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The progress of the Assembly's monitoring procedure (September 2015-December 2016) and the periodic review of the honouring of obligations by Austria, the Czech Republic, Denmark, Finland, France and Germany

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 report, the Monitoring Committee takes stock of its activities from September 2015 to December 2016, and assesses the progress in the honouring of accession commitments and membership obligations to the Council of Europe made by the nine countries under a monitoring procedure *sensu stricto*, as well as the four countries engaged in a post-monitoring dialogue. It welcomes progress made, notes challenges and expresses concerns about setbacks and makes specific recommendations to the countries concerned.

As part of its mandate to ensure the monitoring of the honouring of the membership obligations of all Council of Europe member States, the Monitoring Committee presents in this report the six periodic review reports on the honouring of membership obligations by Austria, the Czech Republic, Denmark, Finland, France and Germany.

1. See also Doc. 14213 [Part 2](#), [Part 3](#), [Part 4](#), [Part 5](#), [Part 6](#) and [Part 7](#).



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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 \(2010\)](#), [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, as well as the monitoring of the membership obligations of all other member States through its periodic review process.
3. The Assembly regrets that the co-rapporteurs for the monitoring procedure have not been able to visit the Russian Federation due to the boycott by the Russian delegation of the work of the Assembly. Considering that it is unacceptable for a country to *de facto* withdraw itself from the monitoring procedure, even on a temporary basis, by refusing all co-operation with the Assembly, the Assembly commends the committee on its efforts to continue the monitoring of the domestic developments in the Russian Federation. It recalls that co-operation with the monitoring procedure is an explicit accession commitment of the country.
4. The Assembly notes that, during the reporting period, a report on the functioning of democratic institutions in Turkey was debated by the Assembly as part of the post-monitoring dialogue with the country. It reiterates its concerns and the recommendations made in this resolution, which have become all the more relevant in the light of the ongoing developments in the country.
5. During the reporting period, the respective co-rapporteurs carried out fact-finding visits to Albania, Armenia (two visits), Azerbaijan (two visits), Bosnia and Herzegovina (two visits), Georgia (two visits), the Republic of Moldova (two visits), Serbia, Ukraine (two visits), Bulgaria (two visits, including one to Brussels for meetings with the European Commission), Montenegro, “the former Yugoslav Republic of Macedonia” and Turkey. In addition, the respective co-rapporteurs participated in the pre-electoral and election (or referendum) observation missions in Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Georgia, Montenegro, the Republic of Moldova, Ukraine, “the former Yugoslav Republic of Macedonia” and Turkey. The co-rapporteurs produced information notes on Armenia, Azerbaijan, Georgia, the Republic of Moldova, Ukraine, Bulgaria, Montenegro, “the former Yugoslav Republic of Macedonia” and Turkey, which were declassified by the committee, as well as declarations and statements with regard to developments in Albania, Armenia, Azerbaijan, Georgia, the Republic of Moldova, the Russian Federation, Ukraine, Bulgaria, Montenegro, “the former Yugoslav Republic of Macedonia” and Turkey.
6. The Assembly takes note of the fact that the committee was seized, in line with the Rules of Procedure of the Assembly, for report on “The functioning of democratic institutions in Poland”.
7. The committee held an exchange of views with the Governor (*Bashkan*) of the Autonomous Territorial Unit of Gagauzia-Yeri of the Republic of Moldova. In addition, the committee organised hearings on the recent developments in south-east Turkey and the resumption of the peace process, with the participation of Mr Mehmet Tekinarslan, Deputy Undersecretary of the Ministry of the Interior of Turkey, Mr Osman Baydemir of the Democratic Peoples’ Party (HDP) and Mr Andrew Gardner of Amnesty international; and on the domestic developments in the Russian Federation, with the participation of Mr Alexander Cherkasov of Memorial Human Rights Centre, Ms Rachel Denber of Human Rights Watch and Mr John Dalhuisen of Amnesty International. The committee also organised an exchange of views with the Secretary General of the Council of Europe, Mr Thorbjørn Jagland, and with the leadership of the SDSM Party and VRMO-DPMNE of “the former Yugoslav Republic of Macedonia” on recent developments with regard to the state of implementation of the Przino Agreement. Underscoring the extensive co-operation between the committee and the European Commission for Democracy through Law (Venice Commission), the committee organised hearings with Mr Thomas Markert, Director and Executive Secretary of the Venice Commission, and with Mr Gianni Buquicchio, President of the Venice Commission. On the occasion of its meeting in Sarajevo, the

2. Draft resolution adopted by the committee on 14 December 2016.

committee held a hearing on “The Dayton Constitution: 20 years later” and, in the framework of its meeting in Albania, the committee organised a joint hearing with the Albanian Parliament on “Interreligious tolerance and dialogue”.

8. The Assembly welcomes the work of the Ad hoc Sub-Committee on Conflicts between Council of Europe Member States and takes note of the decision of the committee to transform it into a standing sub-committee of the Monitoring Committee.

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 in:

9.1. Albania: the adoption of constitutional amendments paving the way for a thorough and comprehensive reform of the judiciary with a view to ensuring its impartiality and independence from external influence and pressure;

9.2. Armenia: the adoption of a new constitutional framework with the stated objective of guaranteeing respect for fundamental rights and freedoms and strengthening the balance of power in the country, as well as the constructive co-operation that has emerged between the ruling majority and the opposition on the adoption of the new Election Code, which has substantially lowered tension in the political environment;

9.3. Azerbaijan: the recent release of some human rights defenders, political activists, journalists and bloggers whose incarceration had been questioned by the international community;

9.4. Georgia: the ongoing reform of the justice system and the organisation of competitive parliamentary elections in line with European standards, as well as the efforts to settle the issue of the repatriation of the deported Meskhetian population, in line with its accession commitment to the Council of Europe;

9.5. the Republic of Moldova: the acceleration of the reform process to fulfil the requirements of the European Union Association Agreement Roadmap, as well as the establishment of a constructive dialogue with the Gagauz authorities with a view to harmonising Moldovan legislation with the Statute of this autonomous entity;

9.6. Serbia: the steps taken by the authorities to strengthen the independence and efficiency of the judiciary;

9.7. Ukraine: the continuing reforms and, in particular, the adoption of the constitutional amendments with regard to the judiciary and justice system that also honour one of the remaining accession commitments;

9.8. Bulgaria: the ongoing reform of the judiciary and, in particular, the adoption of the amendments to the Constitution that aim to increase the independence of the judiciary;

9.9. Montenegro: its active role in regional co-operation and in fostering stability in the region;

9.10. “the former Yugoslav Republic of Macedonia”: the new agreement reached between the opposition and the ruling majority to overcome the political crisis in the country, and the subsequent consensual decision to organise early parliamentary elections in December 2016.

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

10.1. Albania: the politicised media environment, as well as the lack of independence of and persistent corruption within the judiciary;

10.2. Armenia: the corruption and insufficient independence of the judiciary;

10.3. Azerbaijan: the persistent non-execution of the judgment of the European Court of Human Rights in the case of Ilgar Mammadov, in violation of its membership obligations;

10.4. Bosnia and Herzegovina: the persistent failure to implement judgments of the European Court of Human Rights, and the non-execution of a number of judgments of the Constitutional Court;

10.5. Georgia: the continued polarisation of the political environment and attempts to politicise the judiciary and influence its work;

10.6. the Republic of Moldova: the political instability and lack of progress in the investigation into the so-called “banking scandal”, as well as allegations of politically motivated prosecutions of opposition figures;

10.7. the Russian Federation: the continuing deteriorating political environment and harassment of opposition supporters, and the rapidly decreasing space for civil society to operate and enjoy its rights to freedom of expression and association; the illegal annexation of Crimea and the continued covert war in eastern Ukraine in violation of, *inter alia*, international law, the Statute of the Council of Europe (ETS No. 1) and accession commitments; and the challenge to the supremacy of international law and the decisions of the European Court of Human Rights;

10.8. Serbia: the recurrent shortcomings in the electoral process, including abuse of administrative resources;

10.9. Ukraine: the widespread corruption and lack of concrete results in the fight against this major problem for the country; the continuing lack of independence and impartiality of the judiciary; the regular pressure on political opposition and the media;

10.10. Bulgaria: the slow pace of the reform process and lack of marked progress in the fight against corruption and organised crime;

10.11. Montenegro: the delays in the investigation of the violent clashes in Podgorica in October and November 2015 and the lack of political will to address the serious concerns with regard to the media environment and freedom of the media, including attacks on journalists, which create a sense of impunity for such unacceptable actions;

10.12. “the former Yugoslav Republic of Macedonia”: the barriers to, and active disavowal of the work of the special prosecutor to investigate the allegations resulting from the so-called “wiretap scandal” in which large numbers of conversations of prominent politicians and others were illegally recorded;

10.13. Turkey: the discussions about the reintroduction of the death penalty, which would be incompatible with membership of the Council of Europe; the escalation of violence in south-east Turkey and the serious questions with regard to the respect for human rights and the rule of law in the implementation of the state of emergency following the failed coup d'état, including the lifting of immunity of members of parliament, the detention of a number of elected representatives, and threats to the freedom of the media and independence of the judiciary.

11. 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:

11.1. the Albanian authorities to continue the comprehensive reform of the justice system, especially with regard to the actual implementation of the new legal framework; to address the recommendations of the Assembly and the Venice Commission with regard to electoral reform, on the basis of a broad consensus between all political stakeholders, and before the 2017 general elections; to step up the fight against corruption and organised crime with a view to achieving marked and demonstrable progress in this priority area;

11.2. the Armenian authorities and all political stakeholders to make every effort to ensure genuinely democratic elections in 2017; to pursue the reforms of the judiciary with a view to increasing its independence and to step up the fight against corruption in the country;

11.3. the Azerbaijani authorities to reform the legislation and practice regarding NGOs, in line with Council of Europe standards and norms; to continue the release of journalists and NGO and political activists whose incarceration has raised concern with regard to possible political motivations and challenges to a fair trial as foreseen in the European Convention of Human Rights (ETS No. 5);

11.4. the Bosnian authorities to step up their efforts to execute the *Sejdic and Finci* judgment of the European Court of Human Rights in good time before the next elections scheduled for October 2018;

11.5. the Georgian authorities to reform the electoral system in line with pre-electoral promises, including by amending the Constitution; to effectively investigate all cases of alleged politically motivated violence; to continue the reform of the justice system and especially of the prosecution service, with a view to ensuring a genuinely independent and depoliticised judiciary;

11.6. the Moldovan authorities to continue the efforts in the 5+2 discussions to settle the conflict over the Transnistrian region of the Republic of Moldova; to address the questions raised with regard to the possible politically motivated court cases and to refrain from any measures that could be perceived as undue harassment of opposition figures; to resolutely step up the fight against corruption and to fully and transparently investigate the “banking scandal”;

11.7. the authorities of the Russian Federation to reverse its illegal annexation of Crimea and to unreservedly and fully implement the Minsk Agreements without preconditions; to reform the NGO legislation in line with Council of Europe standards and principles and to abrogate the law on foreign agents and on organisations undesirable on the territory of the Russian Federation; to end the harassment of opposition activists and fully and transparently investigate attacks made on them; to fully recognise the supremacy of judgments by the European Court of Human Rights and to repeal any legislation that would limit the execution of the Court judgments and, if necessary, consider amending the Constitution of the Russian Federation to ensure full compliance with its obligations under international law and the Statute of the Council of Europe;

11.8. the Serbian authorities to strengthen the separation of powers and pursue the reform of the judiciary with a view to empowering it to resist any undue political interference in its work; and to ensure proper implementation of the recently adopted media laws, in order to secure a pluralistic and sustainable media environment;

11.9. the Ukrainian authorities and the Verkhovna Rada to continue decisively with the reforms of the judiciary and to adopt promptly all required legislation to implement these reforms; to ensure a pluralist political and media environment; to demonstrate the commensurate political will to step up the fight against the widespread corruption in the country; and to maintain its full commitment to the implementation of the Minsk Agreements;

11.10. the Bulgarian authorities to speed up the pace of the reforms of the judiciary; and step up the fight against corruption and organised crime;

11.11. all political forces in “the former Yugoslav Republic of Macedonia” to implement in good faith the July 2016 political agreement to overcome the political crisis in the country and to launch the reforms that could form the basis for a reconciliation of the political forces in the country;

11.12. the Turkish authorities to end the state of emergency as soon as possible and to ensure that the investigations into the failed coup d'état will take place in full respect of the principles of the rule of law and the requirements of the European Convention on Human Rights and the case law of the Court; to promptly implement any recommendations by the Venice Commission on the legislation and decrees that have been adopted in the framework of the state of emergency, as well as to other relevant legislation that contradicts Council of Europe standards; to resolutely renounce any attempts to reintroduce the death penalty in Turkey as incompatible with its international obligations; to restart the peace process in south-east Turkey as well as the dialogue with Kurdish representatives on the settlement of the Kurdish question; and to abolish or limit the curfews with a view to restoring basic humanitarian conditions for the populations in the affected regions.

12. 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 all Council of Europe member States. In that respect, it especially welcomes 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.

13. The Assembly takes note of the reports of the periodic review of the honouring of the membership obligations to the Council of Europe by Austria, the Czech Republic, Denmark, Finland, France and Germany that are contained in the report on the progress of the Assembly's monitoring procedure (September 2015-December 2016). It endorses the findings and conclusions of these periodic review reports and encourages the respective authorities to implement its recommendations. In particular, the Assembly:

13.1. with respect to Austria:

13.1.1. recognising that Austria has recently been facing an unprecedented influx of refugees, which has led to rising populism with mounting anti-migration and anti-Islam rhetoric, welcomes the intention of the Austrian authorities to adopt a national action plan on human rights in the near future. In this context, the Assembly recommends that the authorities consider merging the various anti-discrimination acts and institutions of the federation and the federal States (*Länder*) in order to improve the protection afforded to victims of racism and discrimination;

13.1.2. welcomes the strengthening of Austria's legal framework to combat corruption, by the ratification of the Criminal Law Convention on Corruption (ETS No. 173) and its Additional Protocol (ETS No. 191) in 2013. In this context, it encourages the authorities to amend the Political Parties Act, in line with the recommendations issued by the Group of States against Corruption (GRECO) and to strengthen the role and independence of the Austrian Court of Audit. In addition, it calls on the Austrian Parliament to promptly ratify the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (revised) (CETS No. 198), which Austria signed in 2005;

13.1.3. encourages the authorities to consider Austria becoming a member of the Council of Europe Development Bank as well as becoming a member of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL);

13.1.4. welcomes the amendment to the National Minorities Act related to bilingual topographical signs and the use of minority languages as an official language;

13.1.5. calls on the Austrian authorities to sign and ratify the Additional Protocol to the European Charter of Local Self-Government, on the right to participate in the affairs of a local authority (CETS No. 207) and to initiate an overall institutional reform of the federal system in Austria, in line with Recommendation 302 (2011) of the Congress of Local and Regional Authorities of the Council of Europe;

13.2. with respect to the Czech Republic:

13.2.1. welcomes the ratification of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), and the signature of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention"), as well as the Convention on Action against Trafficking in Human Beings (CETS No. 197). The Assembly expresses its expectation that the latter two conventions will soon be ratified by the Czech Parliament;

13.2.2. expresses its concern about the intolerance in political discourse, which has been highlighted repeatedly by specific monitoring bodies, and recommends that efforts be made to fight against all forms of hate speech in the country. In this context, the Assembly emphasises that effective investigations must be carried out into all manifestations of racism, xenophobia and hate speech and adequate sanctions must be applied when needed;

13.2.3. is concerned about the findings of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) with regard to the treatment of detained persons and conditions of detention in police establishments and prisons. It recommends prompt implementation of the CPT's outstanding recommendations, including on the issue of surgical castration of sex offenders;

13.2.4. welcomes the improvements in the situation of Roma and the reforms initiated, especially concerning the issue of segregation of Roma children at school, but stresses that sustained efforts are needed to prevent, combat and sanction discrimination against them. In this context, the Assembly encourages the authorities to review the compensation system for Roma women who were victims of sterilisation without their full and informed consent, as also recommended by the Commissioner for Human Rights;

13.2.5. welcomes the progress made in adopting the legislative and non-legislative measures contained in the 2015 Anti-Corruption Plan, as well as the increased efforts to prosecute cases of corruption. The Assembly encourages the authorities to continue to pursue the fight against corruption, including political corruption, and recommends the prompt implementation of the outstanding GRECO recommendations;

13.3. with respect to Denmark:

13.3.1. takes note of the specificities of the Danish political system, with two semi-autonomous entities, Greenland and the Faroe Islands, which enjoy a high degree of autonomy and thus bear an important responsibility in ensuring the protection of human rights as their consent is required to ensure that any legal instruments have full effect over the whole territory of the Kingdom of Denmark. The Assembly encourages all the relevant authorities to step up their joint co-ordination with a view to allow the lifting of current reservations on a number of conventions;

13.3.2. welcomes progress made in strengthening local democracy after the Danish Municipal Reform launched in 2007 and encourages the authorities to sign and ratify the Additional Protocol to the European Charter on Local Self-Government on the right to participate in local government affairs;

13.3.3. encourages the authorities to find the right balance between effective measures to fight terrorism and the protection of fundamental rights, and to ensure that the Aliens Act and the Administration of Justice Act fully comply with human rights standards, including with regard to due process and equality of arms;

13.3.4. urges the Danish Parliament to ratify Protocol No. 12 to the European Convention on Human Rights (ETS No. 177);

13.3.5. congratulates Denmark on the recurrent excellent scores in the Corruption Perception Index, which reflects a very low perception of corruption by the population and an overall high trust in the oversight institutions. To further strengthen this perception, the Assembly encourages the authorities to initiate the expected reform in the field of transparency of party funding without further delay and to ensure its compliance with the relevant Council of Europe anti-corruption standards and GRECO's recommendations;

13.3.6. encourages the authorities to ratify the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (revised) and the European Social Charter (revised) (ETS No. 163), which Denmark signed in 1996, and the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (ETS No. 158), which it signed in 1995;

13.4. with respect to Finland:

13.4.1. commends the country for its commitment to using the different Council of Europe monitoring bodies' recommendations as leverage to maintain sustained progress in the fields of human rights, the rule of law and democracy, which is a laudable example of good practice that should inspire other Council of Europe member States;

13.4.2. welcomes the proactive work of the authorities to address risks and vulnerabilities in existing corruption-prone areas and sectors, despite being one of the least corrupt countries in Europe according to several standards and measurements;

13.4.3. encourages the authorities to continue to address the concerns of the CPT with regard to inadequate medical services and sometimes poor sanitation in detention centres, as well as with regard to excessive delays in moving detainees from police holding cells to remand prisons;

13.4.4. welcomes the new anti-discrimination legal framework aimed at promoting equality, preventing discrimination and enhancing the protection provided by law to those who have been discriminated against. However, some vulnerable groups remain the subjects of discrimination. In this context, the Assembly encourages the authorities to address recurrent instances of discrimination against Roma and Russian speakers;

13.4.5. reiterates the long-standing recommendation to ratify International Labour Organization (ILO) Convention 169 on the rights of indigenous and tribal peoples, and to immediately initiate a constructive dialogue with the Sámi Parliament of Finland in order to seek a solution to the land rights issue;

13.5. with respect to France:

13.5.1. acknowledges the serious challenges faced by the country as a result of the terrorist attacks and subsequent declaration of a state of emergency. The Assembly emphasises the need to ensure that a fair balance is struck in order, on the one hand, to defend freedom and security and, on the other, to avoid infringing these same rights when adopting and applying legislative provisions or other administrative measures. It reiterates its position that a state of emergency should remain an exceptional situation as it poses real dangers for fundamental rights when the measures it entails are used in a discriminatory or disproportionate manner. Acknowledging the judicial supervision and parliamentary oversight over the implementation of the state of emergency, the Assembly nevertheless considers that the state of emergency should be kept to an absolute minimum in terms of time;

13.5.2. welcomes the progress on combating intolerance and racism made by the French authorities in the last few years and encourages them to ratify Protocol No. 12 to the European Convention on Human Rights;

13.5.3. is seriously concerned about persistent prison overcrowding and remand without trial in France, which show no sign of abating. The authorities are urged to take, without further delay, all measures needed to address this serious human rights concern;

13.5.4. encourages the authorities to take all necessary measures to permit the ratification of the European Charter for Regional or Minority Languages (ETS No. 148) and to sign and ratify the Framework Convention for the Protection of National Minorities (ETS No. 157);

13.5.5. welcomes the efforts to combat corruption, but also notes that, according to GRECO, serious shortcomings remain, which the Assembly encourages the French authorities to address;

13.5.6. notes that, notwithstanding the reforms carried out so far, the prosecution service could still be suspected of subordination to the executive, which is difficult to reconcile with the autonomy required by the sometimes exclusive or monopolistic tasks entrusted to prosecutors;

13.5.7. expresses its concern regarding the abuse of identity checks by the law-enforcement agencies as a means of crowd control during demonstrations, in clear violation of the legal provisions governing such checks, as well as the recurrent problem of excessive length of detention on remand, which the Assembly urges the authorities to address;

13.6. with respect to Germany:

13.6.1. commends Germany for its willingness to accommodate the massive arrival of refugees in the recent period. It welcomes the tolerant position of the Federal Government and major political parties in this context;

13.6.2. underscores that combating xenophobia, racism and intolerance constitutes one of the most important and urgent challenges that Germany – as well as many other European States – has to face and welcomes in this respect the establishment of a National Action Plan Against Racism and the increase in resources made available to the Federal Anti-Discrimination Agency. The Assembly encourages the German authorities to continue to pursue efforts to combat racism, intolerance and extremism and to show zero tolerance towards racism and ethnic profiling in the police;

13.6.3. strongly encourages the authorities to scrap Section 103 of the Criminal Code (Defamation of organs and representatives of foreign States) and amend accordingly the 2009 anti-terrorism law (the BKA Act) following the decision of the Constitutional Court of 20 April 2016, with a view to strengthening media freedom and freedom of expression;

13.6.4. with a view to strengthening the independence of the judiciary, calls on the authorities to consider setting up a system of judicial self-administration and abolish the possibility for Ministers of Justice to give the prosecution [lawful] instructions concerning individual cases, thus strengthening the independence of the public prosecutors;

13.6.5. welcomes the adoption of the Anti-Corruption Act as well as the Political Parties Act. In this context, it encourages the *Bundestag* to now promptly ratify the Council of Europe Civil Law Convention on Corruption (ETS No. 174), the Criminal Law Convention on Corruption and the Additional Protocol thereto, as well as the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism;

13.6.6. warmly welcomes the adoption by the German Parliament of the “No means No” law which enhances the protection of individual consent in sexual relations and paves the way for the ratification of the Istanbul Convention;

13.6.7. calls on the authorities to promptly ratify the European Social Charter (revised) and its protocols.

14. The Assembly takes note of the committee’s continuous efforts to reflect on ways in which this review process can be strengthened and reinforced.

B. Explanatory memorandum by Mr Cezar Florin Preda, rapporteur

1. Introduction

1. The basis for the Assembly's monitoring procedure is [Resolution 1115 \(1997\)](#) on the setting up of the Monitoring Committee, as modified by [Resolution 1431 \(2005\)](#), [Resolution 1710 \(2010\)](#), [Resolution 1936 \(2013\)](#) and [Resolution 2018 \(2014\)](#). This resolution defines the mandate of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (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. Until 2015, the reports on the progress of the Assembly's monitoring procedure were discussed at the October part-session of the Assembly. In order to align the presentation of the progress report more closely with the reporting cycles of the other monitoring mechanisms of the Council of Europe, it was agreed in [Resolution 2078 \(2015\)](#)³ to henceforth present the reports on the progress of the Assembly's monitoring procedure during the January part-session of the Assembly. 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. In line with its mandate, the Monitoring Committee follows all Council of Europe member States with regard to the honouring of their membership obligations and, if relevant, specific accession commitments. Currently, nine countries are subject to a monitoring procedure *sensu stricto* and four countries are engaged in a post-monitoring dialogue with the Assembly. Since 2014, all – currently 34 – countries that are not subject to a monitoring procedure *sensu stricto*, or engaged in a post-monitoring dialogue, are subject to a periodical review with regard to the honouring of their membership obligations to the Council of Europe. In line with the working methods adopted by the Monitoring Committee,⁴ each year approximately six countries are subject to such a periodic review. Their reports are included in the report on the progress of the Assembly's monitoring procedure for the year in which they were reviewed.

4. The progress in the monitoring procedure for the countries that are subject to a monitoring procedure of the Assembly *sensu stricto*, or engaged in a post-monitoring dialogue, will be discussed in the next 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 in question.

5. During the period covered by this report, the committee adopted periodic reviews in respect of Austria, the Czech Republic, Denmark, Finland, France and Germany.⁵ These periodic reviews are contained in Parts 2 to 7 of this progress report.

2. Overview of the committee's activities

2.1. General remarks

6. In the period covered by this report, nine countries⁶ remained under the monitoring procedure *sensu stricto* and an additional four countries⁷ were engaged in a post-monitoring dialogue with the Assembly.

7. During the reporting period, one report on the functioning of democratic institutions in Turkey was debated in the Assembly.

3. [Resolution 2078 \(2015\)](#), paragraph 17. See also [Doc 13868 Part 1](#), paragraph 111.

4. See [Doc 13868 Part 1](#), Chapter 3.

5. Estonia held the chairmanship of the Council of Europe at the time of the preparation of this report. Therefore, in line with the working methods adopted by the Monitoring Committee, its periodic review will be conducted in the framework of the 2017 progress report.

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

7. Bulgaria, Montenegro, "the former Yugoslav Republic of Macedonia", and Turkey.

8. During the reporting period, the committee met 13 times, five times in Strasbourg during the plenary session of the Assembly, six times in Paris, once in Sarajevo on the invitation of the Bosnian Parliament and once in Tirana on the invitation of the Assembly of the Republic of Albania. I wish to thank the parliament of Bosnia and Herzegovina and the parliament of Albania for the kind hospitality extended to the committee on these occasions.

9. During this period, the respective co-rapporteurs carried out fact-finding visits to Albania, Armenia (two visits), Azerbaijan (two visits), Bosnia and Herzegovina (two visits), Georgia (two visits), the Republic of Moldova (two visits), Serbia, Ukraine (two visits), Bulgaria (two visits),⁸ Montenegro, “the former Yugoslav Republic of Macedonia” and Turkey. In addition, the respective co-rapporteurs participated in the pre-electoral and election (referendum) observation missions in Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Georgia, Montenegro, the Republic of Moldova, Ukraine, “the former Yugoslav Republic of Macedonia” and Turkey.

10. The co-rapporteurs produced information notes on Armenia, Azerbaijan, Georgia, the Republic of Moldova, Ukraine Bulgaria, Montenegro, “the former Yugoslav Republic of Macedonia” and Turkey, which were declassified by the committee, as well as declarations and statements with regard to developments in Albania, Armenia (two statements), Azerbaijan (two statements), Georgia (five statements), the Republic of Moldova (three statements), the Russian Federation (two statements), Ukraine (four statements), Bulgaria (two statements), Montenegro, “the former Yugoslav Republic of Macedonia” (two statements) and Turkey (four statements).

11. Following the adoption of [Resolution 2034 \(2015\)](#) on the challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation, in which the Assembly decided to maintain a number of sanctions with regard to the Russian delegation to the Assembly over Russia's illegal annexation of Crimea and its military intervention in eastern Ukraine, the Russian delegation decided to cease all contact with the Assembly and its organs, including the monitoring rapporteurs. However, considering that it is unacceptable for a country to *de facto* withdraw itself from the monitoring procedure, even on a temporary basis, by refusing all co-operation with the Assembly, the committee decided to consider, during its October meeting, an information note prepared by the co-rapporteurs on the functioning of democratic institutions in the Russian Federation.⁹ This information note was approved by the committee and declassified on 11 October 2016. On the basis of this information note, the committee adopted a statement expressing its concern with regard to the deteriorating democratic environment and space for civil society in the Russian Federation.¹⁰

12. On 2 October 2015, the Monitoring Committee was seized for report on the motion for a resolution on creating a Europe without dividing lines.¹¹ At its meeting in Tirana on 22 September 2016, the committee considered that the subject matter of the motion is already extensively dealt with by the committee and its rapporteurs in the framework of the monitoring and post-monitoring dialogue procedures, as well as in the preparation of the periodic reviews of all countries that are not already covered by the above-mentioned procedures. The preparation of a separate report on this topic would be an unnecessary duplication of the already existing work of the committee and its rapporteurs. The committee therefore decided not to produce a separate report on this issue, but to include a short section on this topic in the 2016 progress report. It will thus be discussed in section 3 of this report.

13. On 4 February 2016, Mr Schennach and others tabled a motion for a resolution on “The functioning of democratic institutions in Poland”.¹² On 27 May 2016, the Bureau of the Assembly seized the Monitoring Committee for a report in line with Article 7 of the terms of reference of the committee. On 23 June 2016, the committee appointed Mr Yves Cruchten (Luxembourg, SOC) and Mr Thierry Mariani (France, EPP/CD) co-rapporteurs for this report.

14. On 3 November 2015, the committee held an exchange of views with the Governor (Bashkan) of the Autonomous Territorial Unit of Gagauzia-Yeri of the Republic of Moldova. On 9 March 2016, the committee organised a hearing on the recent developments in south-east Turkey and the resumption of the peace process, with the participation of Mr Mehmet Tekinarslan, Deputy Undersecretary of the Ministry of the Interior of Turkey, Mr Osman Baydemir of the Democratic Peoples' Party (HDP) and Mr Andrew Gardner, Researcher on Turkey for Amnesty International. On 19 April 2016, the committee organised an exchange of views with

8. In addition the rapporteurs visited the European Commission representatives responsible for Bulgaria in Brussels.

9. AS/Mon (2016) 29.

10. <https://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6371&lang=2&cat=3>.

11. Doc. 13842.

12. Doc. 13978.

Mr Thorbjørn Jagland, Secretary General of the Council of Europe. Underscoring the extensive co-operation between the committee and the European Commission for Democracy through Law (Venice Commission), the committee organised, on 23 June 2016, an exchange of views with Mr Thomas Markert, Director and Executive Secretary of the Venice Commission, and on 10 October 2016, with Mr Gianni Buquicchio, President of the Venice Commission. On 22 September 2016, the committee organised, during its meeting in Tirana, an exchange of views on recent developments in “the former Yugoslav Republic of Macedonia” and on the state of implementation of the Przino Agreement in this regard, with the participation of Mr Zoran Zaev, President of the SDSM Party and Mr Aleksandar Nikoloski, representing Mr Gruevski, President of the VRMO-DPMNE Party. On the occasion of its meeting in Sarajevo, the committee held a hearing on “The Dayton Constitution: 20 years later” with the participation of, *inter alia*, Ambassador Valentin Inzko, High Representative for Bosnia and Herzegovina, Mr Thomas Markert, Secretary of the Venice Commission, Ms Ermira Mehmeti Devaja, Member of Parliament of “the former Yugoslav Republic of Macedonia”. In the framework of its meeting in Albania, the committee organised a joint hearing with the Albanian Parliament on “Interreligious tolerance and dialogue”, with the participation of, *inter alia*, Mr Ilir Meta, Speaker of the Albanian Parliament, and Mr Blendi Klosi, Minister for Social Welfare and Youth of Albania, as well as Albanian and international experts. On 11 October 2016, the committee held an exchange of views on the domestic developments in the Russian Federation, with the participation of Mr Alexander Cherkasov (Memorial Human Rights Centre), Ms Rachel Denber (Human Rights Watch) and Mr John Dalhuisen (Amnesty International).

15. In addition to the committee meetings, the Ad hoc Sub-Committee on Conflicts between Council of Europe member States met twice in Strasbourg, on 19 April and on 11 October 2016, and once in Paris on 10 March 2016. In line with its terms of reference, the ad hoc sub-committee adopted an evaluation report of its first year of work at its meeting in Strasbourg on 11 October. This report was presented to the Monitoring Committee on 9 November 2016. At that meeting, the Monitoring Committee approved the evaluation report and adopted a decision to transform the ad hoc sub-committee into a standing sub-committee of the Monitoring Committee. In addition, the committee enlarged the composition of the sub-committee to include a member of the Monitoring Committee from all the countries that are party to the conflicts and adapted its working methods.

16. The excellent co-operation with the Venice Commission continued over the reporting period. In addition to the organisation of two hearings with representatives of the Venice Commission, the committee requested, on 9 October 2015, an opinion by the Venice Commission on the “Citizens’ Security Law” of Spain as well as on the Spanish law on “Changes to the powers of the Constitutional Court”. In addition, on 3 November 2015, the committee decided to ask the Venice Commission to analyse the conformity with European human rights standards of Article 299 of the Criminal Code of Turkey on defamation of the President of the Republic, and its application in practice. On 25 January 2016, the committee requested an opinion on the Polish draft law entitled “Law changing the Law on Police and several other laws”. During its meeting on 9 March 2016, the committee decided to ask for the opinion of the Venice Commission on the compatibility with Council of Europe standards of the legal framework governing curfews in Turkey as well as on the law on amendments to the law on the election of the people’s deputies of Ukraine. On 21 April 2016, the committee asked for an opinion on the amended Election Code of November 2015 of “the former Yugoslav Republic of Macedonia” and on 23 May 2016, on the “duties, competences and functioning” of the “criminal courts of peace” established by the Law 5235 of Turkey. Also on Turkey, the committee decided, on 22 September 2016, to ask the Venice Commission for an opinion on the overall compatibility of the implementation of the state of emergency in Turkey, in particular all subsequent decree-laws, with Council of Europe standards. In addition, on 10 October 2016, the committee decided to ask Venice Commission for opinions on the Bulgarian Law on Judicial Power, as amended by the two packages of amendments passed in March and July 2016, and on the amendments to the Electoral Code of Bulgaria as adopted by the Bulgarian Parliament since the 2014 Venice Commission opinion on the draft Election Code of Bulgaria. The rapporteur wishes to express his great appreciation for the cordial working relations with, and prompt replies, often in a very short time frame, by the Venice Commission to the committee’s requests.

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 co-rapporteurs visited the country in October 2016.

18. The insufficient independence and impartiality of the judiciary and the political pressure and interference in the judicial system have been long-standing concerns of the Assembly. The adoption of the constitutional amendments paving the way for a thorough and comprehensive reform of the judiciary should

therefore be welcomed. The justice reform is also seen as a major contribution to the fight against corruption and organised crime. A swift adoption of the reform and its consequent implementation are important for the possible opening of European Union accession negotiations. The European Commission adopted its annual Enlargement Package in which it recommended that member States consider opening accession negotiations with Albania, subject to credible and tangible progress in the implementation of the judicial reform, in particular the re-evaluation of judges and prosecutors (“vetting”).

19. The tense political climate continued in the current reporting period. The co-rapporteurs stressed the importance of co-operation between majority and opposition towards reforms, in particular ahead of the 2017 general election. Shortcomings in the electoral process noted during previous elections need to be properly addressed, on a consensual basis, between all stakeholders, before the 2017 parliamentary elections. However, changes to the Election Code are not in themselves sufficient to resolve the recurrent shortcomings in the electoral process: all the political stakeholders need to demonstrate the commensurate political will to hold genuinely democratic elections and to implement the Election Code fully and in good faith.

20. The heavily politicised media environment in Albania has been a long-standing concern of the Assembly. There is widespread self-censorship among journalists and editorial independence is often hampered by political influence and interference. The issue of the criminalisation of defamation created some controversy. In November 2015, draft amendments to the criminal code regarding “Defamation towards senior officials or elected officials” were proposed. These proposals ran counter to the Assembly’s position as expressed in [Resolution 2019 \(2014\)](#) in which it had welcomed the abolition of prison sentences for insult and defamation and the abolition of special protection against defamation for specific categories of people, and had called on the parliament to fully decriminalise defamation. The proposed amendments were eventually withdrawn.

21. The issue of property rights in the framework of the execution of the pilot judgment of the European Court of Human Rights concerning non-enforcement of domestic decisions awarding compensation for confiscated property is an important issue for the monitoring procedure, in particular in view of the Committee of Ministers’ decisions as well as the Venice Commission’s *amicus curiae* in this regard.

22. The territorial administrative reform, which was outlined in the previous report, was adopted and is being implemented. Genuine devolution of powers and means to ensure effective and efficient democratic local self-government should be ensured in this process.

23. Corruption and organised crime continue to be issues of concern with regard to Albania. The fight against corruption and organised crime is a stated priority of the authorities. However, marked progress in terms of prosecutions and convictions still needs to be achieved. In that respect, the authorities should be urged to clearly demonstrate that there cannot be any impunity for corruption at any level within the government, the police, the judiciary or the prosecution service.

2.2.2. Armenia

24. Developments in Armenia were dominated by the constitutional reform process that was initiated by President Sargsyan. In this context, the co-rapporteurs visited Armenia from 10 to 12 May 2016 and on 22 and 23 November 2016.

25. On 5 October 2015, the Armenian National Assembly adopted, with a large majority, a series of amendments to the Constitution. Taken together, these amendments amount to a quasi-total revision of the previous Constitution. The politically most controversial part of these amendments was the transition from a presidential to a parliamentary system of government and the introduction of a fully proportional electoral system for the National Assembly, to replace the mixed proportional-majoritarian system. The new Constitution was drawn up in close consultation with the Venice Commission. While underscoring that, according to European standards, each country is free to adopt its own democratic system, the Venice Commission lauded the co-operation with the authorities on the development of the new Constitution, which it considered to be of high quality and fully in line with international standards. All stakeholders should be commended for their efforts in this respect.

26. In line with constitutional provisions, a public referendum on the constitutional amendments was organised on 6 December 2015. The referendum took place in a very polarised and tense political climate, and, regrettably, was marred by allegations of irregularities. The conduct of the referendum underscored the still low public trust in the electoral system and regrettably did not fully provide the unambiguous democratic credibility to the constitutional reforms that was hoped for.

27. Following the adoption of the constitutional amendments, the process of drafting a new Election Code was started in order to implement the new electoral system foreseen in the Constitution. While this Election Code was drafted with the involvement of most stakeholders, including opposition parties and civil society, the short time available for the drafting of this law at times affected the overall inclusiveness of the drafting process. The opposition parties, supported by civil society, made a number of proposals for mechanisms to be included in the Election Code with a view to making the election system more robust and resistant against fraudulent activities. A joint agreement between the ruling majority and the opposition was achieved and a number of mechanisms to combat electoral fraud and increase public trust in the election system were included in the new Election Code. This agreement and the improved co-operation between ruling majority and opposition that is at its base should be strongly welcomed.

28. The Venice Commission concluded in its opinion on the Election Code that it could form an adequate basis for the conduct of democratic elections, but warned that the complexity of the code could undermine public trust in the election process. All stakeholders should now exercise the commensurate political will to implement the Election Code fully and entirely, both in spirit and according to the letter of the law, in order to ensure the conduct of genuinely democratic elections in Armenia.

29. The introduction of the new political system in Armenia could potentially reward parties that are willing to seek co-operation and enter into political coalitions, which could counteract the zero-sum mentality that has regrettably been prevalent in Armenia's political environment, often at the cost of its democratic consolidation. It is therefore important that mechanisms to ensure a stable majority will not undermine this important coalition-building process.

30. The fight against corruption was high on the agenda of the authorities and the many reforms that were introduced in recent years in that respect were welcomed in the Fourth Round Evaluation Report on Armenia by the Council of Europe's Group of States against Corruption (GRECO) that was published on 25 February 2016. However, endemic corruption continues to be a serious problem in the country, with the public perception of corruption, especially of the judiciary, continuing to be very high. It is therefore important that the authorities promptly implement all recommendations in the Fourth Round Evaluation report which focuses on corruption prevention in respect of members of parliament, judges and prosecutors. In this respect it should be noted that the recent constitutional amendments address a number of GRECO recommendations, especially in relation to the independence of the judiciary and prosecution.

31. The near collapse of the cease-fire regime in the Nagorno-Karabakh conflict and the unprecedented escalation of military hostilities along the line of contact, at the beginning of April 2016, have had a profound impact on the political climate in the country. It united all the political forces in the country who agreed that any domestic political disagreements should not be allowed to develop to such extent that it could undermine the stability and security of their country. This led to increased co-operation in the political arena, as already mentioned in the context of the drafting of the new Election Code.

2.2.3. Azerbaijan

32. The co-rapporteurs visited the country in April and June 2016. The co-rapporteurs were also part of the election observation mission of the Parliamentary Assembly to monitor the parliamentary elections of 1 November 2015 and of the Assembly's presence for the repeat election in District 90 on 18 June 2016. They also took part in the assessment mission for the September 2016 referendum.

33. The repetitive harsh sentences against human rights defenders, lawyers and journalists in Azerbaijan are of concern. In that context, the committee stressed that a climate favourable to pluralism, free campaigning and freedom of the media should be guaranteed by all relevant Azerbaijani authorities. This was particularly stressed ahead of the 1 November 2015 elections. In that context, the recent release of some human rights defenders, political activists, journalists and bloggers should be welcomed as positive and encouraging steps.

34. The reform of the justice system with a view to addressing the causes of the arrest, detention, prosecution and conviction of political activists, media representatives and human rights defenders over recent years remains an important priority. In this respect, shortcomings remain in the legal framework as well as its implementation, such as in the criminal law (notably with regard to the excessively long prison sentences and the use of pretrial detention), the law on freedom of assembly and laws regarding media, non-governmental organisations (NGOs) and political parties. NGO legislation and its implementation in particular should be reformed without any further delay.

35. Reforms were carried out in the field of the judiciary and criminal law, notably regarding the selection procedure for judges and prosecutors, the Judicial Legal Council and the salaries of judges, the modernisation of the judicial system and the introduction of e-justice. Legislation was adopted which increased the threshold required for the criminalisation of economic offences and legislation has been proposed to decrease the level of prison sentences.

36. The draft law “on the possibility of the implementation by the Republic of Azerbaijan of the decision of the interstate body for the protection of human rights and freedoms” is officially pending in parliament. The draft law would give the Constitutional Court new powers in relation to the execution of decisions passed by international organisations on human rights and freedoms in Azerbaijan. This proposal caused some concern and controversy. However, reportedly this proposal was an initiative by a single MP and would not have the support of the majority of members of the Mejlis. In this context, the obligation of all Council of Europe member States to ensure full implementation of court decisions should be emphasised. The Secretary General’s initiative under Article 52 of the European Convention on Human Rights in the case of Ilgar Mammadov is instrumental in this regard.

37. General elections were held in Azerbaijan in November 2015. The Assembly’s ad hoc committee for the election observation concluded that the increase in voter turnout and the transparency of voting and counting procedures demonstrated a step forward by Azerbaijan towards free, fair and democratic elections. The ad hoc committee was of the opinion that the result of this vote expressed the will of the Azerbaijani people. While noting some irregularities during the voting and counting processes, the report considered that these shortcomings did not constitute systemic violations of the Election Code. The ad hoc committee called on the Central Election Commission to duly investigate and report on this irregularity and welcomed its decision to cancel the results in constituency No. 90. The Assembly ensured a presence at the repeat election in District 90 on 18 June 2016.

38. Following the Referendum Act on “Making Changes to the Constitution of the Azerbaijan Republic” (including amendments to 29 articles of the Constitution) submitted by the President and validated by the Constitutional Court, a referendum on amendments to the Constitution was held on 26 September 2016. The Bureau of the Assembly requested the Venice Commission to provide an opinion on the draft amendments to the Constitution of Azerbaijan and constituted an ad hoc committee to conduct an assessment mission of the referendum.

39. In its opinion, the Venice Commission was deeply concerned about the institutional reform put forward by the proposed amendments which, *inter alia*, severely upsets the balance of power by giving unprecedented powers to the President.

40. The Assembly’s assessment mission concluded that the referendum was organised in accordance with the national legislation and the Constitution of Azerbaijan and was therefore legal and legitimate in the opinion of the assessment mission; the voting process was transparent, well organised, efficient and peaceful throughout polling day and no serious violations were observed during the counting process. It invited the Azerbaijani authorities to respect the opinion of the Venice Commission and called for further improvement of the electoral process.

41. The near collapse of the cease-fire regime in the Nagorno-Karabakh conflict and the unprecedented escalation of military hostilities along the line of contact, at the beginning of April 2016, had a profound impact on the political climate in the country. The co-rapporteurs expressed strong concern and insisted that negotiations in the framework of the Minsk group should urgently be resumed for a peaceful resolution to this ongoing tragedy.

2.2.4. Bosnia and Herzegovina

42. During the reporting period, the co-rapporteurs made two fact-finding visits to Bosnia and Herzegovina: one to Sarajevo and Travnik in September 2015, and one to Sarajevo, Mostar and Banja Luka in June 2016. In Sarajevo, discussions focused, *inter alia*, on the decision of Republika Srpska (RS) to hold a referendum on the RS national day, despite a ruling of the Constitutional Court holding that this holiday was discriminatory. The High Representative described the holding of this referendum, which took place on 25 September 2016, as a blatant violation of the Dayton Peace Agreements.

43. Local elections were held throughout the country on 2 October 2016 and were observed by a delegation of the Council of Europe Congress of Local and Regional Authorities. Elections were well organised and peaceful, except in Stolac where they had to be suspended. For the first time since the war, a Serb was elected mayor of Srebrenica. No elections were held in the city of Mostar because amendments to

the election law were not adopted in time. The 2010 judgment of the Bosnian Constitutional Court concerning the electoral system in Mostar thus remains unimplemented. Citizens of Mostar have been unable to vote since 2010.

44. Bosnia and Herzegovina submitted its application for membership of the European Union in February 2016 and in September 2016 the Council of the European Union invited the European Commission to submit its opinion, on this application.

45. In 2017, the co-rapporteurs will present a report to the Assembly on the fulfilment by Bosnia and Herzegovina of its obligations and commitments to the Council of Europe.

2.2.5. Georgia

46. The co-rapporteurs made fact-finding visits to the country from 12 to 14 October 2015 and from 3 to 5 May 2016. Parliamentary elections took place on 8 October 2016. A second round for those majoritarian races where in the first round none of the contestants obtained 50% of the vote took place on 30 October 2016. The rapporteurs participated *ex officio* in the pre-electoral visit and in the election observation missions of the Assembly for both rounds of the election.

47. Regrettably, the political environment in Georgia continued to be tense and polarised during the reporting period. Tensions were not only prevalent between the opposition and ruling majority but also within the ruling majority coalition and opposition itself. These tensions in the political environment increased in the run-up to the parliamentary elections on 8 October 2016. Public opinion polls showed that the popularity of the ruling coalition was decreasing, but that at the same time this did not result in an increase of support for the opposition. As a result, most of the Georgian electorate was still undecided about its choice close to election day, adding to the tense political environment.

48. Georgia has a mixed proportional–majoritarian election system. As was the case before the 2008 and 2012 elections, negotiations to change the election system to a fully proportional regional open-list system failed to result in an agreement between the opposition and ruling majority. While both the opposition and ruling majority agreed on the need to abolish the majoritarian part of the election system, regrettably no agreement could be found on the timing for such a change of the election system. The opposition insisted that this should happen before the 2016 parliamentary elections, while the ruling majority insisted on implementing this change only after the 2016 elections. As a result, no changes to the electoral system took place. It is hoped that the incoming government will make good its promise and change the election system before the next legislative elections.

49. In a welcome development, the Georgian authorities have addressed the long-standing concern regarding the extremely large variations in size of the majoritarian districts, which ranged from 6 000 to 120 000 voters, which is a variation far beyond what is considered acceptable by European standards. On 28 May 2015, on the basis of a complaint filed by the Public Defender, the Constitutional Court ruled that the variance in size of the election districts violated the principle of equality of vote as enshrined in the Georgian Constitution and ordered the district sizes to be changed to remedy this situation. Amendments to the Election Code to redraw the district boundaries were adopted on 18 December 2015. At the same time, the threshold to be elected in a majoritarian district was raised from 30% to 50%, which had been a long-standing demand of the opposition. The boundaries were established without in-depth consultations with, and consensus between, all electoral stakeholders, which is an essential prerequisite to increase the public trust in the election process. At the same time, allegations of widespread gerrymandering were not substantiated.¹³

50. The ruling coalition became increasingly fragmented in the run-up to the parliamentary elections. On 31 March 2016, Prime Minister Kvirikashvili announced that all coalition members would run in the upcoming elections independently and not as a coalition list. At the same time, most opposition parties decided to run individually and not as part of a joint list. The parliamentary elections took place on 8 October 2016. The International Election Observation Mission, of which the Assembly was a part, concluded that the “elections were competitive, well-administered and fundamental freedoms were generally respected”. However, it also noted that “[t]he calm and open campaign atmosphere was, however, impacted by allegations of unlawful campaigning and some incidence of violence”. The Georgian Dream Party (GDDG) gained 48.6% of the vote in the proportional elections and the main opposition party, the United National Movement (UNM) of former President Saakashvili, gained 27.11% of the vote. Of the other parties contesting in these elections only the Alliance of Patriots passed the 5% threshold to enter parliament with 5.01% of the votes. Of the majoritarian races the GDDG candidates passed the 50% threshold in 23 constituencies. A second round of elections

13. Constitutional Court of Georgia judgment of 20 July 2016.

between the two candidates who obtained the most votes in the first round was organised in the remaining 50 constituencies on 30 October 2016. According to the International Election Observation Mission “the 30 October run-offs were competitive and administered in a manner that respected the rights of candidates and voters, despite the lack of a legal framework for the second round”.¹⁴ In that context, it noted that the “principle of transparency and the right to effective redress were often not respected in the investigation and adjudication of election disputes by election commissions and courts”. Of the 50 majoritarian races, 48 were won by GDDG candidates. One race was won by an independent candidate supported by the GDDG, and one by a candidate of the Industrialist Party. As a result of these elections, Georgian Dream will have a constitutional majority of 115 seats in the new parliament, the UNM 27 seats and the election bloc lead by the Alliance for Patriots six seats. As mentioned above, there will be also one independent majoritarian member and one majoritarian member of the Industrialist Party in the new parliament.

51. The reform of the justice system has continued to be a key priority of the government. The Ministry of Justice has implemented an ambitious reform of the judiciary with a view to strengthening its independence and to “depoliticising” the justice system. This reform not only focused on the independence of the justice and court systems, but also on the prosecution service. Several amendments to the Law on the Prosecution Service were adopted on 28 September 2015 with regard to the appointment and dismissal processes for the Prosecutor General. These reforms alone, while a clear improvement over the previous situation, cannot by themselves fully ensure the de-politicisation and independence of the prosecution service. Further reforms are necessary in this respect. The authorities have indicated that they plan to implement the next step in the reform process of the prosecution service after the parliamentary elections.

52. The requests for, and use of, pretrial detention have considerably decreased in Georgia over the last two years and the situation has improved overall in that respect. However, pretrial detention is still used too regularly and easily in certain cases, including in politically sensitive cases involving former government officials. As mentioned in the previous progress report, one of the more serious and questionable uses of pretrial detention used under successive governments was the filing of consecutive charges, each accompanied by a request for pretrial detention, resulting in a person being kept in pretrial detention for a longer period than the nine months allowed by the Criminal Procedure Code. In September 2015, following a complaint filed by former Tbilisi mayor Gigi Ugulava, the Constitutional Court ruled that the provisions in the law that allowed this practice were unconstitutional. The Ministry of Justice has announced a number of initiatives to further reduce the use of pretrial detention in Georgia, including the possibility of other methods of restraint that can be used as an alternative to pretrial detention and a system of more frequent reviews of pre-trial detention decisions.

53. A recent issue of controversy was the reform of the functioning of the Constitutional Court in Georgia. While the government asserted that these reforms were needed to increase the efficiency and transparency of the work of the Constitutional Court, opposition parties claimed that the aim of these amendments was to undermine, or even render impossible, the proper functioning of the Court in retaliation for a number of rulings by the Court that had gone against the interests of the government. This was denied by the authorities. Following an agreement between the Prime Minister and the President of Georgia – who had vetoed the original amendments – the amendments to the law on the functioning of the Constitutional Court were changed to address Venice Commission recommendations and were subsequently adopted by the parliament. The co-rapporteurs for Georgia expressed their concern about the attempts by all sides to politicise the Constitutional Court and its work.

54. With regard to the repatriation of the deported Meskhetian population, an Interagency Action Plan for the Repatriation and Reintegration of Meskhetians was adopted. This is a welcome development as it addresses a long-standing recommendation that the repatriation of the Meskhetian population should not only entail the establishment of a legal framework but also a concrete strategy to allow the repatriation and reintegration of all those Meskhetians who wish to repatriate. The authorities have indicated that the period to provide documentary evidence to support a request for repatriation status has been increased from two to five years, which is to be welcomed. The committee wishes to reiterate the recommendation of the Assembly that the authorities organise a comprehensive evaluation of the repatriation framework and integration strategy, and formulate additional policies, if necessary, in order to ensure that all those Meskhetians that were deported and wish to return to Georgia do indeed have an objective chance to do so.

14. www.osce.org/odihr/elections/georgia/278146?download=true.

2.2.6. Republic of Moldova

55. The co-rapporteurs paid two visits to the Republic of Moldova, on 22 and 23 February 2016 and from 27 to 29 June 2016.

56. The Republic of Moldova remains committed to the European Union integration process and the implementation of the Association Agreement which entered into force on 1 July 2016 and which prompted the adoption of numerous laws. The political environment was dominated by a major bank scandal that erupted in 2015 which led to many popular demonstrations. In total, more than one billion dollars had been siphoned off three banks (Banca de Economii, Banca Sociala and Unibank) in 2014-2015. These events, which still need to be fully investigated, caused a crisis that led to political instability¹⁵ and destabilised the pro-European coalition.

57. The detention of former Prime Minister and sitting MP Vlad Filat, then Head of the Liberal Democratic Party, on 16 October 2015, further exacerbated the mutual mistrust among the coalition partners. This made it practically impossible for the three parties to find an agreement and form a governing coalition. On 30 October 2015, the government formed three months earlier by Valeriu Streleț (Liberal Democratic Party) fell after its coalition partner, the Democratic Party, supported a no-confidence vote.

58. In December 2015, the shifting of 14 MPs from the communist faction to a platform supported by the Democratic Party and the defection of MPs from other factions signified a change in political affiliation of about a quarter of the Moldovan parliamentarians within a few weeks. Political parties remain under the strong influence of business interests. This political nomadism led, on 20 January 2016, to the formation of a new government under Mr Pavel Filip. The conditions under which this government was formed were controversial and stirred up large demonstrations, but the government has remained in place since then. A priority for this government has been the adoption of the legislation needed to fulfil the requirements of the European Union Association Agreement roadmap, as well as legislation on financial institutions, with a view to regaining the confidence and support of international financial organisations. The reform process has accelerated, resulting in the adoption of new laws on the Prosecutor's Office, the media, the fight against corruption and financial institutions. A constructive dialogue was established with the Gagauz authorities with a view to harmonising Moldovan legislation with the statute of this autonomous entity.

59. These political developments and the mass demonstrations organised by the opposition and civil society, led to the emergence of a "Platform for Dignity and Truth" (which later became a political party). The platform sought to initiate a constitutional referendum to achieve direct election of the President of the Republic, a decrease in the number of members of parliament (from 101 to 71) and the lifting of immunities granted to MPs.

60. The functioning of the judiciary, and possible politically motivated cases, remained a problematic issue. Stefan Schennach, then Chairperson of the Monitoring Committee, visited Chisinau on 22 and 23 December 2015 to assess the prison conditions of former Prime Minister Vlad Filat and former Parliamentary Assembly member Grigore Petrenco. The co-rapporteurs continued to follow these two cases. Coincidentally, Grigore Petrenco was released under judicial control on the first day of their February 2016 visit. In view of the ongoing restrictions on freedom of assembly and movement imposed on Grigore Petrenco, the co-rapporteurs considered in June 2016 that such measures amounted to political harassment.

61. On 4 March 2016, the Constitutional Court issued an unexpected decision by declaring unconstitutional the constitutional amendment adopted in 2000 – which introduced the indirect election of the President of the Republic – thus re-establishing the direct election of the President. This prevented a possible repeat of the political deadlock the country had faced from 2009 to 2012, when the parliament failed to reach the three-fifths majority needed to elect the President for three consecutive years. The presidential election, which took place on 30 October and 13 November 2016 in a polarised environment, were won by Igor Dodon, of the Socialist Party. According to the Parliamentary Assembly election observers, the presidential election in the Republic of Moldova was competitive, with respect for fundamental freedoms. However, increasingly polarised media coverage, harsh and intolerant rhetoric and continued instances of abuse of administrative resources detracted from the process.

62. With respect to the Transnistrian conflict settlement process, the efforts by all stakeholders to resume the 5+2 discussions, under the leadership of the Organization for Security and Co-operation in Europe (OSCE), in order to settle the conflict and to improve the lives of citizens on both sides of the Nistru River, should be welcomed. The Moldovan authorities and the *de facto* authorities of the Transnistrian Region of the

15. Four Prime Ministers and two acting Prime Ministers have been appointed since April 2013.

Republic of Moldova should be encouraged to pursue their efforts to implement the Berlin Protocol of June 2016, which addressed the issue of recognition of diplomas and car license plates. Progress should also be made with regard to Latin-script schools, access of farmers to their lands and free movement of goods and persons across the Nistru River.

2.2.7. Russian Federation

63. The Russian delegation maintained its regrettable decision to boycott the work of the Parliamentary Assembly in 2015 and 2016, when it decided not to present the credentials of its delegation. As a result, it was not possible for the co-rapporteurs of the Monitoring Committee to visit the Russian Federation. However, the co-rapporteurs have continued to follow the developments in the country. Emphasising that it is unacceptable for a country to *de facto* withdraw itself from the monitoring procedure, even on a temporary basis, by refusing all co-operation with the Assembly, the committee adopted an information note on the functioning of democratic institutions in the Russian Federation¹⁶ which focused on the domestic developments with regard to the functioning of democratic institutions and the respect for human rights and the rule of law in line with Russia's obligations and commitments to the Council of Europe in that respect.

64. Full co-operation with the monitoring procedure of the Assembly is an explicit accession commitment to the Council of Europe¹⁷ undertaken by the Russian Federation as a country. This commitment remains valid, irrespective of whether its delegation wishes to participate in the work of the Parliamentary Assembly or not. The monitoring procedure should not be drawn into this stand-off, it should neither be a hostage to, nor bargaining chip for, co-operation between the Assembly and the Russian delegation, or vice versa.

65. Since President Vladimir Putin's re-election in 2012, which was followed by large-scale protests, a number of restrictive laws, placing limits on the rights to freedom of association, expression and assembly, have been enacted that have created an unfavourable climate for the operation of civil society organisations in the Russian Federation. In addition, there has been an increased stigmatisation of independent human rights institutions by labelling them as "foreign agents" based on their alleged "political activity" and foreign funding.

66. To date, the Ministry of Justice has designated 145 organisations as "foreign agents", and over 20 organisations have shut down in order to avoid such designation. Administrative proceedings have been started against NGOs for their failure to comply with the requirements of the Law on Foreign Agents and large fines have been levied on well-known human rights organisations such as Memorial and the Committee Against Torture. Overall, it is clear that the implementation of the Law on Foreign Agents has resulted in harsh action against civil society, aimed at preventing and dissuading civil society organisations from carrying out their work and often forcing them to shut down or face harassment and persecution at the hands of the authorities. Several international organisations and entities, including the Venice Commission and the Council of Europe Commissioner for Human Rights have urged the authorities to thoroughly revise the law and to drop the stigmatising term of "foreign agent". This has not been followed by the Russian authorities, who conversely widened the already overbroad definition of what constitutes political activity.

67. New legislation was adopted that established a new category of foreign organisation, namely those "undesirable on Russia's territory",¹⁸ whose activities are deemed to pose a threat to Russia's constitutional order, defence or national security. The law on the undesirable activities by foreign and international non-governmental organisations foresees criminal and administrative liability for foreign or international NGOs recognised as undesirable and carrying out activities on Russian territory, as well as for the persons involved in these activities. To date, seven international organisations, including the Open Society Foundations and the National Endowment for Democracy have been declared undesirable. In its opinion on this law, the Venice Commission concluded that it interferes, *inter alia*, with the freedoms of association, assembly and expression, as well as with the right to effective remedy. This law should be retracted as soon as possible.

68. Like the situation for civil society organisations, the space for political opposition parties to operate and express dissenting opinions has further narrowed in the recent period, especially for those that oppose the Kremlin's policies with regard to Ukraine. This is compounded by the systematic harassment and intimidation of opposition leaders and opposition activists by the authorities, as well as by civil groups that are seen as being connected to the authorities.

16. AS/Mon (2016) 29.

17. [Opinion 193](#) (1996) "Application by Russia for membership of the Council of Europe", paragraph 10.23.

18. Federal Law of 23 May 2015 N 129-FZ "On amendments of some legislative acts of the Russian Federation".

69. The increase in harassment and intimidation of opposition political leaders and others who present political opinions that diverge from those of the government, especially with regard to Russia's illegal annexation of Crimea and its involvement in the conflict in eastern Ukraine, has continued in this reporting period. Increasingly harsh and inflammatory rhetoric is aimed at those who express views diverging from those of the authorities, resulting in an increasingly polarised and confrontational political environment. Similarly to the branding of NGOs as "foreign agents", political parties and their leadership that question the official line are often painted as traitors of the Russian nation and/or as *agent provocateurs* of the West. A chilling example was the publication of an image showing former Prime Minister Kasyanov, ally of Mr Nemtsov and his co-chair of the RPR-PARNAS party, through the crosshairs of a sniper rifle's scope when he was visiting our Assembly in Strasbourg.

70. An issue that is raising concern is the increased frequency of the involvement of conservative social groups linked to the ruling party in quelling protests and harassing opposition figures. A point in case was the attack on a group of anti-corruption activists led by Alexei Navalny, a prominent anti-corruption blogger and opposition activist, by Cossack paramilitaries in Anapa, with the police idly standing by, giving the impression of official collusion.

71. These actions, combined with the clampdown on NGOs and their work, have resulted in a deterioration of the democratic environment in Russia and overshadow and diminish some limited positive developments that were noted with regard to the electoral framework in Russia.

72. On 18 September 2016, elections to the State Duma of the Russian Federation took place. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) was invited to deploy an international election observation mission to observe the legislative elections on 18 September 2016. Regrettably, no invitation was sent to the Parliamentary Assembly to observe these elections. President Putin's United Russia party won 54% of the vote, and 343 of the 450 seats in the State Duma, which is a considerable increase of mandates over the previous elections when United Russia won 49% of the vote and had 238 mandates. "A Just Russia" obtained 6% of the votes and the Communist Party and the Liberal Democratic Party of Russia (LDPR) both obtained just over 13% of the votes. These parties are all considered as supporting President Putin. The main opposition parties, Yabloko and RPR-PARNAS failed to pass the 5% threshold to enter parliament.

73. In the view of the OSCE/ODIHR Election Observation Mission, the elections had been more transparent than in previous elections but "challenges to democratic commitments remain". In particular, it considered that "[t]he legal framework can serve as an adequate basis for the conduct of elections, but democratic commitments continued to be challenged and the electoral environment was negatively affected by restrictions to fundamental freedoms and political rights, firmly controlled media and a tight grip on civil society".¹⁹ On election day, voting was orderly, but numerous violations, including ballot stuffing and procedural irregularities in the counting process, were witnessed by international and domestic observers. The domestic observer organisation "Golos" considered that, while the levels of violations had been lower than in 2011, these elections were still "far from what could be called free and fair".²⁰

74. The State Duma elections also took place on the Ukrainian territory of Crimea illegally annexed by Russia. This was decried by the international community, including by the Assembly. In [Resolution 2132 \(2016\)](#) on the political Consequences of the Russian aggression in Ukraine, the Assembly considered the holding of State Duma elections in Crimea a gross violation of international law that effectively compromised the legitimacy of the Russian Parliament. The Assembly therefore considered these illegal elections in the Crimea null and void.

75. Media freedom continues to deteriorate in the Russian Federation. The Russian authorities have used restrictive laws to curtail freedom of expression. Russia's so-called extremism law gives the authorities broad powers to close down any media organisation deemed to spread extremist information. A lack of clarity over the legal definition of extremism has led to abuse and arbitrary application. Legal obstacles have hampered independent media, including restrictions on foreign ownership of news outlets, warnings, revocation of licences, closure of news outlets and blockage of websites and online platforms. Similarly to the Law on Foreign Agents with regard to civil society organisations, the authorities have recently targeted media with a new law regulating media companies financed from abroad. The latest anti-terrorism legislation – the so-called Yarovaya law – further reinforces government control over communications and subjects social networks to the same legal provisions as media outlets with respect to the crimes of inciting and condoning

19. International Election Observation Mission, Statement of preliminary findings and conclusions, p. 1.

20. www.bbc.com/news/world-europe-37403242.

terrorism. Cumulatively, these developments have had a chilling effect and threaten the freedom of the media and freedom of expression and are of serious concern as they are a setback for the overall democratic environment.

76. The rule of law, and in particular the independence of the judiciary and right to a fair trial, has been a long-standing focus of attention for the Assembly. While there have been welcome improvements as a result of reforms implemented by the authorities with assistance from the Council of Europe, such as the establishment of a system of free legal aid, several concerns remain. The non-enforcement of national and international court decisions, obstacles to the system of human rights protection, lack of independence of the judiciary and excessive powers of the prosecution undermine the establishment of an “accessible, transparent, effective and credible” justice system in the Russian Federation that would adhere to European standards.²¹

77. The Assembly has repeatedly expressed its concern about the lack of independence of the judiciary and its vulnerability to external and internal pressure and interference. The proceedings and outcome of a number of recent controversial high-profile trials, such as the trials against Nadiia Savchenko and filmmaker Oleh Sentsov, have raised questions with regard to the independence of the judiciary and have given credence to the allegations that these prosecutions were politically motivated. In addition to lack of independence of the judiciary, the justice system is too biased in favour of the prosecution, which raises concern with regard to the equality of arms between prosecution and defence and thus the fairness of trials themselves. These concerns are underscored by the current conviction rate of 99.5%.

78. In July 2015, Russia's Constitutional Court established that no international treaty or convention had precedence over national sovereignty and that the decisions of the European Court of Human Rights should be upheld only if they do not contradict Russian law. This decision by Russia to disregard its international obligations was written into law by the amendments to the constitutional law on decisions by international courts, which were adopted and promulgated in December 2015. According to these amendments, if the Constitutional Court finds that a decision of an international court contradicts the Constitution, it may rule that the execution of this decision is entirely or partly impossible and, thus, no action aimed at its execution can be taken. It should be stressed that the full implementation of the judgments of the European Court of Human Rights is an international commitment which the Russian Federation has undertaken under the European Convention on Human Rights, and which it must strictly respect. This is an essential obligation for all members of the Council of Europe. It cannot be accepted that such a stringent obligation be subject to individual decisions by the Constitutional Court of a member State. Respect for the Convention is an absolute principle and this obligation must be honoured unconditionally. Consequently, the Russian authorities should be urged to promptly change the law, and if necessary the Constitution, to ensure full compliance with the European standards

79. Overall, recent developments have given rise to serious concerns, especially with regard, but not limited, to the democratic environment and space for civil society to operate and enjoy its rights to freedom of expression and association. Taken together, these developments make it clear that the monitoring procedure of the Assembly with regard to the Russian Federation should not only promptly continue, but indeed be reinforced in the immediate future.

2.2.8. Serbia

80. Serbia continued to pursue its European integration process while following a twin-track foreign policy, between East and West. The country remained committed to the normalisation of its relations with Kosovo^{*22} and remained a key player in ensuring stability in the region, despite continuing turbulence in the region and a major migrant crisis faced by the country.

81. Early parliamentary elections were organised on 24 April 2016, together with provincial elections in Vojvodina and municipal elections. The Assembly observers stated that the early parliamentary elections offered voters a variety of choices and fundamental freedoms were respected, and that the election administration performed its duties efficiently and generally enjoyed the trust of the electoral stakeholders. However, concerns were expressed in relation to abuse by incumbents of the administrative advantages of office as well as cases of pressure on voters and intimidation, particularly those employed in the public sector. Other shortcomings noted were biased media coverage favourable to the ruling parties; the lack of full

21. Op-ed in the *Kommersant* by Council of Europe Human Rights Commissioner Mr Nils Muižnieks, jointly with his two predecessors, Mr Thomas Hammarberg and Mr Alvaro Gil-Robles, 25 February 2016.

22. * All references to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

transparency in party and campaign funding; cases of around 15 000 falsified signatures to support some candidate lists; unclear rules for signature verification and the lack of transparency of this process. Many of these issues had already been criticised by the Assembly in previous election observation reports.

82. After the organisation of repeat elections in 15 polling stations, seven lists passed the 5% threshold. Of these, two parties, the Serbian Radical Party (22 seats) and the Democratic Party of Serbia (DSS) in coalition with the Dveri movement (13 seats) oppose the European integration process. The incumbent Prime Minister's Serbian Progressive Party (SNS) maintained a majority, with 131 seats out of 250, and the list of its main coalition partner, the Socialist Party of Serbia (SPS), obtained 29 seats. A new political formation, the "That's Enough" party (DJB) gained 16 seats. The opposition comprises the Democratic Party (DS) (16 seats), the coalition of the Social Democratic Party (SDS), the Liberal-Democratic Party (LDP) and the League of Social Democrats of Vojvodina (LSV) (13 seats). Five parties representing national minorities, which are exempt from the 5% threshold, obtained 10 seats. The government was formed on 11 August 2016, with the appointment of Aleksandar Vučić as the Prime Minister, on the basis of a coalition agreement between the SNS, the SPS and the Alliance of Vojvodina Hungarians.

83. From 26 to 28 October 2016, the co-rapporteurs visited Serbia.

84. The steps taken by the authorities to strengthen the independence and efficiency of the judiciary, in line with Assembly [Resolution 1858 \(2012\)](#), after the opening of Chapter 23 (Judiciary and fundamental rights) and Chapter 24 (Justice, freedom and security) of the EU accession negotiations in July 2016, should be welcomed. These steps included the adoption of new judicial laws, and the preparation of constitutional amendments addressing the judicial system. It is hoped that this will lead to a restriction of undue political interference in the judiciary and reinforce the separation of powers. Good progress in improving the legal framework for media has been made. However, proper implementation of the recently adopted media laws is still needed so as to secure a pluralistic, free and sustainable media environment in line with Council of Europe standards. The fight against corruption should be intensified.

2.2.9. Ukraine

85. The co-rapporteurs visited Ukraine from 1 to 3 February and on 17 November 2016.

86. The monitoring of Ukraine's honouring of obligations and commitments to the Council of Europe continued to be affected by the ongoing military conflict in eastern Ukraine, which has had a profound impact on the reform agenda. On 12 October 2016, the Assembly adopted [Resolution 2132 \(2016\)](#) on the political consequences of the Russian aggression in Ukraine, which outlines the Assembly's position and concerns with regard to the developments in relation to this conflict.

87. The reform process in Ukraine was dominated during the reporting period by the constitutional reform process, in particular with regard to decentralisation and with regard to the justice system and the judiciary.

88. The constitutional reform process with regard to decentralisation consists of two separate but interlinked issues. Firstly, the constitutional provisions needed to allow the decentralisation of government powers and establishing the principles of local and regional self-government. Secondly, the constitutional provisions that would allow for the establishment of a special status for certain areas of the Donetsk and Luhansk oblasts (Article 18 of the draft transitional provisions). The amendments on these two issues are contained in one package of amendments, which has hindered their adoption.

89. The decentralisation chapter of the constitutional amendments was drafted in close consultation with the Venice Commission, whose recommendations were practically all included in the draft amendments. The constitutional amendments on decentralisation were passed in first reading on 31 August 2016. However, as a result of the continuing violations of the cease-fire agreement and absence of progress with the implementation of the other provisions of the Minsk Agreement provisions with regard to the security situation, there is a general feeling among the Ukrainian public that only Ukraine is implementing the Minsk Agreements, while the Russian Federation and its proxies in Luhansk and Donetsk have not honoured their obligations under these agreements. Realising that it is unlikely that in such a context sufficient support could be found to adopt in final reading the constitutional amendments on decentralisation – which include Article 18 of the transitional provisions – the vote in final reading has been provisionally postponed until significant progress has been made on the implementation of the Minsk Agreements by the Russian Federation and the separatist forces in Donetsk and Luhansk.

90. Conversely, considerable progress has been achieved with regard to the constitutional reform in relation to the justice system and the judiciary. As mentioned in several resolutions adopted by the Assembly, the adoption of constitutional amendments ensuring the independence of the judiciary is a crucial precondition

for the reform of the judiciary and justice system in line with European standards. Following lengthy negotiations, the constitutional amendments with regard to the judiciary and justice system, which were drafted in close consultation with the Venice Commission, were adopted in final reading by the Verkhovna Rada on 2 June 2016. The amendments removed the oversight function from the Prosecutor General, which was contrary to European standards and the abolition of which is an accession commitment of Ukraine to the Council of Europe. This is to be welcomed.

91. The proposal, supported by a large part of the population, to dismiss all sitting judges and have them reapply for their positions was not adopted by the *Verkhovna Rada*, as it would have violated European standards with regard to the independence of the judiciary and the rule of law. Instead, a procedure was adopted where all sitting judges would be subject to an evaluation process, implemented by the High Qualification Commission of the High Council of Justice, before being appointed for an indefinite term, which has been included in the Constitution, following the adoption of the amendments. Such an evaluation would not violate European standards.

92. The amendments to the Constitution have removed the role of the Verkhovna Rada and President in the appointment of judges and abolished the right of the President to dismiss judges, which were a key threat to the independence of the judiciary. The President will now appoint judges on the basis of a binding proposal by the High Council of Justice, which is the sole body that can dismiss judges. In addition, the amendments have changed the composition of the High Council of Justice and removed the possibility for the President and Verkhovna Rada to dominate and unduly influence its work and decisions.

93. The political environment changed considerably in Ukraine during the reporting period. Local elections took place in Ukraine on 25 October 2015 which showed the changing support for the parties that – at that time – made up the ruling coalition. The People's Front of then Prime Minister Yatsenyuk did not participate in the local elections as its public support had sunk below 2%. The main winners of the local elections were Samopomich and, in particular, Batkivshchyna of Yulia Tymoshenko. While the Petro Poroshenko Bloc scored relatively well percentage-wise, the elections in six of the seven regional capitals were won by representatives of other parties. Two new parties, Vidrozhennia and UKROP, entered these elections and established themselves as political forces with a national dimension.

94. On 16 February 2016, President Poroshenko asked Prime Minister Yatsenyuk to resign in light of the latter's dwindling public support. However, on the same day, the government of Mr Yatsenyuk survived a vote of no-confidence in the *Verkhovna Rada*, reportedly with the help of a number of MPs of the Petro Poroshenko Bloc. Subsequently, on 17 February 2016, Ms Tymoshenko announced that Batkivshchyna was leaving the ruling coalition, followed, on 18 February 2016, by Samopomich. Following several weeks of political negotiations between all parties, who were generally eager to avoid the prospect of early elections, Mr Yatsenyuk formally resigned on 12 April 2016. He was replaced as Prime Minister by the Speaker of the Verkhovna Rada, Volodymyr Groysman. Mr Groysman is a close ally of President Poroshenko. Ministers from Yatsenyuk's People's Front maintained their positions in the government. The new government was supported by the Petro Poroshenko Bloc, the Peoples Front and Samopomich, as well as the Revival and People's Will Party, ensuring it a governing majority in the Verkhovna Rada. Batkivshchyna remained in opposition to the new government.

95. On 12 May 2016, the Verkhovna Rada appointed Mr Yuriy Lutsenko, faction leader of the PPB and former Interior Minister, as Prosecutor General to replace Prosecutor General Shokin, who was widely seen as an obstacle to the much needed reform of the prosecution service in Ukraine.

96. The fight against the endemic corruption remains a key priority for Ukraine. The institutional framework to fight corruption has now been fully established. It consists of a three-tier set of institutions to implement the anti-corruption strategy: the National Anti-Corruption Bureau (NABU), the Specialised Anti-Corruption Prosecutors Office (SAPO) and the National Agency for the Prevention of Corruption (NAPC).

97. On 12 October 2016, the Assembly adopted [Resolution 2133 \(2016\)](#) on legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities, in which it expressed its deep concern about the human rights situation in Crimea and in the self-proclaimed "people's republics" of Donetsk and Luhansk.

2.3. Countries engaged in a post-monitoring dialogue

2.3.1. Bulgaria

98. The co-rapporteurs visited Sofia on 8 and 9 June 2016. In addition, on 1 March 2016, they visited Brussels for an exchange of views with European Commission officials dealing with matters relating to Bulgaria.

99. The political environment has become more stable since the last elections, which initially led to an acceleration of the reform processes. The preparation of the November 2016 presidential election had an impact on the reform process, with political agreement becoming more difficult and with the minority government obliged to seek a majority in parliament on an ad hoc basis. It is important that the reforms be carried out meaningfully and in compliance with European standards, in particular with regard to the reform of the judiciary.

100. The developments regarding the judicial reform process should be welcomed, notably with the adoption, in December 2015, of the amendments to the Constitution that aim to increase the independence of the judiciary by reforming the self-governing body of the Bulgarian judiciary – the Supreme Judicial Council – notably by dividing it into separate chambers for judges and prosecutors and by strengthening the Inspectorate to the Council, as a way to address more efficiently problems of integrity and conflicts of interest within the judiciary. As mentioned by the Venice Commission in its opinion on the constitutional amendments, these amendments can only be effective in conjunction with subsequent related legislative processes, in particular the amending of the Judiciary System Act. Therefore the impact of the constitutional amendments on the overall reform of the judiciary depends on the adoption of proper implementing legislation. For this purpose, the Monitoring Committee decided on 10 October 2016 to ask the Venice Commission for an opinion on the Bulgarian Law on Judicial Power as amended by the two packages of amendments passed in March and July 2016. The opinion is expected to be adopted in March 2017. The Bulgarian authorities are urged to move forward with the reform of the judiciary.

101. As part of the latest reform strategy, the government sought to create a single anti-corruption body. A draft law to this end was rejected by parliament in September 2015. In 2016, a second attempt was made with the draft Act on prevention of corruption and confiscation of illegally acquired property, which provides for the establishment of a single anti-corruption body – the National Bureau of Preventing Corruption and Forfeiture of Illegally Acquired Assets. This body should unite four existing bodies: the Commission for Prevention and Ascertainment of Conflict of Interest, the Asset Forfeiture Commission, the Centre for Prevention and Combating Corruption and Organised Crime (BORKOR) and the unit of the National Audit Office. The draft law was adopted in first reading before the summer recess. It is now important that the authorities ensure that the anti-corruption system is genuinely effective and produces tangible results without further delay.

102. The electoral law of Bulgaria was repeatedly amended over previous years. The committee therefore decided, on 10 October 2016, to ask the Venice Commission for an opinion on the amendments to the Electoral Code of Bulgaria as adopted by the Bulgarian Parliament since the 2014 Venice Commission opinion on the draft Election Code of Bulgaria. The opinion is expected to be adopted by the Venice Commission in March 2017. At the same time, the importance of the principle of stable election legislation before elections should be underscored.

103. The presidential election was held on 6 and 13 November 2016. The election observation delegation of the Parliamentary Assembly concluded that the election was technically well administered and fundamental freedoms were respected. The election administration worked in a professional, scrupulous and transparent manner. The campaign was competitive and an increase of public confidence in the electoral procedures was observed. However, the accuracy of the voters lists remains a concern.

104. Former Commander of the Bulgarian Air Force, Rumen Radev, won the election against the Speaker of the Parliament, Tsetska Tsacheva, who was backed by Prime Minister Borisov. Consequently, Prime Minister Borisov resigned and the parliament approved the resignation of the government on 16 November 2016.

2.3.2. Montenegro

105. The co-rapporteurs undertook a fact-finding visit to Montenegro in November 2015 and participated in the observation of the parliamentary elections in October 2016.

106. Montenegro plays an active role in regional co-operation and contributes to good neighbourly relations, being a source of stability for the region. A number of reforms have been initiated since the adoption of Assembly [Resolution 2030 \(2015\)](#) in January 2015, such as on the reform of the electoral framework and judiciary as well as the fight against corruption. However, in order to ensure their sustainability, these reform processes need to be followed by full implementation of all the newly adopted laws.

107. The Office of the Chief Special Prosecutor for organised crime and corruption, war crimes and human trafficking was established in July 2015. However, the related special police unit still needs to be fully established in order to allow for the actual functioning of the Chief Special Prosecutor's Office. In addition, the newly established Agency for the Prevention of Corruption needs to be enabled to effectively carry out its functions and the necessary resources need to be allocated to it

108. The investigations and prosecution of the violent incidents in Podgorica in October and November 2015 have been repeatedly delayed. It is of the utmost importance that the Montenegrin competent authorities effectively investigate these incidents, and take appropriate action to ensure that there is no impunity in cases of abuse of force by law-enforcement officials.

109. The situation of the media remains a source of great concern. Journalists must be allowed to carry out their work in a free and safe manner. The authorities should show the commensurate political will to end the current sense of impunity for attacks on journalists and ensure that all cases are thoroughly investigated. The lack of progress in this regard raises questions about the functioning of the justice system and the democratic system as such. The work of the Commission for monitoring the actions of the competent authorities in the investigation of cases of threats and violence against journalists seems to reflect the overall lack of political will to bring to justice not only the perpetrators but also those who are behind such offences. The monitoring of the actions of the competent authorities in the investigation of such cases should be continued. The new mechanism established for this purpose should be given adequate resources to effectively perform its functions.

110. Political interference and financial pressure on media outlets and journalists remain a serious problem, as do the public smear campaigns carried out by some media against journalists and NGO representatives expressing critical opinions. It is a shared responsibility of the authorities and journalists to further improve ethics in this highly polarised media environment.

111. Trust in the electoral process is essential for the proper and stable functioning of democracy. The tense political situation and the climate of confrontation between the political forces is a result of the frustration about the perceived unfairness of previous elections. There is a clear lack of trust between the political forces.

112. The elections took place on 16 October 2016 and were organised in a calm and orderly manner in a competitive environment. Fundamental freedoms were generally respected in a campaign characterised by a lack of distinct domestic policy alternatives and permeated by personal attacks. While pluralistic, the media lacked editorial independence.

2.3.3. *"The former Yugoslav Republic of Macedonia"*

113. The political crisis that erupted in April 2014 in "the former Yugoslav Republic of Macedonia" continued to dominate the political agenda in the country. The four main political parties,²³ under the auspices of the European Commission and members of the European Parliament, signed in June and July 2015 the Prizno Agreement to exit the political deadlock. This initiated a "transitional period", marked by the end of the release of wiretap recordings, the return of the opposition to parliament (on 1 September 2015), the appointment of a Special Prosecutor (in September 2015) to investigate the allegations contained in the illegally wiretapped conversations and the expected implementation of recommendations issued by the European Commission to address systematic rule of law issues. This Agreement was also designed to pave the way for the organisation of early free and fair elections scheduled on 24 April 2016, subject to the cleaning of the voters list, the upgrading of the media legislation and the adoption of amendments to the Election Code. On 18 January 2016, the then Prime Minister stepped down, as agreed, 100 days before election day. A transitional government, with the participation of the opposition, was set up to prepare the elections.

114. The co-rapporteurs visited Skopje, Tetovo and Gostivar from 15 to 18 February 2016 to assess the political crisis, progress made in the field of the rule of law, democracy and human rights and the implementation of the Ohrid Framework Agreement.

23. The ruling party VRMO-DPMNE, the SDSM, and the Albanian parties from the majority (DUI) and opposition (DPA).

115. While the country remained committed to the Euro-Atlantic integration process, it was confronted with a major migration crisis triggered by the conflicts in Syria and Iraq, given the country's location on the so-called "Balkan route" used by migrants to reach European countries.

116. Complaints about the lack of political will to implement the Przino Agreement in good faith were mounting from all sides. In February 2016, due to unresolved contentious issues, especially relating to electoral lists and media reforms, the Social Democratic Party (SDSM) announced that the party would boycott the elections, prompting the parliament to postpone the elections to 5 June 2016. The decision of the President of the Republic of 12 April 2016 to terminate criminal investigations of 56 politicians in the case of the intercepted phone conversations "in the interest of national reconciliation" further exacerbated the political tensions and prompted large demonstrations. This decision was widely seen as a breach of the rule of law and a hindrance to the work of the Special Prosecutor, which undermined implementation of the Przino Agreement. Following strong international and domestic criticism, the President decided on 27 May 2016 to revoke his decision.

117. The decision of the Constitutional Court of 18 May 2016 – ruling that the parliament's earlier dissolution was unconstitutional and that all electoral activities should be halted – dramatically changed the course of events. As a consequence, the parliament reconvened that same day, cancelled the 5 June elections, resumed its normal work and decided on a reshuffle in the interim government to prepare early elections. The four political parties finally reached a new political agreement on 20 July 2016 and, after progress was achieved on a series of issues, including media legislation and the cleaning up of the voters lists, they agreed to have early parliamentary elections on 11 December 2016.

2.3.4. Turkey

118. The developments in Turkey in the reporting period have been overshadowed by the failed coup d'état in July 2016 and the subsequent developments in the country, which have raised numerous concerns.

119. Previous to the failed coup d'état, the number of journalists charged for "insulting the President" was an issue of concern. The arrests of two prominent journalists, Can Dündar, Editor-in-Chief of the *Cumhuriyet* newspaper, and Erdem Gül, its Ankara correspondent, as well as the eight-year sentence facing Bülent Kenes, Editor-in-Chief of *Today's Zaman*, for "insulting the President", were seen as a deterioration of the media environment and "a chilling effect on journalists, in a context already marked by continuous and worrying restrictions on freedom of the media".

120. On 9 March 2016, the committee expressed its disquietude with regard to the developments in south-east Turkey and the breakdown of the peace process. It adopted a declaration expressing serious concerns with respect to restrictions on media freedom and access to pluralistic information, challenges to the decisions of the Constitutional Court and the erosion of the rule of law, as well as the human rights situation of people living in south-east Turkey, who had been subjected to military operations and curfews for several months. The committee called on the Turkish authorities to consider the relaxation of curfews, so that humanitarian considerations could be addressed, such as securing citizens' access to water and food, medical care and other basic rights. In the light of these developments, on 22 June 2016, the committee presented to the Assembly a report on the functioning of democratic institutions in Turkey.

121. On 22 June 2016, the Assembly debated the functioning of the democratic institutions in Turkey and adopted [Resolution 2121 \(2016\)](#), in which it deplored the collapse of the peace talks on the Kurdish issue in July 2015 and the subsequent escalation of violence in the south-east. In this respect, it condemned the serious allegations of human rights violations during these security operations and the human and legal consequences of the lengthy curfews. The Assembly also expressed its concern about the stripping of the immunity of a large number of parliamentarians – mostly from the opposition – as well as the lack of independence of the judiciary and numerous measures and abusive application of legal provisions restricting freedom of expression and of the media. It also noted that the "purge to clear the State institutions of alleged Gülenist followers raises questions in respect of procedural guarantees and affected the judicial system, where the large number of transfers, arrests and detentions of judges and prosecutors could have a deterrent effect on the members of the judiciary". The Assembly concluded that these latest developments constituted "a threat to the functioning of democratic institutions of the country and its commitments to its obligations towards the Council of Europe".

122. The committee requested opinions from the Venice Commission on no less than four legislative acts: Article 299 of the Criminal Code of Turkey on defamation of the President of the Republic; on the legal framework governing curfews; on the duties, competences and functioning of the “criminal courts of peace”; and on the implementation of the state of emergency in Turkey, in particular all subsequent decree-laws, to assess their compatibility with Council of Europe standards.

123. On 9 November 2016, the committee firmly condemned the failed coup d'état. However, at the same time, it voiced its deep concern at the implementation of the state of emergency, notably the continuous and massive dismissal of civil servants and members of the judiciary and the consequences of the measures contained in the decree-laws on fundamental freedoms and fair trials, the arrests of leading journalists from *Cumhuriyet* – for their alleged support to the PKK and the Gülen Movement – the closure of an additional 15 Kurdish media and the restrictions imposed on the autonomy of the universities. These measures, as well as the arrest of 10 parliamentarians belonging to the Peoples' Democratic Party (HDP), have created a climate of fear and suspicion aimed at silencing critical voices in Turkish society.

124. The committee condemned the renewed discussions about the reintroduction of the death penalty in Turkey, which is incompatible with membership of the Council of Europe. Despite the continuous terrorist attacks suffered by the country and the adverse geopolitical context, Turkey should refrain from taking any initiatives that could erode the country's fulfilment of its obligations toward the Council of Europe. In this respect, the state of emergency should be lifted at the earliest possible date.

3. Europe without dividing lines

125. In July 2015, Mr Tobias Zech and others tabled a motion for a resolution on “Creating a Europe without dividing lines”, which the Assembly referred to the Monitoring Committee for report in October. The motion asks the Assembly to research how each member State is faring after twenty or more years in honouring its commitments listed in the Assembly accession opinions. It considers that the requirements and obligations taken in a high number of cases have not become reality and that, in a number of cases, there has been an increase of ethnic tensions in some Council of Europe member States.

126. Since its creation in 1997, it is precisely the task of the Assembly's Monitoring Committee to monitor the honouring of obligations and commitment by all member States of the Council of Europe. Since 1997, applications for opening a monitoring procedure have been tabled concerning Greece and Latvia in 1997, Austria in 2000, Liechtenstein in 2003, the United Kingdom and Italy in 2006, Hungary in 2011 and France in 2013. Currently, there are nine States under a monitoring procedure *sensu stricto*: Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Republic of Moldova, the Russian Federation, Serbia and Ukraine, and four States are engaged in a post-monitoring dialogue with the Assembly: Bulgaria, Montenegro, “the former Yugoslav Republic of Macedonia” and Turkey.

127. Over the years, the Assembly closed the monitoring procedure in respect of the following States: in 1997 Estonia, Romania, the Czech Republic and Lithuania, in 1999 the Slovak Republic, in 2000 Bulgaria, Croatia and “the former Yugoslav Republic of Macedonia”, in 2001 Latvia, in 2004 Turkey, in 2009 Monaco and in 2015 Montenegro. For a number of States still engaged in a post-monitoring dialogue, the Assembly, having been satisfied, decided to recommend to the Bureau to close the post-monitoring dialogue: in 2001 with Estonia, in 2002 with Lithuania and Romania, in 2003 with Croatia, in 2004 with the Czech Republic, in 2005 with the Slovak Republic and Latvia, and in 2015 with Monaco.

128. Furthermore, as the mandate of the Monitoring Committee covers all member States of the Council of Europe, periodic reviews on how member States not currently involved in a monitoring procedure *sensu stricto* or a post-monitoring dialogue comply with their statutory obligations towards the Council of Europe have been submitted to the Assembly in the framework of the committee's annual progress report. In 2015, reports were adopted by the Assembly concerning Andorra, Belgium, Croatia and Cyprus, and this year the Assembly will examine periodic review reports on Austria, the Czech Republic, Denmark, Finland, France and Germany. In 2017, periodic review reports will be prepared on Estonia, Greece, Hungary, Iceland, Ireland and Italy. The Monitoring Committee has also been seized for report on the functioning of democratic institutions in Poland.

129. Despite the intensive work carried out by the Monitoring Committee over the years, it is of course clear that democracy, the rule of law and respect for human rights are still “work in progress”. In recent times there have been serious setbacks which affect the fulfilment of Council of Europe statutory obligations: a war between Russia and Georgia in 2008, the 2014 illegal annexation of the Ukrainian territory of Crimea, the covert Russian military operations in eastern Ukraine, the introduction of a state of emergency in France, or the failed military coup in Turkey in 2016, to name but a few. In a number of members States, political

instability and protracted political crises have also had a negative impact on the orderly fulfilment of obligations and commitments (for example, in “the former Yugoslav Republic of Macedonia”, the Republic of Moldova, Bosnia-Herzegovina or Belgium). Frozen conflicts have remained frozen or, worse, have again turned violent.

130. To date, however, all member States of the Council of Europe have recognised the jurisdiction of the European Court of Human Rights and generally abide by its judgments. All member States, save for Andorra, Belgium, France, Greece, Iceland, Luxembourg, Monaco and Turkey, have ratified the Framework Convention for the Protection of National Minorities and are subject to the monitoring mechanism provided by this convention. I therefore believe the concerns raised in this motion are already addressed by the committee and that the monitoring procedures used by the Assembly provide an effective and sufficient tool for assessing member States’ fulfilment of accession commitments, where applicable, as well as their statutory obligations.

4. Ad hoc Sub-Committee on Conflicts between Council of Europe member States

131. As mentioned above, the Ad hoc Sub-Committee on Conflicts between Council of Europe member States met twice in Strasbourg, on 19 April and on 11 October 2016, as well as once in Paris, on 10 March 2016. At its meeting in Paris on 10 March 2016, it elected Mr Stefan Schennach as Chair and, at its meeting in Strasbourg on 19 April 2016, Mr Jordi Xuclà as Vice-Chair.

132. In line with its mandate, the Ad hoc sub-committee prepared and adopted an evaluation report on its first year of existence. On the basis of the work carried out by the ad hoc sub-committee, the Monitoring Committee concluded that there continues to be a clear need for a mechanism for the Monitoring Committee to address conflicts between member States. It considered that the ad hoc sub-committee had successfully provided such a mechanism. Emphasising that this is not a temporary or ad hoc need, it was therefore decided to transform the ad hoc sub-committee into a standing sub-committee of the Monitoring Committee. At the same time it was agreed that one member of each of the countries that are party to the conflicts under the sub-committee’s mandate and also member of the Monitoring Committee, should be added to the membership of the sub-committee on proposal of their national delegation. The sub-committee will operate under practically the same terms of reference as the ad hoc sub-committee, but with a small number of clarifications added to avoid any interference in the work of the sub-committee with the official mediation processes for the conflicts in question. The decision to establish the standing sub-committee is attached in Appendix I.

5. 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.

133. In line with [Resolution 2018 \(2014\)](#) on the progress of the Assembly’s monitoring procedure, the committee continued the periodic reviews of the honouring of membership obligations to the Council of Europe of all the countries that are not under the monitoring procedure *sensu stricto* or engaged in a post-monitoring dialogue. In line with the working methods agreed by the committee, in 2016, periodic review reports were prepared for six countries: Austria, the Czech Republic, Denmark, Finland, France and Germany. These periodic reviews are presented in Parts 2 to 7 of this progress report and their main recommendations are set out in the draft resolution that is presented in this report.

134. From the reactions of the authorities of the countries that have been the subject of a periodic review to date, it is clear that this exercise by the Monitoring Committee is appreciated by all concerned. At the same time, it ensures that all member States of the Council of Europe, without exception, are monitored by the Assembly for their honouring of membership obligations. I would like to express my gratitude for the co-operation and elaborate, detailed and in-depth comments on the preliminary draft reports on their countries that I received from the authorities of the countries reviewed in this progress report. These comments have been taken into account in the drafting of the final reports that are included in this progress report, and greatly contributed to their high quality.

135. Given the workload of the committee, as well as the (staff) resources at its disposal, approximately six periodic review reports per calendar year seems to be the optimal number. This would imply that all countries concerned will be reviewed at least every five to six years, which is a normal democratic evaluation cycle. The next progress report will be the second time that the committee reviews the full quota of six countries. I intend to provide a more in-depth evaluation of the periodic review process in the next progress report on the basis of the experience of these the first two years.

Appendix 1 – Decision to establish a Sub-committee on Conflicts between Council of Europe Member States

1. The Monitoring Committee decides to set up a Sub-Committee on Conflicts between Council of Europe Member States, in line with Rule 49 of the Assembly's Rules of Procedure.
2. For the competences and work of the sub-committee, the conflicts in question are understood to mean "a situation in which active armed conflict has been brought to an end, but no peace treaty or other political framework resolves the conflict to the satisfaction of the combatants. Therefore, legally the conflict can start again at any moment, creating an environment of insecurity and instability".
3. The competence of the sub-committee is to explore, on the basis of the findings of the co-rapporteurs concerned, how the application of the obligations and commitments to the Council of Europe can be ensured in the areas affected by the current unresolved conflicts between Council of Europe member States and that, as a result of these conflicts, are not under the control of the authorities of the member State to which they pertain. In particular it will explore how Council of Europe principles and standards with regard to democracy, the rule of law and human rights can be safeguarded in these areas. In this context, any action undertaken by the sub-committee will be status neutral and undertaken in such a manner that it cannot be interpreted as an explicit or implicit recognition of the *de facto* status quo.
4. In addition, and in this context, the sub-committee aims to facilitate the co-ordination and harmonise the approaches taken by the respective teams of co-rapporteurs towards the conflict(s) that the country under their responsibility is party to. In this regard, the sub-committee will also explore how the monitoring procedure can support the work of the existing structures and mechanisms established to mediate in the unresolved conflicts in the Council of Europe's geographical area.
5. It should be emphasised that the aim of this sub-committee is not to provide an alternative to the already established diplomatic and political mechanisms for the resolution of these conflicts. It does not intend and does not claim to be a conflict-resolution mechanism as such. On the contrary, the aim of this sub-committee is to explore how the Assembly, through its Monitoring Committee, can support the work of the existing conflict-resolution mechanisms that have been established for the conflicts in question. At the same time, the sub-committee shall explore and promote the possibility for a formal role, where opportune, of the Council of Europe in the relevant conflict-resolution mechanisms.
6. In practical terms, and within the context of its competences as described above, the sub-committee shall deal with the conflicts regarding South Ossetia/Georgia and Abkhazia/Georgia, the north of Cyprus, Nagorno-Karabakh and other occupied territories, Transnistria and occupied Crimea, as well as, pending developments, eastern Ukraine.
7. The sub-committee's principal aim is to make a positive contribution to the environment in which the conflict-resolution mechanisms function. Therefore the sub-committee will only develop its work with regard to a particular conflict if it has the agreement of the delegations of the member States concerned. For the same reasons, one of the key criteria for the sub-committee to decide to focus on a particular conflict should be the opportunity for establishing a constructive dialogue with all parties to the conflict, including the communities in the conflict area themselves.
8. Through its parent committee, the sub-committee shall co-ordinate its work with that of the other committees of the Assembly.
9. The sub-committee shall be composed of:
 - a. the co-rapporteurs of the Monitoring Committee for Armenia, Azerbaijan, Georgia, the Republic of Moldova, the Russian Federation, Turkey and Ukraine;
 - b. a member of the Monitoring Committee of each of the member States that are party to the conflicts under the terms of reference of the sub-committee: Armenia, Azerbaijan, Cyprus, Georgia, the Republic of Moldova, the Russian Federation, Turkey and Ukraine. In the event that more than one member of these countries is a member of the Monitoring Committee, the member to the sub-committee shall be designated by the national delegation in question from among its members in the Monitoring Committee;
 - c. *ex officio*: the Chairpersons of the Committee on Political Affairs and Democracy and the Committee on Legal Affairs and Human Rights, insofar as they are not covered under category (a);
 - d. the chairpersons of the political groups of the Assembly, insofar as they are not covered under category a), b) and c);

- e. the Chairperson of the Monitoring Committee, in line with Rule 49.6.
- 10. The members of the sub-committee cannot be substituted.
- 11. In order to foster free exchanges of views within the sub-committee, the minutes of its meetings will remain restricted to the members of the sub-committee, unless specifically decided otherwise by the sub-committee.

Appendix 2 – Council of Europe treaties signed and/or ratified between 1 September 2015 and 5 December 2016 by the 47 Member States of the Council of Europe

Countries	Treaties signed and/or ratified between 1 September 2015 and 5 December 2016	Signature / ratification
Albania	CETS No. 207 Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority	S: 30/05/2016
	CETS No. 211 Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health	S: 17/12/2015 R: 06/06/2016
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 17/12/2015
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	S: 02/06/2016
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	R: 06/06/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 17/12/2015 R: 06/06/2016
Andorra	ETS No. 127 Convention on Mutual Administrative Assistance in Tax Matters	R: 25/08/2016
	ETS No. 185 Convention on Cybercrime	R: 16/11/2016
	ETS No. 188 Additional Protocol to the Anti-Doping Convention	S: 28/04/2016
	ETS No. 189 Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems	R: 16/11/2016
Armenia	CETS No. 196 Council of Europe Convention on the Prevention of Terrorism	R: 30/08/2016
	CETS No. 211 Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health	R: 05/02/2016
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 30/08/2016
Austria	CETS No. 212 Fourth Additional Protocol to the European Convention on Extradition	R: 01/02/2016
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	S: 02/06/2016
Azerbaijan	CETS No. 198 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	S: 07/11/2016
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 29/11/2016
Belgium	ETS No. 063 European Convention on the Abolition of Legalisation of Documents executed by Diplomatic Agents or Consular Officers	R: 14/03/2016
	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	R: 14/03/2016
	CETS No. 211 Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health	R: 01/08/2016
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	S: 29/11/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 22/10/2015
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 29/11/2016
Bosnia and Herzegovina	CETS No. 211 Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health	S: 04/12/2015
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 22/10/2015

Countries	Treaties signed and/or ratified between 1 September 2015 and 5 December 2016	Signature / ratification
Bulgaria	ETS No. 127 Convention on Mutual Administrative Assistance in Tax Matters	S: 26/10/2015 R: 14/03/2016
	CETS No. 207 Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority	R: 14/03/2016
	CETS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters	S: 26/10/2015 R: 14/03/2016
	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	S: 21/04/2016
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 11/01/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 10/11/2015
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 03/07/2016
Croatia	CETS No. 211 Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health	S: 03/09/2015
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	S: 12/07/2016
Cyprus	None	
Czech Republic	CETS No. 196 Council of Europe Convention on the Prevention of Terrorism	S: 15/11/2016
	CETS No. 197 Council of Europe Convention on Action against Trafficking in Human Beings	S: 02/05/2016
	CETS No. 201 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	R: 02/05/2016
	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	S: 02/05/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 15/11/2016
Denmark	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 22/07/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 03/05/2016 R: 03/11/2016
Estonia	CETS No. 201 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	R: 22/11/2016
	CETS No. 205 Council of Europe Convention on Access to Official Documents	R: 28/01/2016
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	S: 19/09/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 22/10/2015
Finland	ETS No. 028 Third Protocol to the General Agreement on Privileges and Immunities of the Council of Europe	R: 04/08/2016
	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 07/12/2015
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 18/05/2016

Countries	Treaties signed and/or ratified between 1 September 2015 and 5 December 2016	Signature / ratification
France	CETS No.198 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	R: 08/12/2015
	CETS No. 211 Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health	R: 21/09/2016
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 03/02/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 22/10/2015
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 03/07/2016
Georgia	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 03/07/2016
Germany	CETS No.198 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	S: 28/01/2016
	CETS No. 201 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	R: 18/11/2015
	CETS No. 209 Third Additional Protocol to the European Convention on Extradition	R: 25/05/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 22/10/2015
Greece	ETS No. 163 European Social Charter (revised)	R: 18/03/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 27/01/2016
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 03/07/2016
Hungary	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 30/11/2015
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	S: 29/11/2016
Iceland	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 22/10/2015
Ireland	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	S: 05/11/2015
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	S: 08/10/2015
Italy	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	S: 07/04/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 22/10/2015
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 02/09/2016
Latvia	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	S: 18/05/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 22/10/2015

Countries	Treaties signed and/or ratified between 1 September 2015 and 5 December 2016	Signature / ratification
Liechtenstein	ETS No. 127 Convention on Mutual Administrative Assistance in Tax Matters	R: 22/08/2016
	ETS No. 185 Convention on Cybercrime	R: 27/01/2016
	CETS No. 196 Council of Europe Convention on the Prevention of Terrorism	S: 18/05/2016 R: 22/11/2016
	CETS No. 197 Council of Europe Convention on Action against Trafficking in Human Beings	S: 30/11/2015 R: 27/01/2016
	CETS No. 201 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	R: 11/09/2015
	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	S: 10/11/2016
Lithuania	CETS No. 198 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	S: 28/10/2015
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 02/09/2015
	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 02/09/2015
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 23/03/2016
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 03/07/2016
Luxembourg	ETS No. 121 Convention for the Protection of the Architectural Heritage of Europe	R: 14/06/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 22/10/2015
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 29/11/2016
Malta	ETS No. 177 Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms	S+R: 08/12/2015
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 04/05/2016
Republic of Moldova	ETS No. 028 Third Protocol to the General Agreement on Privileges and Immunities of the Council of Europe	R: 02/09/2016
	ETS No. 051 European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders	S+R: 09/11/2015
	CETS No. 205 Council of Europe Convention on Access to Official Documents	R: 02/09/2016
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	S: 29/04/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 21/03/2016
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 03/07/2016
Monaco	ETS No. 190 Protocol amending the European Convention on the Suppression of Terrorism	S+R: 04/07/2016
	CETS No. 196 Council of Europe Convention on the Prevention of Terrorism	S+R: 25/04/2016
	CETS No. 197 Council of Europe Convention on Action against Trafficking in Human Beings	S+R: 30/11/2015
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S+ R: 04/10/2016
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 03/07/2016

Countries	Treaties signed and/or ratified between 1 September 2015 and 5 December 2016	Signature / ratification
Montenegro	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 04/10/2016
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 03/07/2016
Netherlands	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	R: 18/11/2015
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 01/10/2015
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 01/03/2016
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 03/07/2016
Norway	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 22/10/2015
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 29/11/2016
Poland	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 10/09/2015
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 22/10/2015
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 29/11/2016
Portugal	ETS No. 190 Protocol amending the European Convention on the Suppression of Terrorism	R: 25/11/2015
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	R: 29/09/2015
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 15/03/2016
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 03/07/2016
Romania	ETS No. 186 Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin	R: 20/04/2016
	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	R: 23/05/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 11/03/2016
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 29/11/2016
Russian Federation	ETS No. 063 European Convention on the Abolition of Legalisation of Documents executed by Diplomatic Agents or Consular Officers	S: 22/01/2016
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	S: 19/09/2016
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	S: 24/09/2015
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 03/07/2016
San Marino	ETS No. 143 European Convention on the Protection of the Archaeological Heritage (Revised)	R: 12/11/2015
	ETS No. 173 Criminal Law Convention on Corruption	R: 30/08/2016
	ETS No. 191 Additional Protocol to the Criminal Law Convention on Corruption	R: 30/08/2016
	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	R: 28/01/2016
Serbia	ETS No. 106 European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities	R: 15/03/2016

Countries	Treaties signed and/or ratified between 1 September 2015 and 5 December 2016	Signature / ratification
Slovak Republic	ETS No. 028 Third Protocol to the General Agreement on Privileges and Immunities of the Council of Europe	R: 21/10/2016
	CETS No. 201 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	R: 01/03/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 14/09/2016
Slovenia	ETS No. 070 European Convention on the International Validity of Criminal Judgments	R: 11/04/2016
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	S: 02/06/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 22/10/2015
Spain	ETS No. 125 European Convention for the Protection of Pet Animals	S: 09/10/2015
	ETS No. 182 Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters	S: 09/10/2015
	ETS No. 188 Additional Protocol to the Anti-Doping Convention	S: 05/11/2015
	ETS No. 192 Convention on Contact concerning Children	S: 09/10/2015
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 22/10/2015
Sweden	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 29/03/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 22/10/2015
Switzerland	ETS No. 127 Convention on Mutual Administrative Assistance in Tax Matters	R: 26/09/2016
	CETS No. 209 Third Additional Protocol to the European Convention on Extradition	R: 15/07/2016
	CETS No. 212 Fourth Additional Protocol to the European Convention on Extradition	R: 15/07/2016
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 15/07/2016
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	S: 10/11/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 22/10/2015
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 03/07/2016
“The former Yugoslav Republic of Macedonia”	CETS No. 207 Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority	R: 30/09/2015
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 16/06/2016
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 03/07/2016

Countries	Treaties signed and/or ratified between 1 September 2015 and 5 December 2016	Signature / ratification
Turkey	ETS No. 086 Additional Protocol to the European Convention on Extradition	S: 22/03/2016 R: 11/07/2016
	ETS No. 108 Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	R: 02/05/2016
	ETS No. 117 Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 02/05/2016
	ETS No. 167 Additional Protocol to the Convention on the Transfer of Sentenced Persons	R: 02/05/2016
	ETS No. 181 Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows	R: 11/07/2016
	ETS No. 182 Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters	S: 22/03/2016 R: 11/07/2016
	ETS No. 189 Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems	S: 19/04/2016
	CETS No. 197 Council of Europe Convention on Action against Trafficking in Human Beings	R: 02/05/2016
	CETS No.198 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	R: 02/05/2016
	CETS No. 209 Third Additional Protocol to the European Convention on Extradition	S: 22/03/2016 R: 11/07/2016
	CETS No. 212 Fourth Additional Protocol to the European Convention on Extradition	S: 22/03/2016 R: 11/07/2016
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 02/05/2016
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 22/10/2015
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 29/11/2016
Ukraine	ETS No. 048 European Code of Social Security	S: 10/11/2016
	ETS No. 092 European Agreement on the Transmission of Applications for Legal Aid	S: 04/10/2016
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	S: 21/12/2015
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 28/10/2015
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	S: 03/07/2016
United Kingdom	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	S: 22/10/2015

Appendix 3 – Chart of ratifications and signatures of the main Council of Europe conventions with a monitoring mechanism by the 47 Member States of the Council of Europe (situation at 5 December 2016)

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

Istanbul Convention: Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

ESC: European Social Charter (1961 or revised)

FCNM: Framework Convention for the Protection of National Minorities

ECRML: European Charter for Regional or Minority Languages

NB: The following conventions were ratified by all the Member States therefore they do not appear in this table:

- ETS No. 005 Convention for the Protection of Human Rights and Fundamental Freedoms
- ETS No. 122 European Charter of Local Self-Government
- ETS No. 126 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
- ETS No. 141 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990)
- CETS No. 194 Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention

Member states	Total of number of conventions ratified or signed (out of 219)	RULE OF LAW				HUMAN RIGHTS							
		Convention on Corruption		Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Protocols ECHR			Istanbul Convention	Social rights			Minority rights	
		Civil Law	Criminal Law		6	12	13		ESC	Protocol ESC on collective complaints	FCNM	ECRML	
Albania	85 R 4 S	R	R	R		R	R	R	R		– 1961 R rev	R	–
Andorra	49 R 5 S	S	R	–		R	R	R	R		– 1961 R rev	–	–
Armenia	61 R 12 S	R	R	R		R	R	S	–		– 1961 R rev	R	R
Austria	114 R 32 S	R	R	S		R	S	R	R		R 1961 R rev	R	R
Azerbaijan	62 R 9 S	R	R	S		R	S	–	–		– 1961 R rev	R	S
Belgium	135 R 36 S	R	R	R		R	S	R	R		R1961 R rev	S	–
Bosnia and Herzegovina	88 R 4 S	R	R	R		R	R	R	R		– 1961 R rev	R	R
Bulgaria	85 R 16 S	R	R	R		R	–	R	S		– 1961 R rev	R	–
Croatia	92 R 9 S	R	R	R		R	R	R	S		R 1961 S rev	R	R
Cyprus	135 R 15 S	R	R	R		R	R	R	S		R1961 R rev	R	R
Czech Republic	108 R 14 S	R	R	–		R	S	R	S		R 1961 S rev	R	R
Denmark	137 R 17 S	S	R	S		R	–	R	R		R 1961 S rev	R	R
Estonia	89 R 13 S	R	R	S		R	S	R	S		– 1961 R rev	R	–

Member states	Total of number of conventions ratified or signed (out of 219)	RULE OF LAW				HUMAN RIGHTS								
		Convention on Corruption		Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Protocols ECHR			Istanbul Convention	Social rights			Minority rights		
		Civil Law	Criminal Law		6	12	13		ESC	Protocol ESC on collective complaints	FCNM	ECRML		
Finland	115 R 12 S	R	R	S		R	R	R	R	R1961 R rev	R	R	R	
France	136 R 37 S	R	R	R		R	–	R	R	R1961 R rev	R	–	S	
Georgia	72 R 14 S	R	R	R		R	R	R	S	– 1961 R rev	–	R	–	
Germany	131 R 42 S	S	S	S		R	S	R	S	R 1961 S rev	–	R	R	
Greece	98 R 58 S	R	R	S		R	S	R	S	R 1961 R rev	R	S	–	
Hungary	88 R 19 S	R	R	R		R	S	R	S	R1961 R rev	S	R	R	
Iceland	84 R 39 S	S	R	S		R	S	R	S	R 1961 S rev	–	S	S	
Ireland	102 R 18 S	S	R	–		R	S	R	S	R1961 R rev	R	R	–	
Italy	127 R 49 S	R	R	S		R	S	R	R	R1961 R rev	R	R	S	
Latvia	96 R 7 S	R	R	R		R	S	R	S	R1961 R rev	–	R	–	
Liechtenstein	85 R 10 S	–	S	–		R	S	R	S	S 1961 – rev	–	R	R	
Lithuania	98 R 14 S	R	R	S		R	–	R	S	– 1961 R rev	–	R	–	
Luxembourg	133 R 53 S	S	R	S		R	R	R	S	R 1961 S rev	–	S	R	

Member states	Total of number of conventions ratified or signed (out of 219)	RULE OF LAW				HUMAN RIGHTS								
		Convention on Corruption		Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Protocols ECHR			Istanbul Convention	Social rights			Minority rights		
		Civil Law	Criminal Law		6	12	13		ESC	Protocol ESC on collective complaints	FCNM	ECRML		
Malta	95 R 16 S	R	R	R	R	R	R	R	R	R1961 R rev	–	R	R	S
Republic of Moldova	86 R 17 S	R	R	R	R	R	S	R	–	– 1961 R rev	–	R	R	S
Monaco	49 R 6 S	–	R	–	R	R	–	R	R	– 1961 S rev	–	–	–	–
Montenegro	87 R 5 S	R	R	R	R	R	R	R	R	– 1961 R rev	–	R	R	R
Netherlands	151 R 18 S	R	R	R	R	R	R	R	R	R1961 R rev	R	R	R	R
Norway	148 R 14 S	R	R	–	R	S	S	R	S	R1961 R rev	R	R	R	R
Poland	94 R 15 S	R	R	R	R	R	–	R	R	R 1961 S rev	–	R	R	R
Portugal	119 R 40 S	–	R	R	R	S	S	R	R	R1961 R rev	R	R	R	–
Romania	107 R 16 S	R	R	R	R	R	R	R	R	S 1961 R rev	–	R	R	R
Russian Federation	60 R 19 S	–	R	S	S	S	S	–	–	– 1961 R rev	–	R	R	S
San Marino	57 R 7 S	–	R	R	R	R	R	R	R	– 1961 S rev	–	R	R	–
Serbia	82 R 7 S	R	R	R	R	R	R	R	R	– 1961 R rev	–	R	R	R
Slovak Republic	102 R 7 S	R	R	R	R	R	S	R	S	R1961 R rev	S	R	R	R

Member states	Total of number of conventions ratified or signed (out of 219)	RULE OF LAW				HUMAN RIGHTS								
		Convention on Corruption		Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Protocols ECHR			Istanbul Convention	Social rights			Minority rights		
		Civil Law	Criminal Law		6	12	13		ESC	Protocol ESC on collective complaints	FCNM	ECRML		
Slovenia	112 R 12 S	R	R	R		R	R	R	R	S 1961 R rev	S		R	R
Spain	130 R 12 S	R	R	R		R	R	R	R	R 1961 S rev	–		R	R
Sweden	139 R 15 S	R	R	R		R	–	R	R	R1961 R rev	R		R	R
Switzerland	118 R 18 S	–	R	–		R	–	R	S	S 1961 – rev	–		R	R
“The former Yugoslav Republic of Macedonia”	92 R 8 S	R	R	R		R	R	R	S	R1961 R rev	–		R	S
Turkey	117 R 36 S	R	R	R		R	S	R	R	R1961 R rev	–		–	–
Ukraine	87 R 24 S	R	R	R		R	R	R	S	S1961 R rev	–		R	R
United Kingdom	121 R 23 S	S	R	R		R	–	R	S	R 1961 S rev	–		R	R