on the trial of 14 former high-level government officials; and calls on all political forces to agree on electoral reform, in particular to address the excessive variations in size of the single mandate election districts, and to consider a proportional regional election system, based on open lists, which seems to have the agreement of most, if not all, political forces in the country;

12.6. the Moldovan Parliament to adopt the required constitutional changes with regard to the election of the president and the appointment of the prosecutor general; to adopt the law on the prosecution service; and calls on the Moldovan authorities to strengthen the independence and efficiency of the National Anti-Corruption Center, depoliticise State institutions and take concrete steps to harmonise the Moldovan legislation and the Statute of the Autonomous Territorial Unit of Gagauzia-Yeri;

12.7. the Montenegrin authorities to complete, by the end of 2017, a series of reforms concerning the electoral process, the independence of the judiciary, the fight against corruption and organised crime and the situation of the media;

12.8. the authorities of the Russian Federation to:

12.8.1. fully implement the requirements of Assembly [Resolution 2034 \(2015\)](#), in particular to reverse the illegal annexation of Crimea and to withdraw its troops from eastern Ukraine and fully implement the Minsk Agreements;

12.8.2. reverse its recognition of Georgia's occupied regions of Abkhazia and South Ossetia, withdraw its troops from these occupied regions and fully implement the six-point ceasefire agreement of 12 August 2008;

12.8.3. release all Ukrainian political prisoners detained in Russia, in particular Nadiia Savchenko, member of the Ukrainian delegation to the Parliamentary Assembly of the Council of Europe;

12.8.4. cease the harassment and prosecution of civil society organisations or their activists and journalists;

12.8.5. abrogate the law on undesirable foreign organisations;

12.8.6. bring the legal framework for non-governmental organisations into line with Council of Europe standards;

12.8.7. guarantee in practice the full implementation of all judgments of the European Court of Human Rights in respect of the Russian Federation;

12.9. the Verkhovna Rada of Ukraine to promptly adopt the constitutional amendments on the decentralisation and judiciary chapters; the Ukrainian authorities to continue the judicial and anti-corruption reforms and to effectively fight the endemic corruption in the country, to fully investigate any reports and allegations of human rights abuses and violations of international human rights and humanitarian law by troops under the command of the Ukrainian authorities;

12.10. the Bulgarian authorities to take immediate and effective steps to address the grave concerns with regard to the ill-treatment of prisoners and prison conditions, as noted by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);

12.11. all political forces in “the former Yugoslav Republic of Macedonia” to implement in good faith the agreement to overcome the political crisis in the country and to address its underlying causes; and the authorities to transparently and impartially investigate any allegations of violations and wrongdoings that surfaced in the wiretap scandal;

12.12. the Turkish authorities to respect and strengthen the independence of the judiciary and prosecution service, to fully respect, in practice, the fundamental rights of freedom of assembly, association and expression, to ensure the continuation of the right to individual appeal to the Constitutional Court, to bring the internal security and Internet laws into line with Council of Europe standards, to establish a proper legal status for religious minorities, and to renew the dialogue with Kurdish representatives on the settlement of the Kurdish question.

13. The Assembly reaffirms the importance of the parliamentary monitoring procedure, and the work of the Monitoring Committee in the democratisation and institution-building processes in many Council of Europe member States. In that respect, it commends the Monitoring Committee for the prompt and coherent implementation of the reform of the parliamentary monitoring procedure as adopted by the Assembly in [Resolution 2018 \(2014\)](#).

14. The Assembly especially welcomes the establishment of the periodic review of the honouring of the membership obligations to the Council of Europe by countries that are not subject to a monitoring procedure *sensu stricto*, or engaged in a post-monitoring dialogue with the Assembly. It gives its full support to the guidelines and reporting schedule adopted by the Monitoring Committee to conduct these periodic reviews.

15. The Assembly takes note of the reports of the periodic review of the honouring of the membership obligations to the Council of Europe by Andorra, Belgium, Croatia and Cyprus that are contained in the report on the progress of the Assembly’s monitoring procedure (October 2014-August 2015). It endorses the findings and conclusions of these periodic review reports and encourages the respective authorities to implement its recommendations. In particular, the Assembly:

15.1. with respect to Andorra:

15.1.1. welcomes the important reforms carried out in recent years, in particular to increase economic and fiscal transparency and co-operation;

15.1.2. welcomes the development of an effective policy with a view to increasing the integration of non-Andorrans in Andorran society and encourages the authorities to consider further reforms to increase their participation in the democratic processes of the country. In this respect, the Assembly recommends that the authorities consider granting voting rights in local elections to non-Andorrans as well as exploring the possibility of introducing dual citizenship and easing the residency requirements for Andorran citizenship applications;

15.1.3. expresses its concern about the lack of independence of the Andorran media from financial, political and religious interests and calls on the authorities to guarantee the independence of the media in both principle and practice;

15.1.4. with regard to Council of Europe conventions, recommends that Andorra, *inter alia*, sign and ratify the European Convention on Nationality (ETS No. 166), the Additional Protocol to the European Social Charter (ETS No. 128) providing for a system of collective complaints, and welcomes the announcement by the authorities that they will ratify the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189) by the end of 2015;

15.1.5. encourages the authorities to implement all remaining recommendations of the Group of States against Corruption (GRECO) and those of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) and to continue their efforts to adopt comprehensive legislation against racism and intolerance;

15.2. with respect to Belgium:

15.2.1. welcomes efforts to build a political consensus on a more efficient federal State and greater autonomy for the federated entities. It considers that further steps are necessary to ensure the stability and efficient functioning of State structures based on co-operation and cohabitation between communities;

- 15.2.2. expresses its concern about structural problems related to prison conditions and prison overcrowding, as well as to the situation of mentally ill prisoners. The Assembly encourages the authorities to fully implement the judgments of the European Court of Human Rights in this respect;
- 15.2.3. urges the Belgian authorities to fully address the issue of detention of refugees and asylum seekers and the lack of access to reception centres;
- 15.2.4. with regard to Council of Europe conventions, recommends that Belgium ratify, *inter alia*, Protocol No. 12 to the European Convention on Human Rights, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210) and the Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems;
- 15.2.5. encourages the authorities to implement the remaining GRECO recommendations and improve the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197);
- 15.3. with respect to Croatia:
- 15.3.1. welcomes the implementation of comprehensive reforms to strengthen the functioning of democratic institutions, but considers that challenges still remain with regard to post-war justice and reconciliation; the authorities should in particular conduct effective investigations into the killing and disappearance of civilians during the war and ensure that a comprehensive legal framework is established that allows access to reparation for all civilian war victims;
- 15.3.2. urges the authorities to step up the fight against corruption and in particular to promptly adopt the code of ethics for parliamentarians that is currently being prepared, and to implement the GRECO recommendations with regard to strengthening the independence of, and public trust in, the judiciary;
- 15.3.3. encourages the authorities to further promote the rights of national minorities in line with the European Charter for Minority or Regional Languages (ETS No. 148), and to pay particular attention to the situation of the Serb and Roma minorities, which face specific discrimination;
- 15.3.4. with regard to Council of Europe conventions, recommends that Croatia ratify, *inter alia*, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, and the revised European Social Charter;
- 15.4. with respect to Cyprus:
- 15.4.1. strongly welcomes the recent renewed impetus to the peace talks and encourages President Anastasiades and Turkish Cypriot leader Akıncı to continue their efforts to bring lasting peace to the country and to resolve the problems related to persons missing as a result of the conflict;
- 15.4.2. notes the action by the authorities to implement GRECO recommendations, but considers that sustained efforts are needed to create a robust and coherent legal framework to effectively combat corruption, including with regard to transparency of political party funding;
- 15.4.3. while noting the important influx of refugees and asylum seekers due to its geographical position, remains concerned about the detention and treatment of irregular migrants and asylum seekers. In this respect, it urges the authorities to implement and further enhance the legal and administrative framework for migrants and asylum seekers and alternatives for the current practice of detaining asylum seekers;
- 15.4.4. although positive measures have been taken by the authorities, including plans for the construction of new prisons, is concerned about reports of ill-treatment and overcrowding in prisons and urges the authorities to develop a coherent strategy to address these issues;
- 15.4.5. welcomes the efforts made to combat trafficking in human beings and encourages the authorities to promptly implement the recommendations of the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties. As concerns the execution of the judgment of the European Court of Human Rights in the case of *Rantsev v. Cyprus and Russia*, the Assembly takes note of Cyprus's full compliance with the general measures. It recalls however that the compliance of the individual measures required from both parties still needs to be assessed for the case to be closed;

15.4.6. with regard to Council of Europe conventions, recommends that Cyprus ratify, *inter alia*, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

16. The Assembly takes note of the Opinion on the request for the opening of a monitoring procedure in respect of France, adopted by the Monitoring Committee on 3 September 2015, in which the committee recommends not to open a monitoring procedure. Nevertheless, the Assembly urges the French authorities to promptly address the concerns and recommendations expressed in this opinion.

17. The Assembly takes note of the decision of the Monitoring Committee to henceforth present its reports on the progress of the Assembly's monitoring procedure at the January part-sessions of the Assembly.