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The progress of the Assembly's monitoring procedure (January-December 2017) and the periodic review of the honouring of obligations by Estonia, Greece, Hungary and Ireland

Report[1]
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 January to December 2017, and assesses the progress in the honouring of accession commitments and membership obligations to the Council of Europe made by the ten countries under a monitoring procedure *sensu stricto*, as well as the three 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 four periodic review reports on the honouring of membership obligations by Estonia, Greece, Hungary and Ireland.

1. See also Doc. 14450 Part 2, Part 3, Part 4 and Part 5.

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A. Draft resolution[2]

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) (modified by Resolution 1431 (2005), Resolution 1515 (2006), Resolution 1710 (2010), Resolution 1936 (2013) and Resolution 2018 (2014)). It commends the committee on its work in accompanying the 10 countries under a monitoring procedure *sensu stricto* (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Republic of Moldova, the Russian Federation, Serbia, Turkey and Ukraine), and the three countries engaged in a post-monitoring dialogue (Bulgaria, Montenegro and "the former Yugoslav Republic of Macedonia") 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.

2. The Assembly regrets that in 2017, again, 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. It recalls in this context that co-operation with the monitoring procedure is an explicit accession commitment of the country.

3. The Assembly recalls that, in the light of the ongoing developments in Turkey, and the concerns expressed in that regard, it decided to re-open the monitoring procedure *sensu stricto* in respect of Turkey so as to intensify its co-operation with the Turkish authorities and all stakeholders in the country.

4. The Assembly welcomes and commends the Sub-committee on Conflicts between Council of Europe Member States for the work it has undertaken.

5. 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:

5.1. Albania: the holding of parliamentary elections in line with European standards following the agreement between the main political forces; as well as the continuing efforts to reform the justice system and to ensure the integrity of all persons appointed or elected to public functions;

5.2. Armenia: the improved political climate and far-reaching reforms, including in the judiciary, to implement the new Constitution;

5.3. Azerbaijan: the recent release of some "political prisoners"/"prisoners of conscience"; and the ongoing dialogue with the Azerbaijani authorities in the framework of the Assembly's monitoring procedure;

5.4. Georgia: the close co-operation with the European Commission for Democracy through Law (Venice Commission) during the drafting of the constitutional amendments, which are an improvement of the country's constitutional order despite the regrettable postponement of the introduction of a fully proportional election system until after the next general election has taken place;

5.5. Serbia: the commitment of the new government to addressing the Assembly's concerns with regard to the reform of the judiciary and the media environment;

5.6. Ukraine: the ambitious reform programme put in place after the "Revolution of Dignity" despite the challenging environment as a result of the Russian aggression in eastern Ukraine and the illegal annexation of Crimea;

5.7. Bulgaria: the amendments introduced to the electoral framework which resulted in an improved electoral climate for the 2017 parliamentary elections, and the many positive changes to the judicial system introduced by the amendments to the Judicial System Act;

5.8. Montenegro: the efforts to reform the judiciary and the justice system in line with recommendations of, *inter alia*, the Assembly;

5.9. "The former Yugoslav Republic of Macedonia": the end of the political crisis that erupted in April 2014 and dominated the political agenda of the country;

5.10. Turkey: the establishment of the Inquiry Commission on State of Emergency Measures, which the Assembly expects to provide effective remedies for dismissed civil servants, as well as for associations and media outlets that were closed on the basis of the emergency decrees.

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2. Draft resolution adopted unanimously by the committee on 13 December 2017.

6. 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 in those countries and are at odds with their obligations and accession commitments:

6.1. Albania: the continuing polarisation between the main political parties as well as the parliamentary boycott by the main opposition party, which have affected the reform programme and have resulted in considerable delays in the implementation of important reforms, including with regard to the judiciary;

6.2. Armenia: allegations of widespread vote buying and reports of abuse of administrative resources during the 2017 parliamentary elections; recurrent reports of disproportionate and excessive use of force by the police, especially in the context of protests and demonstrations, accompanied by a sense of impunity for such actions;

6.3. Azerbaijan: the lack of independence and impartiality of, and interference by the executive in, the justice system; the repressive actions against independent media; the lack of an independent, impartial and effective system to investigate allegations of ill-treatment by law-enforcement officials;

6.4. Bosnia and Herzegovina: the failure of the authorities of Bosnia and Herzegovina and its parliamentary delegation to provide comments on the preliminary draft report on the honouring of obligations and commitments by Bosnia and Herzegovina, in violation of the country's obligation to co-operate with the Monitoring Committee; the continued failure since 2009 to implement the judgments of the European Court of Human Rights related to ethnic- and residency-based limitations to the right to stand for elected offices; the continued failure to address the issue of segregation along ethnic and religious lines in education;

6.5. Georgia: the postponement of the introduction of a fully proportional election system in the country until after the next parliamentary elections, which undermines the possibility for a broad political consensus on the constitutional amendments;

6.6. Russian Federation: the decision by the Constitutional Court of the Russian Federation not to allow compensation of Yukos shareholders as ordered by the European Court of Human Rights, in violation of the obligation incumbent on all Council of Europe members States to unconditionally honour the judgments of the European Court of Human Rights; the designation of the Jehovah's Witnesses as an extremist organisation by the Russian Supreme Court, underscoring the abuse of extremist legislation to curtail freedom of expression and assembly, as well as freedom of worship, in the Russian Federation; the reports of abductions, unlawful detentions, torture and killings of men in the Chechen Republic based on their sexual orientation and gender identity; the continuing human rights violations in occupied Crimea;

6.7. Serbia: the insufficient implementation of existing media legislation, undermining a balanced media coverage, especially in the framework of elections;

6.8. Turkey: the undermining of the separation of powers and independence of the judiciary, as well as a diminishing system of checks and balances, as a result of the adoption of constitutional amendments that are not in line with European standards and under conditions that raise questions about the democratic nature of the process; the lifting of immunity and pretrial detention of members of parliament; the disproportionate effect of the emergency decree laws – including the massive dismissals of civil servants, judges, prosecutors and academics and the closing down of media and non-governmental organisations (NGOs) – as well as limited access to judicial remedies; the repeated violations of freedom of expression and freedom of the media and the situation of local administrations in south-east Turkey, leading to a serious deterioration of the functioning of democratic institutions;

6.9. Ukraine: the hardening of political discourse following the Euromaidan events and the Russian aggression in eastern Ukraine, and the polarisation of the media environment, leading to unacceptable attacks on journalists and media outlets; the insufficient balance between the official language and the languages of national minorities in the new law on education in Ukraine, leading to a reduction in rights in comparison to previous legislation; the pervasive corruption that undermines public trust in the political and judicial system as a whole;

6.10. Bulgaria: the weak structure for accountability of the Prosecutor General and the frequent use of racist and xenophobic language during the election campaign, as well as allegations of vote buying and organised voting, especially among vulnerable groups in Bulgarian society, during the 2017 parliamentary elections;

6.11. Montenegro: the continuing boycott of the parliament by the opposition, which is hindering reforms; the concerns about the state of freedom of expression and freedom of the media in the country;

6.12. "The former Yugoslav Republic of Macedonia": the storming of the parliament by protesters and the continuing ethnic divisions in the country.

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

7.1. the Albanian authorities and all political forces in the country to overcome the political polarisation and to ensure the full implementation of the vetting process of judges and the implementation of the decriminalisation law;

7.2. all Armenian political forces to continue improving the political environment in the country through dialogue and co-operation; the Armenian authorities to fully investigate all reports of disproportional and excessive use of force by the police and to establish a genuinely independent police complaints mechanism as recommended, *inter alia*, by the Assembly; and to adopt legislation to effectively combat vote buying and the abuse of administrative resources during elections;

7.3. the Azerbaijani authorities to liberate the remaining "political prisoners"/"prisoners of conscience" and to amend the legal framework governing NGOs with a view to bringing it into line with European standards and to promptly ensure the full implementation of the decisions of the European Court of Human Rights, including with regard to Ilgar Mammadov, taking note of the decision of the Committee of Ministers to refer to the Court, in accordance with Article 46.4 of the Convention, the question whether the Republic of Azerbaijan has failed to fulfil its obligation under Article 46.1;

7.4. the Georgian authorities to consider implementing the change of electoral system before the next parliamentary elections and to fully implement the Venice Commission recommendations contained in the opinion on the constitutional amendments;

7.5. the Moldovan authorities to fully implement the recommendations of the Venice Commission contained in their upcoming opinion on "The legal framework governing the funding of political parties and campaigns, as well as the recent amendments to the electoral legislation in the Republic of Moldova";

7.6. the authorities of the Russian Federation to halt the abuse of extremist legislation to curtail freedom of expression and assembly in the Russian Federation; to fully recognise the supremacy of judgments of the European Court of Human Rights and to unconditionally execute the judgments of the Court; to fully investigate unlawful detentions, torture and killings of men in the Chechen Republic based on their sexual orientation and gender identity, to hold any perpetrators of such heinous acts accountable and to take effective measures to protect the life, liberty and security of gay and bisexual people throughout the Russian Federation;

7.7. the Serbian authorities to fully implement the remaining recommendations of the Assembly with regard to the media environment; to revise the constitutional provisions pertaining to the judiciary and to implement the necessary reforms to depoliticise judicial institutions, strengthen the rule of law and increase trust in State institutions;

7.8. the Turkish authorities to fully address concerns and implement recommendations contained in the Venice Commission opinions on the emergency decree laws; to end the pressure on journalists, human rights defenders and opposition politicians;

7.9. the Ukrainian authorities to fully implement the recommendations of the Venice Commission in its opinion on the new Law on Education; to increase the pace of the reforms to fight the pervasive corruption in the country and to ensure that these reforms lead to tangible and concrete results;

7.10. the Bulgarian authorities to implement the recommendations of the Venice Commission in its opinions on the Judicial System Act as well as on the Electoral Code and to strengthen the accountability of the Prosecutor General;

7.11. the Montenegrin authorities to fully implement the legislation aimed at guaranteeing the genuine independence and professionalism of the judiciary and to provide the Agency for the Prevention of Corruption with the necessary means to carry out its mandate efficiently; to strengthen the Special

Prosecutor's Office and its Special Police Unit in order to allow them to deal with the high number of cases before them; the opposition to end its boycott of the parliament and to engage in the reform process, including in relation to the electoral framework ahead of the 2018 presidential elections;

7.12. the authorities of "the former Yugoslav Republic of Macedonia" and all political force to address the ongoing polarisation and ethnic tensions in the country, to depoliticise the State institutions and regulatory bodies and to ensure an efficient, impartial and independent judiciary.

8. With regard to the preparation of the report on the functioning of democratic institutions in Poland, the Assembly takes note of the visit of the co-rapporteurs to Warsaw. In this context, the Assembly calls on the Polish authorities to ensure that the ongoing reforms, and in particular that of the justice system, are fully in line with European standards. To this end, the Assembly calls on the Polish authorities to continue requesting Venice Commission opinions on these reforms and to address the recommendations and concerns contained therein.

9. 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 reviews on 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.

10. The Assembly takes note of the periodic review reports on the honouring of their membership obligations to the Council of Europe in respect of Estonia, Greece, Hungary and Ireland, which are presented as part of the report on the progress of the Assembly's monitoring procedure (January-December 2017). It endorses the findings and conclusions in these periodic review reports and encourages the respective authorities to implement its recommendations. In particular, the Assembly:

10.1. with respect to Estonia:

10.1.1. commends Estonia's extraordinary e-governance policy and the considerable achievements regarding transparency and accessibility of government and its cyberdefence expertise;

10.1.2. welcomes Estonia's adherence to the principles of the rule of law and congratulates the country on its score in the Corruption Perception Index, which reflects a low perception of corruption by the population. To further strengthen this public perception, the Assembly encourages the authorities to promptly implement the outstanding recommendations of the Group of States against Corruption (GRECO);

10.1.3. while taking note of the specific historic context in Estonia, and while welcoming the significant steps taken by the Estonian authorities concerning the situation of stateless persons/ "persons with undetermined citizenship", the Assembly recommends further steps to reduce their number by increasing access to citizenship for long-term residents;

10.1.4. encourages the authorities to continue promoting the use of minority languages and calls on Estonia to sign and ratify the European Charter for Regional or Minority Languages (ETS No. 148);

10.1.5. while commending the efforts made by the authorities to integrate the Russian minority, recommends that further measures be taken to reduce unemployment and social exclusion among ethnic minorities in the country;

10.1.6. calls on the Estonian Parliament to ratify Protocol No. 12 to the European Convention on Human Rights (ETS No. 177) and encourages the authorities to implement the outstanding recommendations of the European Commission against Racism and Intolerance (ECRI) regarding racist speech and discrimination against Roma;

10.2. with respect to Greece:

10.2.1. takes note of the adverse impact of the recession and austerity policies on people's social rights, especially those of the most disadvantaged groups of the population;

10.2.2. warmly welcomes in this context the ratification of the European Social Charter (revised) (ETS No. 163) in 2016 and encourages the authorities to make a declaration enabling national NGOs to submit collective complaints;

10.2.3. stresses that corruption represents one of the root causes that contributed to the economic and sovereign debt crisis in the country. The Assembly therefore commends the Greek authorities for the measures they have taken to ensure transparency of party funding and to fight corruption and calls on them to fully implement the recommendations of GRECO;

10.2.4. recalls that Greece has faced a major migration crisis in recent years, for which it had to assume a large share of the financial burden and for which it should be lauded. It calls, however, on the Greek authorities to end the practice of detention of immigrant children and to intensify efforts to improve living conditions and the integration of refugees and migrants in line with Assembly Resolution 2174 (2017) on the human rights implications of the European response to transit migration across the Mediterranean and with the recommendations issued by the Council of Europe Commissioner for Human Rights and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);

10.2.5. notes with regret that the combination of an economic and migration crisis has provided fertile ground for extremist ideas to flourish in Greece. The Assembly therefore urges the Greek authorities to take resolute action to combat racism and intolerance, ensure the effective implementation of anti-hate crime legislation and implement the recommendations of ECRI and the Commissioner for Human Rights. It calls on the Greek Parliament to ratify Protocol No. 12 to the European Convention on Human Rights (ETS No. 177) without further delay;

10.2.6. with respect to the rights of minorities, reiterates its call on Greece to ratify the European Charter for Regional Minority Languages and the Framework Convention for the Protection of National Minorities (ETS No. 157) and fully implement the judgments of the European Court of Human Rights to enhance the rights of minorities;

10.2.7. calls on the Greek authorities to enhance the transparency and accountability of the judicial system as requested by GRECO;

10.2.8. remains concerned by the persistent problem of police ill-treatment as highlighted by the CPT and the Commissioner for Human Rights and urges the authorities to take determined action and to reinforce preventive measures to tackle this systemic problem, including the establishment of an effective and fully independent police complaints body;

10.2.9. encourages the authorities to further enhance the independence of the media and urges them to refrain from undue political interference in the media environment;

10.2.10. calls on the Greek Parliament to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210) signed in 2011 in order to combat violence against women, which remains a serious and widespread problem in Greek society;

10.3. with respect to Hungary:

10.3.1. while welcoming the repeated expressions by the Hungarian authorities of unquestionable commitment to Europe and its community of values, expresses its concern about reforms that have raised questions with regard to attempts to establish political control of most key institutions while in parallel weakening the system of checks and balances;

10.3.2. reiterates its concern about the recent developments showing an increasing stigmatisation of NGOs, in particular by the recently adopted law on the transparency of organisations receiving foreign funding, which causes disproportionate and unnecessary interference with freedom of expression and association, and calls for amendments to the law in order to bring it into line with European standards;

10.3.3. urges the Hungarian authorities to reverse the country’s decline in ratings regarding media freedom and the strong political intervention in the Hungarian media market. In this context, the Assembly calls on the Hungarian authorities to decriminalise defamation and to take appropriate measures to increase transparency and accountability regarding the right to access to information;

10.3.4. with regard to the judiciary, takes note of the positive steps taken to enhance the role of the national Judicial Council as a control instance; encourages the authorities to continue these reforms, including by adopting measures to minimise the risk of discretionary decisions by the President of the National Judicial Office and to increase the independence of the prosecution service;

10.3.5. calls on the authorities to address the issue of prison overcrowding in line with judgments of the European Court of Human Rights and CPT recommendations, and, in this context, urges the authorities to intensify their efforts to promote alternative non-custodial measures and to minimise recourse to pretrial detention;

10.3.6. welcomes the authorities' efforts regarding the minority language policy and the improvement of non-discrimination legislation;

10.3.7. while welcoming the progress in legislation and practice to combat hate crime and hate speech, expresses its concern about hate speech and xenophobic rhetoric in political discourse, which is not sufficiently publicly condemned. The Assembly urges the authorities to address this issue, including by implementing the relevant recommendations of the Commissioner for Human Rights, ECRI and the Advisory Committee on the Framework Convention for the Protection of National Minorities;

10.3.8. calls on the Hungarian Parliament to ratify the Additional Protocol to the Convention on Cybercrime (ETS No. 189) concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems;

10.3.9. reiterates its concerns about the amendments to the Act on National Tertiary Education which could force the central European university to close down or move out of Hungary, and calls for the review of the legislation in compliance with Venice Commission recommendations;

10.3.10. while acknowledging the unprecedented challenge for the country deriving from migration, expresses its concern regarding the non-compliance of the asylum law and practice with European and international standards. The Assembly urges the authorities to establish a fully human rights-compliant asylum system and to ensure that any allegation of excessive use of force by border guards is promptly investigated in an independent and impartial manner;

10.4. with respect to Ireland:

10.4.1. applauds Ireland for the innovative and participatory process started in 2012 to revise the Constitution by involving the parliament, civil society and Irish citizens, and notes that this has resulted in the organisation of several referenda on constitutional amendments;

10.4.2. welcomes, in this respect, the improvement of the legal framework and rights for lesbian, gay, bisexual and transgender (LGBT) people, including same-sex marriages, legal recognition of transgender people and the expected extension of adoption rights to same-sex as well as cohabiting couples;

10.4.3. welcomes the progress made over the past decade in acknowledging responsibility for institutional abuses perpetrated against children and women, notably in the "Magdalene laundries" and the "mother and baby homes". The Assembly encourages the Irish authorities to continue to confront and investigate past human rights abuses and to ensure that redress mechanisms are accessible to all victims, in line with the recommendations issued by the Commissioner for Human Rights and the United Nations Committee against Torture;

10.4.4. calls on the Irish authorities to further implement the *O'Keeffe v. Ireland* judgment of the European Court of Human Rights, in which the Court found that Ireland had failed to fulfil its obligation under Article 3 of the Convention to protect children from abuse, and to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), which Ireland signed in 2007;

10.4.5. In the field of gender equality, welcomes the positive efforts undertaken to promote gender mainstreaming and better participation of women in politics. In this context, the Assembly encourages the Irish authorities to take a firm stance to promote, *de jure* and *de facto*, gender equality and expects the constitutional referenda scheduled in 2018 to result in:

10.4.5.1. the removal or revision of Article 41.2.1 regarding "Woman's life within the home", which engraves in the Constitution gender stereotypes which have no place in a modern democratic society;

10.4.5.2. the revision of the 8th Constitutional Amendment, so as to make termination of pregnancy with gestational limits lawful in Ireland, enhance women's rights to reproductive health and facilitate access to legal and safe abortion, in line with Assembly Resolution 1607 (2008) on access to safe and legal abortion in Europe;

10.4.6. calls on Ireland to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and to promptly align its legislation;

10.4.7. encourages the Irish authorities to ensure an inclusive education of all pupils, irrespective of their religion or belief, notably by adopting the Education (Admission to Schools) Bill so as to ensure fairer and more transparent enrolment policies for all primary and secondary schools;

10.4.8. commends Ireland's efforts to fight corruption and encourages the Irish authorities to implement GRECO's recommendations, and adopt and enact the 2015 Public Sector Standards Bill and the Criminal Justice (Corruption Offences) Bill which will strengthen the anti-corruption legal framework;

10.4.9. also expects the swift adoption of the Judicial Council Bill to ensure *inter alia* the setting up of an independent statutory council for the judiciary and the adoption of a code of conduct for judges;

10.4.10. welcoming the recent recognition of the Travellers as an ethnic group by the Irish Government, encourages the authorities to further combat discrimination against Roma and Travellers;

10.4.11. calls on the authorities to ratify Protocol No. 12 to the European Convention on Human Rights, which it signed in 2000.

11. The Assembly welcomes the Monitoring Committee's continuous efforts to reflect on ways in which the periodic review process can be strengthened and reinforced.

B. Explanatory memorandum by Mr Cezar Florin Preda, rapporteur

1. Introduction

1. The basis for the Parliamentary Assembly's monitoring procedure is Resolution 1115 (1997) on the setting up of the 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 1710 (2010), Resolution 1936 (2013) and Resolution 2018 (2014). This resolution defines the mandate of the Monitoring Committee, and entrusts it with the task of ensuring "the fulfilment of the obligations assumed by member States under the terms of the Statute of the Council of Europe (ETS No. 1), the European Convention on Human Rights (ETS No. 5, "the Convention") and all other Council of Europe conventions to which they are parties" as well as ensuring the "honouring of commitments entered into by the authorities of member States upon their accession to the Council of Europe".

2. In accordance with Resolution 1115 (1997), as amended, the Monitoring Committee is obliged to report to the Assembly, on a yearly basis, on the general progress of the monitoring procedures. Since 2016 the reports on the progress of the Assembly's monitoring procedure are discussed during the January part-session of the Assembly and cover the previous calendar year. 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, 10 countries are subject to a monitoring procedure *sensu stricto* and three 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,[3] this year periodic reviews were started in respect of six countries. For four countries: Estonia, Greece, Hungary and Ireland, the periodic review procedure has been finalised, and the reports included in this report on the progress of the Assembly's monitoring procedure.

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. The periodic review reports for Estonia, Greece, Hungary and Ireland are contained in part two of this progress report. The conduct of the periodic reviews of countries that are not under a monitoring procedure *sensu stricto* or engaged in a post-monitoring dialogue has been well established in the Monitoring Committee. The periodic review process and reports are well regarded by the countries concerned as well as by Assembly members and help counter any allegations of double standards, where certain categories of member States would not be monitored with regard to their membership obligations. The combined framework of the monitoring procedure *sensu stricto,* the post monitoring dialogue and the periodic review reports, together with possibility for the Monitoring Committee to prepare a report on the functioning of democratic institutions in any member State of the Council of Europe, guarantee the comprehensive monitoring by the Assembly of the membership obligations and commitments of all member States of the Council of Europe. At the same time, the conduct of these periodic reviews places considerable pressure on the resources and time of the committee, including on its secretariat, as well as on the work of the Chairperson of the committee, who is the *ex officio* rapporteur for these reports.

2. Overview of the committee's activities

2.1. General remarks

6. At the start of the period covered by this report, nine countries[4] were subject to a monitoring procedure *sensu stricto* and an additional four countries[5] were engaged in a post-monitoring dialogue with the Assembly. On 25 April 2017, in the light of the developments in the country, the Assembly decided on the basis of a

3. See Doc 13868 Part 1, Chapter 3.

report prepared by the Monitoring Committee to re-open the monitoring procedure *sensu stricto* with Turkey, which was at that time engaged in a post-monitoring dialogue with the Assembly. Therefore there are currently 10 countries under a monitoring procedure *sensu stricto* and an additional three countries are engaged in a post-monitoring dialogue.

7. During the reporting period, the committee prepared reports on the functioning of democratic institutions in Ukraine, Turkey and Azerbaijan, which were debated in the Assembly.

8. During the reporting period, the committee met nine times, four times in Strasbourg during the plenary session of the Assembly, four times in Paris and once in Helsinki at the invitation of the Finnish Parliament. I wish to thank the Finnish Parliament for the kind hospitality extended to the committee on that occasion.

9. During this period, the respective co-rapporteurs carried out fact-finding visits to Albania, Armenia, Azerbaijan (three visits), Bosnia and Herzegovina, Georgia (two visits), Serbia, Turkey, Montenegro, and "the former Yugoslav Republic of Macedonia". In addition, the co-rapporteurs for Albania participated in the pre-electoral and election observation missions to that country.

10. Following their visits, the respective co-rapporteurs produced information notes on Albania, Azerbaijan, Georgia, Montenegro and "the former Yugoslav Republic of Macedonia", which were declassified by the committee. In addition, the rapporteurs and committee adopted a number of statements with regard to the developments in Albania, Armenia, Azerbaijan, Georgia, Montenegro, the Russian Federation, Ukraine, Turkey, "the former Yugoslav Republic of Macedonia" and Poland.

11. With regard to the report on "The functioning of democratic institutions in Poland", the co-rapporteurs Mr Yves Cruchten and Mr Thierry Mariani conducted a fact-finding mission to Poland from 3 to 6 April 2017 and prepared an information note that was declassified by the committee on 16 May 2017. Mr Mariani ceased to be a member of the Monitoring Committee on 29 June 2017 and was replaced by Ms Elisabeth Schneider-Schneiter on 15 November 2017.

12. In the framework of its meeting in Helsinki, the committee organised a public hearing on "The international legal order in a changing world: challenges for the monitoring procedure of the Parliamentary Assembly" with the participation of President Tarja Halonen, former President of the Republic of Finland, Mr Sergio Bartole, Member of the European Commission for Democracy through Law (Venice Commission), former Professor, University of Trieste (Italy), and Mr Daniel Tarschys, former Secretary General of the Council of Europe.

13. On 23 January 2017, in line with the committee's decision of 9 November 2016, the committee constituted a Sub-Committee on Conflicts between Council of Europe member States. The sub-committee met in Paris on 8 March and in Helsinki on 15 May 2017. At its meeting on 8 March, Mr Stefan Schennach (Austria, SOC) was elected Chair, and Mr Giuseppe Galati (Italy, EPP/CD), Vice-Chair of the sub-committee. In addition, on 25 September 2017, the sub-committee organised a meeting in Athens at the invitation of the Greek Parliament. On that occasion, an exchange of views was held with the representatives of the Chairperson-in-Office of the Organization for Security and Co-operation in Europe (OSCE) for the main official mediation mechanisms for the conflicts that fall under the mandate of the sub-committee. I wish to thank the Greek Parliament for the kind hospitality extended to the sub-committee on that occasion.

14. Also this year, the excellent co-operation with the Venice Commission continued. The committee requested, on 4 May 2017, an opinion of the Venice Commission on the amended law on the Prosecution Service of Poland. On 7 September 2017, it requested opinions on the Law of Ukraine "on amending certain Laws of Ukraine regarding peculiarities of financial control over certain categories of public officials" and on "the legal framework governing the funding of political parties and campaigns, as well as the recent amendments to the electoral legislation of the Republic of Moldova". I would like to express again my great appreciation for the cordial working relations and prompt replies by the Venice Commission to the committee's requests.

15. The work of co-rapporteurs for a monitoring procedure or post-monitoring dialogue is complex, time consuming and demands considerable availability and flexibility. Regular working visits, at least twice a year, are necessary to prepare the reports. Clearly such visits need considerable investment in terms of time and preparation from both rapporteurs and accompanying staff of the committee. I would therefore like to pay tribute to all monitoring rapporteurs, past and present, for their hard work and commitment to the monitoring

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

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

procedure. However, recently, the committee has noted that elections and busy domestic agendas have reduced the availability of the rapporteurs to conduct fact-finding missions and even to participate in the committee meetings where the country under their responsibility is on the agenda. This in turn has created at times considerable delays in the preparation of the reports before the committee and the Assembly. This is an issue of concern and needs to be addressed by the political groups, who are responsible for proposing the members on the committee as well as for proposing candidates to fill vacant rapporteur posts. I therefore call on all political groups to appoint members to the committee who have the necessary time and availability to take up rapporteur positions when these become available. In this context, I wish to recall that, as an internal working method, the committee has strived to appoint rapporteurs who have been members of the committee for about a year to ensure their understanding about the ongoing monitoring procedure, although several exceptions have been made. However, it is not certain that under the current conditions this internal working method can be maintained for much longer.

16. Another issue of concern in this context has been the fact that on numerous occasions appointments of rapporteurs have been postponed because the political groups concerned were unable to come to an agreement on a nomination. This has resulted in unacceptable delays within some of the monitoring procedures. As a result of this, the committee, at its meeting in Paris on 13 December 2017, agreed to a package of internal guidelines for the appointment of rapporteurs that will in principle limit to one the number of times the appointment of a rapporteur can be postponed by the committee.

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 from 27 February to 1 March 2017 and participated *ex officio* in the ad hoc committee to observe the general elections on 25 June 2017.

18. The polarisation between the main political parties in Albania continued during the last year, especially in the run-up to the parliamentary elections on 25 June 2017. The tense political climate hindered or otherwise negatively affected the implementation of much needed reforms, including electoral reform and, most importantly, the reform of the judiciary, which was confronted with important delays.

19. In January 2017, the Democratic Party (DP) and other small opposition parties stated that the elections that were, at that moment, foreseen for 18 June 2017, would not be democratic unless several conditions were met, including the establishment of a technical government and the introduction of electronic voting and vote count in the upcoming elections. The ruling majority countered that the government was democratically elected and therefore did not need to resign, while most of the proposed changes to the electoral framework, including the introduction of electronic voting, were too complex to introduce in the short timespan before the June 2017 elections.

20. In response, the Democratic Party announced, on 18 February 2017, that it would boycott the parliament as well as the upcoming elections and started a permanent demonstration in front of the Prime Minister's office demanding his resignation as well as the fulfilment of its previous demands. The ruling majority retorted that changes to the electoral framework could be discussed in the parliamentary working group on elections that had been set up in the parliament and alleged that the main reason for the boycott was the wish by the opposition to derail the vetting process of judges. The co-rapporteurs of the Monitoring Committee, expressing their principled opposition against parliamentary boycotts, called on all parties to return to the negotiation table.

21. The standoff between opposition and ruling majority continued until 18 May 2017 when, following intense mediation by the United States and the European Union, a political agreement was reached between the Socialist Party (SP) and the DP that, *inter alia*,[6] established a technical government in which a number of key positions were reserved for the opposition, who also could appoint the heads of several State agencies, including the Central Elections Commission and the office of the national ombudsman. A number of these appointments were in contradiction to the Albanian legislation, which provided for these persons to be appointed by the parliament. In addition, it was agreed to postpone the elections until 25 June and to extend the deadline for the submission of the candidate lists.

6. For a full list of the conditions please see the report of the ad hoc committee of the Assembly to observe these elections, Doc 14392, paragraph 15.

22. The parliamentary elections that took place on 25 June 2017 were observed by a delegation of the Assembly which concluded that "candidates were able to campaign freely and fundamental freedoms of assembly and expression respected", but that "the continued politicisation of election related bodies and institutions, as well as wide spread allegations of vote buying and pressure on voters, reduced the voters' trust in the electoral process".[7] The elections were won by the SP-led coalition which obtained 48.3% of the votes or 74 of the 140 seats in the parliament, followed by the DP with 28.9% (43 seats) and the Socialist Movement for Integration, which had not joined either the DP or SP coalitions, with 14.3% of the votes (19 seats). The Party for Justice, Integration and Unity won 3 seats and the Social Democracy Party one seat. All other parties failed to pass the threshold. The turnout was relatively low at 46.8%.

23. In addition to the parliamentary elections, the reform of the judiciary, in particular the vetting process of judges and the implementation of the so-called decriminalisation law dominated the political agenda in Albania.

24. Following the adoption of the constitutional amendments on 21 June 2016, which paved the way for a comprehensive reform of the judiciary, a package of seven organics laws was adopted to implement these reforms, regulating the organisation of the judiciary, the prosecution service, the status of judges and prosecutors, the Constitutional Court as well as the creation of specialised institutions to fight organised crime and corruption.[8] Regrettably, the DP boycotted the vote on the judicial package with the exception of the law on the organisation and functioning of institutions for combating corruption and organised crime.

25. A key, but domestically controversial, law for the reform of the judiciary is the Vetting Law, which provides for the re-evaluation of judges, prosecutors and legal advisers based on integrity, background (possible inappropriate links with organised crime) and professional competence. This vetting process is an essential component for the establishment of new institutions foreseen in the judicial reform package such as the High Judicial Council and the High Prosecutorial Council. The vetting process is overseen by the international community via the International Monitoring Operations, which makes recommendations on the appointment of the candidates for the vetting commissions and which subsequently will monitor the vetting process itself.

26. Following demands made by the opposition, a decriminalisation law was adopted by the parliament in 2016. This law aims to check and ensure the integrity of all persons appointed or elected to public functions, which is often referred to as the decriminalisation process. Persons who are found to be lacking the required legal integrity will lose their mandates. The implementation of this law is the responsibility of the Prosecutor General and the Central Election Commission.

27. Following the elections, the opposition has returned to the parliament and is participating in the work of all parliamentary bodies as well as other institutions and agencies in which it has an institutional representation.

2.2.2. Armenia

28. The co-rapporteurs carried out a fact-finding visit to Yerevan on 6 and 7 November 2017. The political developments in the country were dominated by the implementation of the constitutional amendments that were adopted by referendum on 6 December 2015 and the organisation of parliamentary elections on 2 April 2017.

29. The improved co-operation and unity among all the major political forces to ensure the stability and security of the country that emerged after the April hostilities along the line of contact were maintained in 2017, which resulted in an improved, less confrontational and more mature political environment in the country. This improved political climate should be welcomed.

30. Parliamentary elections took place on 2 April 2017. These were the first elections organised after the adoption of the new Constitution which changed the political system from a presidential republic, with a mixed majoritarian-proportional election system, to a parliamentary republic, with a fully proportional election system with regional lists. These elections were the first step in the implementation of the new political system.

7. Doc 14392; paragraph 6.
8. A second package of legislation for the judicial reform composed on 27 laws is under preparation.

31. These elections were organised under a new Election Code that was adopted on the basis of a consensus between the opposition and the ruling majority. The consensual adoption of the Election Code and of a number of mechanisms to help secure the integrity of the vote increased trust in the election and is a sign of the new, and more mature, political climate that is emerging in Armenia.

32. The elections were observed by the Assembly in the framework of the International Elections Observation Mission (IEOM).[9] According to the IEOM,[10] the elections were well administered and respected fundamental rights and freedoms. The new legal framework for the elections was seen as an improvement, although it was noted that the complexity of the election system and election procedures had at times led to confusion among voters and election commissions, affecting the overall public trust in the election process. The improved voters list and the mechanism introduced to counter the possibility of voter impersonation and multiple voting, such as the publication of the signed voters' list and the introduction of voter authentication devices, had contributed to the integrity of the vote. However, allegations of widespread vote buying, many of them credible, as well as reports of abuse of administrative resources, tainted the election process.

33. The Republican Party of President Sargsyan won these elections with 49.17% of the vote, or 58 out of the 105 seats in the new parliament. The Tsarukyan Alliance of Prosperous Armenia leader Gagik Tsarukyan came in second with 27.35% of the vote or 31 seats, followed by the Way Out Alliance with 7.78% (9 seats) and the Armenian Revolutionary Federation with 6.58% (7 seats). All the other parties failed to pass the threshold to enter parliament. Following the elections, the Republican Party and the Armenian Revolutionary Federation formed a coalition government and incumbent Prime Minister Karen Karapetyan was reappointed as Prime Minister.

34. In Armenia, the national police is not accountable to the government but directly to the President of the Republic. This institutional arrangement has impaired civilian oversight and police accountability, including to the parliament. The Assembly therefore had previously recommended[11] that the national police be made accountable to a specialised ministry within the government. However, this recommendation has until now not been implemented. In the new Constitution, the President becomes a ceremonial position and a new institutional arrangement will have to be established for the national police.

35. Disproportionate and excessive use of force by the police, especially in the context of protests and demonstrations, accompanied by a sense of impunity for such actions, has been a recurrent issue of concern in Armenia. This is recognised by the authorities who have made combating excessive use of force and police violence a stated priority for the government. A special unit has been established within the police to investigate any complaints made against police officers for, *inter alia*, abuse of power or excessive use of force, which has initiated several investigations. The establishment of this unit within the police is a positive development, but it falls short of the independent complaints mechanism recommended by the Council of Europe Commissioner for Human Rights and the Assembly. The authorities should take all necessary measures to establish a genuinely independent complaints mechanism and guarantee the transparency of the complaints and investigation mechanisms, in line with best practices in other Council of Europe member States

36. Public trust in the independence and impartiality of the judiciary in Armenia is very low, which is of concern. This is compounded by the fact that the public perception of corruption among the judiciary is particularly high, as noted by Transparency International.[12] Increasing the independence and restoring public trust in the judiciary, as well as fighting the pervasive corruption among the judiciary, are stated priorities of the authorities, which should be encouraged to continue, and where needed step up, their actions to achieve this goal.

2.2.3. Azerbaijan

37. The co-rapporteurs visited the country three times, from 12 to 14 January 2017, from 12 to 14 June 2017 and from 13 to 17 September 2017. The Monitoring Committee prepared a report on the functioning of democratic institutions in Azerbaijan, which was debated by the Assembly on 11 October 2017, and which led to the adoption of Resolution 2184 (2017).

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9. For these elections the IEOM consisted of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), the Parliamentary Assembly of the Council of Europe, the European Parliament and OSCE Parliamentary Assembly.
10. www.osce.org/odihr/elections/armenia/293071; see also Doc 14325.
11. Resolution 1677 (2009).
12. People and Corruption: Europe and Central Asia 2016.

38. While welcoming the ongoing dialogue with the Azerbaijani authorities in the framework of the Assembly's monitoring procedure, the resolution raises a number of concerns, particularly with regard to checks and balances, the functioning of the justice system, and freedom of expression and association in Azerbaijan.

39. Following the recent constitutional changes, the executive has become even less accountable to parliament. The oversight function of the parliament over the executive needs to be developed.

40. Despite the progress achieved in particular regarding the powers granted to the Judicial-Legal Council, the justice system in Azerbaijan still lacks independence, impartiality and suffers from interference by the executive. Shortcomings in the criminal justice system as highlighted by the European Court of Human Rights remain to be addressed. The President of the Republic has initiated a reform with the Executive Order on improving the operation of the prison system and humanisation of criminal policies, which is a positive first step that should be rapidly followed up with implementation.

41. The Assembly is concerned about the repressive action against independent media as well as the reported arbitrary application of criminal legislation to limit freedom of expression. It is also concerned about allegations of a restrictive climate for the activities of the extra-parliamentary opposition and limitations imposed on freedom of assembly.

42. The country lacks an independent, impartial and effective system for allegations of ill-treatment by law-enforcement officials.

43. Reports have linked the Azerbaijani Government to a large-scale money laundering scheme occurring in the years 2012 to 2014, used *inter alia* to influence the work of members of the Assembly as regards the human rights situation in Azerbaijan. The Assembly has urged the Azerbaijani authorities to start an independent and impartial inquiry into these allegations without delay.

44. The legislative environment for the operation and funding of non-governmental organisations (NGOs) remains restrictive and is not compliant with European standards. Some of the arrests and conviction of human rights defenders appear to be the result of shortcomings in NGO legislation and practice. An Order was issued by the President on the establishment of a single window system for procedure of delivery of grants by foreign donors. The existing legislation on NGOs needs to be reviewed in accordance with the Venice Commission recommendations.

45. While welcoming the release in 2016 and 2017 of some so-called "political prisoners"/"prisoners of conscience", the Assembly is concerned about the reported prosecution and ongoing detention of human rights defenders, political activists, journalists and bloggers. It calls on the authorities to use all possible means to release those prisoners whose detention gives rise to justified doubts.

46. The Assembly calls on the Azerbaijani authorities to promptly ensure the full implementation of the decisions of the European Court of Human Rights, to strengthen parliamentary control over the executive, to continue the reforms of the judiciary and the prosecution service so as to ensure full independence of the judiciary, to put an end to systemic repression of human rights defenders, the media and those critical of the government, including politically motivated prosecutions, and to create an environment conducive to NGO and media activities.

2.2.4. Bosnia and Herzegovina

47. On 15 May 2017, Mr Egidijus Vareikis (Lithuania, EPP/CD), whose term had ended, was replaced by Mr Tiny Kox (Netherlands, UEL) as co-rapporteur for Bosnia and Herzegovina. The rapporteurs visited the country on 5 and 6 September 2017 and prepared a preliminary draft report on the Honouring of Obligations and Commitments by Bosnia and Herzegovina that was approved by the committee on 26 April 2017. No comments on the preliminary draft report were received from the Bosnian authorities within the deadline set by the Monitoring Committee despite an extension granted to 30 October 2017, and no explanation as to the reasons for not providing comments was given. It is the first time in the history of the monitoring procedure that a country has failed to provide comments on a preliminary draft report, and a serious violation of the country's obligation to fully co-operate with the Monitoring Committee. The Monitoring Committee thus decided on 15 November to proceed without the comments and a draft resolution was subsequently adopted on 13 December 2017 with a view to its presentation at the January 2018 part-session of the Assembly.

2.2.5. Georgia

48. The co-rapporteurs made fact finding visits to the country from 28 to 30 March and from 20 to 22 November 2017. On 27 June, Mr Boriss Cilevićs (Latvia, SOC), whose term as co-rapporteur had ended, was replaced by Mr Titus Corlatean (Romania, SOC) as co-rapporteur for Georgia.

49. The political agenda of the country in 2017 was dominated by the constitutional reform process that was initiated by the authorities following the parliamentary elections in October 2016, which were overwhelmingly won by the incumbent Georgian Dream/Democratic Georgia (GD-DG) party of Prime Minister Kvirikashvilli, which obtained a constitutional majority of 115 of the 150 seats in the Georgian Parliament.

50. The outcome of these elections had a profound impact on the political environment in Georgia. The fact that the opposition parties were unable to capitalise on the reported unpopularity of the ruling GD-DG coalition and the fact that most of the smaller mainstream parties failed to enter parliament underscores the existence of ongoing questions among the population with regard to the United National Movement's (UNM) legacy from the time it governed the country and about the effectiveness of the parliamentary opposition. This is especially important in the context of the constitutional majority of the ruling party. Immediately following the elections, clear differences of opinion started to surface among the leadership of the UNM party of former President Saakashvili, that ultimately lead to the split of the party in two: the UNM and European Georgia.

51. Following the elections, the authorities announced that the ruling majority intended to reform the Georgian Constitution with the aim of strengthening the separation of powers. An additional aim of the constitutional reform was to provide the constitutional framework for electoral reform, including the establishment of a proportional election system. On 15 December 2016, the parliament established a Constitutional Commission, composed of, *inter alia*, members of the ruling majority and the opposition, as well as civil society representatives.

52. The Constitutional Commission adopted its proposal on 22 April 2017. The members appointed by the opposition declined to participate in the adoption of this proposal largely because of lack of agreement on a number of issues that were contained in the proposal of the Commission. The majority of the civil society representatives and the Ombudsperson voted against the proposal for similar reasons.

53. The proposal of the Commission entailed a comprehensive revision of the Constitution and encompassed a wide range of subjects. As mentioned above, some of these proposals proved to be controversial or contentious among the members of the Commission.

54. The proposal adopted by the Constitutional Commission considerably reduces the powers of the President of Georgia. As a consequence, the Constitutional Commission proposed to abolish the direct election of the President and instead for the President to be elected by a 300-member Electoral Council consisting of members of parliament as well as representatives of local and regional governments. This proposal created considerable controversy especially given the fact that the current President has been very openly critical of the government and ruling majority. In response to the controversy, the Constitutional Commission proposed that indirect elections would only come into effect after the next presidential election, which are foreseen for October 2018.

55. Electoral reform was a key objective of the constitutional reform process. In this respect, the Commission proposed to introduce a fully proportional system, based on closed party lists in a single nationwide constituency, instead of the current mixed proportional-majoritarian system. This proposal was welcomed by the international community, including the Assembly and the Venice Commission. In addition and more controversially, the Commission proposed to prohibit electoral blocs while maintaining the relatively high threshold of 5% for parties to enter parliament. In addition, the Commission proposed that all the votes for parties that did not make it past the threshold would be awarded to the winner of the elections. This distribution formula, in combination with the prohibition of party blocks and a high threshold, could give a considerable number of bonus seats to the largest party and undermine the proportionality of the election results.

56. In a move not related to the stated aims of the constitutional reform and apparently driven mostly by populism, the Constitutional Commission proposed to include an amendment in the Constitution that would limit the institution of marriage to people of the opposite sex. While there are no provisions in the current legislation that would allow same-sex marriages and it is very unlikely that this would change anytime soon in the socially conservative Georgian society, there is currently no constitutional limitation that would prevent same-sex marriages from taking place if ordinary law were to be changed. Therefore, while, according to

current jurisprudence, a constitutional ban on same-sex marriages would not violate the European Convention on Human Rights, this constitutional amendment is a clear step backwards in terms of current legislation, even if largely symbolic.

57. The authorities closely co-operated with the Venice Commission during the drafting of the constitutional amendments and pledged that the parliament would not adopt any norm or amendment that was negatively assessed by the Venice Commission. The proposal of the Constitutional Commission was sent to the Venice Commission for opinion after its adoption by the Commission. The parliament adopted the constitutional amendments in first reading on 22 June 2017. However, during the discussions the introduction of a fully proportional election system was postponed from 2020 to 2024, which means that the next elections would still be organised on the basis of the current mixed election system. This move, after the Venice Commission had issued its opinion, was denounced by the opposition and civil society. Negotiations between the ruling majority and opposition to reach a consensus on the constitutional amendments, including the change of the elections system did not lead to any results. On 26 September 2017, the Georgian Parliament adopted the constitutional amendments which included the introduction of a proportional elections system in 2024. The opposition boycotted the vote. Ostensibly as a compromise towards the opposition, election blocs will be allowed during the 2020 elections, which will take place under a mixed system, and the threshold for those elections will remain 3% instead of 5%. Moreover, the authorities dropped the introduction of the controversial bonus system for the proportional elections that will be introduced in 2024. In its opinion on the constitutional amendments, as adopted by the parliament, the Venice Commission reiterated its positive assessment of the constitutional amendments which are an improvement to the country's constitutional order, but considered the postponement of the proportional elections system until 2024 highly regrettable and a major obstacle to finding consensus on the new Constitution between the different political forces in Georgia.

2.2.6. Republic of Moldova

58. On 26 April 2017, Mr Ögmundur Jónasson (Iceland, UEL), who had left the Assembly, was replaced by Mr Egidijus Vareikis (Lithuania, EPP/CD) as co-rapporteur for the Republic of Moldova. On 15 November 2017, Ms Maryvonne Blondin (France, SOC) was appointed as co-rapporteur to replace Ms Valentina Leskaj (Albania, SOC) who had left the Assembly. Also as a result of these changes of co-rapporteurs, no fact-finding visits took place to the Republic of Moldova in 2017. In paragraphs 15 and 16 above, I have already outlined the problems faced by the committee as a result of frequent changes to the composition of rapporteur teams for a country.

59. The Moldovan Parliament has adopted an amendment to the Electoral Code establishing a mixed electoral system, which was deemed "not advisable" by the Venice Commission in its June 2017 opinion. Questions were raised with regard to this change of the electoral system in the context of the political environment in the Republic of Moldova, as well as with regard to the funding of political parties and electoral campaigns. The Monitoring Committee therefore agreed, on 7 September 2017, to request an opinion of the Venice Commission on the legal framework governing the funding of political parties and campaigns, as well as on the recent amendments to the electoral legislation.

2.2.7. Russian Federation

60. The Russian delegation maintained its regrettable decision to boycott the work of the Parliamentary Assembly in 2017, as it again decided not to present the credentials of its delegation in January 2017. As a result, it was again not possible for the co-rapporteurs of the Monitoring Committee to visit the Russian Federation in the last year. However, the co-rapporteurs have continued to follow developments in the country.

61. On 21 January 2017, the co-rapporteurs for the Russian Federation, jointly with the rapporteur for the implementation of judgments of the European Court of Human Rights of the Committee on Legal Affairs and Human Rights expressed their deep concern about the decision of the Russian Constitutional Court that the payment of compensation to the Yukos shareholders ordered by the European Court of Human Rights would violate the Russian Constitution and therefore should not be implemented. They reminded the Russian Federation that unconditionally honouring the European Convention on Human Rights is an obligation incumbent on all member States of the Council of Europe and that selective enforcement of the judgments of the European Court of Human Rights would not be acceptable.

62. On 26 March 2017, an anti-corruption protest took place in the Russian Federation. Following these protests, hundreds of protesters were arrested by the Russian authorities. The co-rapporteurs expressed their serious concern about these arrests and in particular the arrest of Alexei Navalny. These mass arrests underscore the repeated concerns of the Monitoring Committee with regard to the impediments to the right of freedom of assembly, including restrictive changes to the legislation and disproportional police response.

63. On 21 April 2017, the Supreme Court of the Russian Federation declared the Jehovah's Witnesses an extremist organisation and closed it down. This decision raises serious concerns regarding freedom of religion in Russia and of the legislation against extremism being abused to curtail freedom of expression and assembly in the Russian Federation. This underscores the concerns of, *inter alia*, the Assembly and the Venice Commission with regard to the extremist legislation which is open to abuse and arbitrary application by the authorities.

64. The reports of abductions, unlawful detentions, torture and killings of men in the Chechen Republic, based on their sexual orientation and gender identity are of serious concern and should be fully and transparently investigated by the authorities. Any perpetrators of such heinous acts should be held accountable and effective measures to protect the life, liberty and security of gay and bisexual people throughout the Russian Federation should be urgently taken.

2.2.8. Serbia

65. The co-rapporteurs visited the country from 18 to 21 July 2017. In addition they participated, *ex officio*, in the ad hoc committee that observed the presidential elections in Serbia on 2 April 2017.

66. The newly appointed Prime Minister of Serbia has highlighted the commitment of her government to implementing the necessary economic reforms and addressing the remaining concerns of the Assembly with regard to the media environment in Serbia. At the same time, further efforts are required, including a revision of the constitutional provisions pertaining to the judiciary and reforms to depoliticise judicial institutions, strengthen the rule of law and increase trust in State institutions.

67. With regard to minorities' rights, the legislative framework provides for a high level of protection of minorities, but it is essential that these laws are fully implemented. In that respect the co-rapporteurs, following their visit, encouraged the continuation European Union-facilitated dialogue between Belgrade and Pristina, and called for the full implementation of the existing agreements with a view to easing the situation in southern Serbia.

68. The presidential election took place on 2 April 2017. This election was observed by an ad hoc committee from the Assembly. In its report the ad hoc committee concluded that the voting day had been calm and well organised, and that voters could make their choice freely. However, it noted unprecedented unequal media coverage in favour of the candidate of the ruling majority, who also benefited in many other aspects of the campaign from his position of Prime Minister, resulting in a number of reports of abuse of administrative resources. All in all, these shortcomings resulted in an unequal playing field between the presidential candidates in favour of the candidate of the ruling majority.

69. Following the parliamentary elections that took place on 24 April 2016, the Assembly had noted that the "legal uncertainty leads to difficulties in the implementation and effectiveness of the provisions of the Law on Financing of Political Activities"[13]. Regrettably, a number of Venice Commission and OSCE/ODIHR recommendations in their joint opinion on this law that could have addressed these shortcomings and improved transparency of campaign and party funding – including, *inter alia*, limits on campaign expenditure and party financing as well as lower limits on private funding from private individuals and companies – have not been implemented.

70. The ad hoc committee welcomed the transparent and efficient manner in which the Republican Election Commission had organised the 2017 presidential election. However, it expressed concern that its current composition formula could lead to an excessive politicisation of the election administration.

71. Media coverage during elections in Serbia has been a recurrent issue of concern for the Assembly. Regrettably, many of the Assembly's concerns in this respect remain unaddressed. While the current legal framework for media can adequately protect freedom of expression and of the media, its lack of implementation, especially during elections, remains a serious point of concern that needs to be addressed by the authorities.

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13. Doc 14326, paragraph 10.

72. The ad hoc committee of the Assembly to observe the presidential election in Serbia on 2 April 2017 concluded that "Serbia needs to improve its electoral legal framework, as well as certain election practises, taking into consideration the lessons of past elections, in order to increase the citizens confidence in democratic elections"[14]

2.2.9. Turkey

73. The co-rapporteurs for the post-monitoring dialogue with Turkey, Ms Ingebjørg Godskesen (Norway, EC) and Ms Marianne Mikko (Estonia, SOC), visited Turkey from 9 to 13 January 2017, with special attention paid to the traumatism and consequence of the failed coup d'état of 15 July 2016, as well as the effects of the state of emergency on human rights, democracy and the rule of law, and on individuals. The co-rapporteurs expressed their serious concerns as to whether the constitutional amendments in preparation (providing for a shift from a parliamentary to a presidential system) would provide sufficient checks and balances, and ensure separation of powers and independence of the judiciary.[15]

74. During the January 2017 part-session, the proposal made by the Monitoring Committee and the Committee on Political Affairs and Democracy to hold an urgent debate on "The functioning of democratic institutions in Turkey" failed to reach a two-thirds majority in the Assembly chamber on 23 January 2017, despite the support of nearly 60% of the Assembly members who voted.

75. In the wake of this vote, and following the adoption of 18 constitutional amendments in the Turkish Parliament on 21 January 2017, the Monitoring Committee adopted a "statement on the proposed constitutional reform in Turkey" on 25 January 2017.[16] The committee expressed its serious doubts about the desirability of holding a referendum under the state of emergency and ongoing security operations in south-east Turkey. It also cited the conditions under which the amendments had been adopted in parliament, the compliance of the referendum campaign with Council of Europe standards, the consequences of this referendum on the separation of powers, proper checks and balances and the independence of the judiciary. Furthermore, the committee expressed its concern over the political context in which the referendum would take place, marked by the stripping of the immunity of 154 parliamentarians in May 2016, the detention of 11 parliamentarians (all belonging to the opposition party Peoples' Democratic Party (HDP)), the disproportionate measures taken since the declaration of the state of emergency in July 2016, the problematic interpretation of the Penal Code and the anti-terror law provisions, and the chilling effect of pressure exerted on journalists and human rights defenders, which seriously impeded freedom of expression and of the media. In conclusion, the committee decided to request a debate on "The functioning of democratic institutions in Turkey" during the April 2017 part-session, which took place on 25 April 2017.[17]

76. In its Resolution 2156 (2017), while condemning the failed coup attempt of 15 July 2016 which was traumatic for Turkish society, as well as the multiple ongoing terrorist threats, the Assembly remained concerned about the implementation of the state of emergency, the large-scale and extent of the purges conducted in public institutions targeting alleged members of the Gülen movement, the disproportionate effect of the emergency decree laws – including the massive dismissals of civil servants, judges, prosecutors and academics and the closing down of media and NGOs – as well as limited access to judicial remedies. It was deeply concerned about the detention of parliamentarians and journalists, repeated violations of the freedom of expression and of the media and the situation of local administrations in south-east Turkey, leading to a serious deterioration of the functioning of democratic institutions. In this context, the Assembly recalled that the reintroduction of the death penalty would be incompatible with Council of Europe membership.

77. Based on the March 2017 opinion of the Venice Commission – which pointed out that several constitutional amendments did not comply with Council of Europe standards – and the preliminary findings of the Assembly's ad hoc committee for the observation of the referendum held on 16 April 2017, the Assembly deeply regretted that the referendum was held on an uneven playing field and expected the implementation of the constitutional amendments to comply with Council of Europe standards.

78. The Assembly thus urged Turkey to take urgent measures, such as the lifting of the state of emergency, releasing the MPs and journalists, establishing, and launching of the work of, the Inquiry Commission on State of Emergency Measures (to ensure an effective national judicial remedy for those dismissed through emergency decree laws), and authorising the publication of the most recent reports prepared by the

14. Ibid., paragraph 42.
15. http://assembly.coe.int/nw/xml/News/News-View-en.asp?newsid=6480&lang=2.
16. http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6507&lang=2.
17. Doc 14282 on "The functioning of democratic institutions in Turkey" and Addendum.

Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). In the light of the developments in Turkey, the Assembly decided to re-open the monitoring procedure *sensu stricto* in respect of Turkey so as to intensify its co-operation with the Turkish authorities and all forces in the country.

79. Following this decision, the Monitoring Committee appointed Ms Marianne Mikko (Estonia SOC) and Mr Nigel Evans (United Kingdom, EC) as co-rapporteurs for the monitoring of Turkey in June 2017. Since then, they have, on several occasions, expressed their concerns about the detention and prosecution of journalists and human rights activists, in particular the Chair and Director of Amnesty International.[18] The release of the latter and seven other human rights activists (pending trial) was welcomed on 27 October by the co-rapporteurs, who called for the charges to be dropped once and for all.[19]

80. Since the adoption of Resolution 2156 (2017), the state of emergency is still in force. The Inquiry Commission on State of Emergency Measures, reviewing dismissals of civil servants under the emergency measures, was established and has received, since July 2017, about 100 000 complaints. One CPT report – on the situation of foreign nationals detained under aliens legislation – was published in October 2017. An Informal group set up by the Council of Europe and the Turkish Ministry of Justice met on several occasions and focused its recent work on "freedom of expression and fight against terrorism". There are still nine MPs from the HDP, including its leader Mr Demirtas, and one MP from the Republican People's Party (CHP), Enis Berberoglu, in prison, as well as 76 Mayors, while 93 State commissioners (trustees) have been appointed out of 101 municipalities run by the HDP or its sister parties.[20] With respect to local democracy, the Venice Commission concluded in its October 2017 opinion that the Decree Law No. 674 had obstructed local democracy in Turkey, and that the Turkish authorities had interpreted these extraordinary powers too extensively.

2.2.10. Ukraine

81. On 25 January 2017, the Assembly adopted Resolution 2145 (2017) on the functioning of democratic institutions in Ukraine. In this resolution, the Assembly welcomed the ambitious reform programme put in place after the "Revolution of Dignity" and recognised the challenging environment in which these reforms were implemented as a result of the Russian aggression in eastern Ukraine and the illegal annexation of Crimea. The Assembly welcomed the considerable progress in changing the legal framework needed for the reforms in Ukraine and stressed that these legislative changes should now be fully implemented and translated into changes in behaviour and practice. In that respect, the Assembly emphasised that the absence of progress in the implementation of the Minsk Agreements should not be used as an excuse for not implementing other reforms that are essential for the democratic consolidation of the country.

82. The hardening of political discourse following the Euromaidan events and the Russian aggression in eastern Ukraine is of concern. This polarisation is also noticeable in the media environment leading to unacceptable attacks on journalists and media outlets. It is important for all political forces to overcome divisions and animosity and to jointly work for the stability and democratic consolidation of the country. In addition, all attacks on journalists and media outlets should be transparently investigated and perpetrators, if found, prosecuted. The Assembly recognises the understandable and legitimate concerns of the Ukrainian authorities about Russia's propaganda and information war, but urges the authorities to ensure that journalists are only prevented from entering the country as a measure of last resort and in accordance with Articles 16 and 17 of the European Convention on Human Rights.

83. On numerous occasions, the Assembly has emphasised the importance of constitutional reform for the successful implementation of democratic and judicial reforms in Ukraine. The priority given by the Ukrainian authorities and the Verkhovna Rada to constitutional reforms, leading to the adoption of new constitutional provisions for the judiciary and the justice system, is therefore warmly welcomed. The adoption of these constitutional amendments should lead to a new impetus in the reforms of the judiciary with a view of ensuring its independence and impartiality. The Assembly has noted with satisfaction that the general oversight function of the Prosecutor General has been abolished in line with Ukraine's accession commitments to the Council of Europe.

84. The pervasive corruption in Ukraine is a point of concern. Prolonged absence of concrete progress in this area could diminish the positive effects of the reform agenda and undermine public trust in the political and judicial system as a whole. In this context, the continuing intertwinement of political and economic

18. See www.assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6734&lang=2&cat, http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6838&lang=2&cat=3.
19. http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6850&lang=2&cat=3.
20. As at 9 September 2017.

interests in the political environment is a point of concern. While welcoming the establishment of the main institutional environment to combat corruption, the Assembly urged the authorities to increase the pace of the reforms and to ensure that they now lead to tangible and concrete results.

85. Following a challenge under the Code of Conduct for rapporteurs of the Parliamentary Assembly, the Monitoring Committee withdrew the mandate of Mr Jordi Xuclà (Spain, ALDE) as co-rapporteur in respect of Ukraine. He was replaced, on 12 October 2017, by Mr Eerik-Niiles Kross (Estonia, ALDE).

86. On 3 March 2017, the Verkhovna Rada adopted the Law of Ukraine "on amending certain Laws of Ukraine regarding peculiarities of financial control over certain categories of public officials". This law obliges activists and officials of civil society organisations active in fighting corruption to make an annual e-declaration. This could have a deterrent effect and could lead to pressure on civil society activists active in the fight against corruption. Therefore, on 7 September 2017, the Monitoring Committee agreed to request an opinion of the Venice Commission on these amendments.

87. On 12 October 2017, the Assembly adopted Resolution 2189 (2017) "The new Ukrainian law on education: a major impediment to the teaching of national minorities' mother tongues". While recognising the legitimacy for States to promote the learning of the official language as a "factor of social cohesion and integration", the Assembly stressed that measures to promote the official language must go hand in hand with measures to protect and promote the languages of the national minorities, and the principle of non-discrimination. In that respect, the Assembly considered that the new Education Law does not appear to strike an appropriate balance between the official language and the languages of national minorities in Ukraine and reduces rights given under previous legislation. The Assembly called on the Ukrainian authorities to fully implement any recommendations of the Venice Commission contained in its opinion on this law that was requested by the Ukrainian authorities.

88. In September 2017, Ilmi Umerov, Deputy Chairperson of the Mejlis of the Crimean Tatar People, was sentenced to a two year prison term for "separatism" by Russian-appointed judges in Simferopol. The rapporteur for Ukraine emphasised that it is unacceptable that the Russian authorities prosecute and detain Ukrainian citizens for their opposition to the illegal annexation of Crimea by the Russian Federation and called for the immediate and unconditional release of Mr Umerov by the Russian authorities. Crimean Tatar leaders Akhtem Chiygoz and Ilmi Umerov were released by the Russian authorities on 25 October 2017 and exiled to Ankara.

2.3. Countries engaged in a post-monitoring dialogue

2.3.1. Bulgaria

89. Early parliamentary elections took place in Bulgaria on 26 March 2017. As a result of these elections, no fact-finding visit to the country took place in 2017.

90. Following the election of President Radev on 14 November 2016, then Prime Minister Borisov resigned as his party's candidate lost the election against Mr Radev. Subsequently, after being installed in office on 22 January 2017, President Radev dissolved the National Assembly of Bulgaria and called early parliamentary elections for 26 March 2017. These elections were observed by an ad hoc committee of the Parliamentary Assembly.

91. These elections took place in a political environment marked with public disillusionment with the political class and fatigue from the repeated holding of elections in the country (six since 2013). The legal framework for elections is in general adequate for the holding of democratic elections, but a number of Venice Commissions and OSCE/ODIHR recommendations from previous elections were not addressed in the recent amendments to the Electoral Code.

92. Following the request of the Monitoring Committee back in 2016, the Venice Commission adopted in June 2017 a joint opinion with the OSCE/ODIHR on amendments to the Electoral Code adopted by the National Assembly of Bulgaria between 2014 and 2016. This series of amendments improved a number of issues and some previous recommendations of the Venice Commission and the OSCE/ODIHR were taken into account. The amendments improved, *inter alia*, campaign finance provisions and their oversight, voter registration, as well as provisions on media coverage of the campaign. Such improved provisions need to be assessed in practice in view of the next electoral cycles. There remain, however, unaddressed recommendations aimed at: ensuring a broad public consultation process; providing for electoral reform well in advance of elections; ensuring the establishment of polling stations abroad in conformity with the principle

of equal suffrage for all Bulgarian citizens; providing for an effective system of appeal of all election-related decisions to a competent body; and granting an effective mechanism for challenging election results to all electoral contestants as well as individual citizens based on irregularities in voting procedures.

93. In the view of the Assembly's ad hoc committee, the voters could make a free choice from among a wide range of candidates in well organised elections. Candidates could campaign freely but a number of legal provisions, including with regard to State funding for parliamentary parties, created unequal campaign conditions. The law prohibits the creation of political parties on ethnic, racial or religious lines, and prohibits campaigning in any other language than Bulgarian. While this should be seen in the context of reported interference of a neighbouring State in the elections, these provisions can hinder the participation of minorities in elections and may be at odds with international standards and commitments, including the Framework Convention for the Protection of National Minorities (ETS No. 157). The ad hoc committee also expressed concern about the frequent use of racist and xenophobic language during the campaign as well as of allegations of vote buying and organised voting, especially among vulnerable groups in Bulgarian society. The reported interference of the Turkish authorities in the Bulgarian election process, including by bussing of voters and by endorsing specific parties, is of serious concern.

94. Following the Monitoring Committee's request in 2016, the Venice Commission adopted in October 2017 an opinion on the Bulgarian Judicial System Act, as amended by the two packages of amendments passed in March and July 2016. According to the Venice Commission, the 2015 amendments to the Bulgarian Constitution brought in many positive changes. In particular, the separation of the Supreme Judicial Council into two chambers, for judges and for prosecutors, and the election of the lay members with a qualified majority are major steps forward. However, the current system still has some shortcomings, and the progress achieved by the constitutional amendments and by the 2016 revisions of the Judicial System Act should be solidified by further structural reforms, both at constitutional and legislative levels. The Venice Commission raises in particular the issue of the weak structure for accountability of the Prosecutor General, who is essentially immune from criminal prosecution and is virtually irremovable by means of impeachment for other misconduct, which is problematic in itself, and with regard to the system of judicial governance where it distorts the balance of power.

2.3.2. Montenegro

95. On 26 April 2017, Mr Terry Leyden (Ireland, ALDE), who had left the Assembly, was replaced by Mr Andrea Rigoni (Italy, ALDE) as co-rapporteur for the post-monitoring dialogue with Montenegro. The co-rapporteurs paid a fact-finding visit to Podgorica from 2 to 4 October 2017.

96. The ongoing boycott of the Parliament of Montenegro and its work by the opposition is hindering the continuation of the reforms in the country and is of concern. Political dialogue about the transformation of the country should take place inside the parliament. The co-rapporteurs therefore encouraged the opposition to return to the parliament and to engage in the reform process, including in relation to the electoral framework ahead of the 2018 presidential election.

97. The efforts to reform the judiciary and justice system should be welcomed. The progress made with regard to legislative reform and institution building should now be matched by concrete results. In particular, the legislation adopted with a view to guaranteeing the genuine independence and professionalism of the judiciary should be fully implemented.

98. The fight against corruption and organised crime is a stated priority for the authorities. In this context, the impartiality and independence of the Agency for the Prevention of Corruption should be guaranteed not only in law but also in practise and this agency should be provided with the necessary means to carry out its mandate efficiently. In addition, the Special Prosecutor's Office and its Special Police Unit should be strengthened in order to allow them to deal with the high number of cases before it.

99. The co-rapporteurs also expressed their continuing concern regarding the state of freedom of expression and freedom of the media in the country, which had seen little progress.

2.3.3. "The former Yugoslav Republic of Macedonia"

100. The co-rapporteurs carried out a fact-finding visit to the country from 30 May to 1 June 2017. The ongoing political crisis that erupted in April 2014 in "the former Yugoslav Republic of Macedonia" and its resolution in the summer dominated the political agenda in the country in 2017.

101. After having been postponed several times as a result of the political standoff, early parliamentary elections were finally organised on 26 December 2016. These elections were observed by the Assembly in the framework of an International Election Observation Mission. The ad hoc committee of the Assembly noted the politicised nature of the election administration as well as the abuse of administrative resources by the then ruling party.

102. The holding of early parliamentary elections was supposed to have heralded the end of the political crisis that started in 2014. Unfortunately, no party received a convincing majority in these elections and the political standoff continued unabated. In line with constitutional provisions, President Ivanov asked the leader of the VRMO-DPMNE (Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity), Mr Gruevski, as leader of the party that had won most votes in the elections to form a government. However, Mr Gruevski was not able to find the required majority to form a government before the legal deadline to do so expired in January 2017. In the meantime, the main opposition party, the Social Democratic Union of Macedonia (SDSM), had reached an agreement with several ethnic Albanian parties and obtained the support of a majority of votes in the parliament. Part of the agreement reportedly was an agreement to make Albanian an official State language and to have the State symbols reflect ethnic equality.

103. However, despite the SDSM and the Democratic Union for Integration (DUI) having sufficient support, President Ivanov refused to give a mandate to form a government to Mr Zaev, the leader of the SDSM, citing the need to protect the sovereignty and integrity of the country. At the same time, the members of the VRMO-DPMNE in the parliament deployed a filibustering strategy to prevent the election of a new Speaker of the Parliament. On 27 April 2017, the SDSM and DUI managed to elect the Speaker in a parallel session of the parliament. The new Speaker, Mr Talat Xhaferi, is the first ethnic Albanian to hold this position. Following his election, hundreds of nationalist demonstrators stormed the parliament, reportedly with the help of some VRMO-DPMNE MPs, and assaulted opposition MPs. The police that had been deployed to protect the parliament reportedly stood by idle. The actions of the protesters were denounced by all political forces in the country. It should be clear that the violent storming of a parliament and assaulting of members of parliament are unacceptable and have no place in a democratic society. This incident should be fully investigated and the perpetrators brought to justice.

104. Finally, on 17 May 2017, under intense pressure from the United States and the European Union, President Ivanov gave the mandate to Mr Zaev to form a government. On 1 June 2017, the parliament approved the new government with 62 votes in favour, 44 against and five abstentions

105. The new authorities face a challenging political environment and now urgently need to address the ongoing polarisations and ethnic tensions in the country, as well as to depoliticise the State institutions and ensure an efficient, impartial and independent judiciary. Regulatory agencies need to be depoliticised, the freedom of media needs to be assured and electoral reform continued. In addition, the authorities should ensure the continuation of an independent and impartial investigation into the so-called wiretapping scandal.

106. In this respect, the government has adopted a roadmap prioritising measures to improve the administration of elections, reinforce the independence of the judiciary, reform public institutions and promote the freedom of the media. In addition, the roadmap focuses on the implementation of the Ohrid Agreement. In this context, a draft law expanding the use of the Albanian language, but without making it an official language, was adopted on 4 August 2017.

107. A number of concrete measures to implement the roadmap, including the abolishment of the Lustration Commission and the Council for Disciplinary Liability and Evaluation of Judges, institutions which had been criticised by, *inter alia,* the Venice commission and the Assembly, have been adopted. The authorities should be encouraged to continue, and even step up, the reforms that are needed to normalise the political environment and stabilise the democratic institutions in the country.

3. Report on the functioning of democratic institutions in Poland

108. On 27 May 2016, on the basis of a motion for a resolution by Mr Schennach and others (Doc. 13978), the Bureau of the Assembly seized the Monitoring Committee for report on the functioning of democratic institutions in Poland. On 23 June 2016, the Monitoring Committee appointed Mr Yves Cruchten (Luxembourg, SOC) and Mr Thierry Mariani (France, EPP/CD) as co-rapporteurs for this report. The co-rapporteurs carried out a fact-finding mission to Warsaw from 3 to 6 April 2017. Mr Mariani ceased to be a member of the Monitoring Committee on 29 June 2017. He was replaced by Ms Elisabeth Schneider-Schneiter (Switzerland, EPP/CD) on 15 November 2017 as co-rapporteur.

109. A political crisis ensued in Poland after the parliamentary elections in 2015. These elections took place in the context of an increasingly polarised political climate and the growing dissatisfaction of the Polish public with the ruling elite in the country. The elections were won by the Law and Justice Party (PiS) which obtained an absolute majority in the Sejm and the Senate. According to the PiS, its overwhelming election victory gave it a clear popular mandate for a profound reform of the political system and Polish society.

110. The first institution on its agenda was the Constitutional Court, which has considerable legal powers to block or hinder any reforms not in line with constitutional provisions. Just before the elections, the then ruling majority had changed the law on the appointment of Constitutional Court judges, in a move that was seen by the current authorities, as well as others, as an attempt to pack the Court with supporters of the then authorities.

111. Immediately after the elections, the new ruling majority set out to install its own supporters in the Constitutional Court. This was done in such a manner that it soon escalated into a full blown constitutional crisis that has impeded the independent functioning of the Constitutional Court and has raised questions about the legality of Constitutional Court decisions. This undermines the principle of separation of powers and of legal certainty in the country.

112. This crisis was reinforced by a number of other reforms of other institutions, in particular the public media, police and judiciary, which the PiS felt were dominated and controlled by the previous authorities. These controversial attempts by the new authorities to bring constitutionally independent State institutions under their control prompted a national and international outcry.

113. In addition to the developments around the Constitutional Court, the reform of the High Council of the Judiciary is of concern. According to an opinion of the OSCE/ODIHR on the draft amendments to this law, these amendments "raise serious concern with regard to key democratic principles, in particular the separation of powers and the independence of the judiciary". It concluded that "if adopted, the amendments would undermine the very foundations of a democratic society governed by the rule of law".

114. Another area that is of potential concern is the amendments to the law on the Prosecution Service. These amendments, *inter alia*, abolish the position of an independent Prosecutor General, which was established in 2009, and re-merge that position with that of the Minister of Justice, which could affect the independence of the prosecution service. This is compounded by the enhanced role in disciplinary proceedings against judges and prosecutors of the Minister of Justice. On 4 May 2017, the Monitoring Committee therefore requested an opinion of the Venice Commission on the amended law on the Prosecution Service.

115. In December 2016 the Sejm adopted a series of amendments to the law on assemblies. These amendments, *inter alia*, stipulate that assemblies can be prohibited if they coincide with so-called cyclical assemblies, which are defined as demonstrations organised by the same organiser at least four times a year or on a yearly basis for more than three years. The main effect of this law is to counter demonstrations that are not allowed to take place within a 100-metre perimeter of the demonstration against which they are held. While this may limit counter demonstrations on some occasions, several, if not most, member States have public order regulations that spatially separate demonstrations and their counter demonstrations. Some questions with regard to the cyclical status of demonstrations remain. While unique, such a principle does not necessarily run counter to common standards, unless such cyclical status would only be available to a limited group/type of organisation or demonstration. The authorities are therefore asked to ensure that no discriminatory practices occur when attributing cyclical status to demonstrations.

4. 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.

116. 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 2017 periodic review reports were prepared for four countries: Estonia, Greece, Hungary and Ireland. These periodic reviews are presented in Parts 2 to 5 of this progress report and their main recommendations are set out in the draft resolution that is presented in this report.

117. 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.

118. As mentioned, the periodic reviews are an important and well regarded tool for the Assembly to ensure that the honouring of membership obligations, and the functioning of the democratic institutions, of all Council of Europe member States, are regularly monitored and assessed. This initiative has proven its value and relevancy. At this moment, the Chairperson of the Monitoring Committee is *ex officio* the rapporteur for the periodic reviews which are debated by the Assembly in the context of the progress report on the Monitoring Procedure. Also as a reflection of the importance of the periodic reviews, consideration should be given to widening the rapporteurship inside the committee to include, for example, the vice-chairpersons of the committee. For the same reason consideration should be given to separating the discussion of the periodic review reports from the progress report in a separate dedicated agenda item on the Assembly's plenary agenda. This would allow for more appropriate discussions and more substantial resolutions. The preparation of these reports is time and resource intensive, both for the *ex officio* rapporteurs as well as for the Secretariat of the committee. The Assembly should therefore ensure that sufficient resources are continued to be made available for the committee to execute this important task. The committee will formulate concrete proposals in this respect during 2018, which will be included in the 2018 progress report of the Assembly's monitoring procedure.

Appendix 1 – Council of Europe treaties signed and/or ratified between January and December 2017 by the 47 member States of the Council of Europe

Countries	Treaties signed and/or ratified between January and December 2017	Signature / ratification
Albania	No treaty signed and/or ratified between January and December 2017	
Andorra	ETS No. 188 Additional Protocol to the Anti-Doping Convention	Ratification: 05/09/2017
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Signature: 19/05/2017
Armenia	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification: 31/01/2017
	CETS No. 221 Council of Europe Convention on Offences relating to Cultural Property	Signature: 19/05/2017
Austria	ETS No. 182 Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters	Ratification: 10/11/2017
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification: 19/10/2017
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Signature: 22/02/2017
	CETS No. 222 Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons	Signature: 22/11/2017
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	Ratification: 09/08/2017
Belgium	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 28/08/2017
Bosnia and Herzegovina	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Ratification: 29/03/2017
Bulgaria	CETS No. 222 Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons	Signature: 22/11/2017
Croatia	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Signature: 26/10/2017
Cyprus	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	Ratification: 10/11/2017
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	Signature: 04/05/2017
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Signature: 24/04/2017
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Signature: 04/05/2017
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 04/05/2017
	CETS No. 221 Council of Europe Convention on Offences relating to Cultural Property	Signature: 19/05/2017 Ratification: 07/12/2017
Czech Republic	ETS No. 191 Additional Protocol to the Criminal Law Convention on Corruption	Signature: 09/11/2017
	CETS No. 196 Council of Europe Convention on the Prevention of Terrorism	Ratification: 21/09/2017
	CETS No. 197 Council of Europe Convention on Action against Trafficking in Human Beings	Ratification: 29/03/2017
	CETS No. 203 Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes	Signature: 24/10/2017
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	Ratification: 21/09/2017
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Ratification: 21/09/2017
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Signature: 30/11/2017
Denmark	No treaty signed and/or ratified between January and December 2017	

Countries	Treaties signed and/or ratified between January and December 2017	Signature / ratification
Estonia	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	Ratification: 26/10/2017
	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification: 31/08/2017
Finland	CETS No. 199 Council of Europe Framework Convention on the Value of Cultural Heritage for Society	Signature: 01/06/2017
France	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Ratification: 12/10/2017
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Ratification: 06/02/2017
Georgia	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	Ratification: 19/05/2017
Germany	ETS No. 173 Criminal Law Convention on Corruption	Ratification: 10/05/2017
	ETS No. 191 Additional Protocol to the Criminal Law Convention on Corruption	Ratification: 10/05/2017
	CETS No.198 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Ratification: 20/06/2017
	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	Ratification: 12/10/2017
Greece	ETS No. 185 Convention on Cybercrime	Ratification: 25/01/2017
	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	Ratification: 25/01/2017
	CETS No.198 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Ratification: 07/11/2017
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	Signature: 02/03/2017
	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	Signature: 02/03/2017
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 30/01/2017
	CETS No. 221 Council of Europe Convention on Offences relating to Cultural Property	Signature: 19/05/2017
Hungary	No treaty signed and/or ratified between January and December 2017	
Iceland	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	Ratification: 22/05/2017
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification: 03/07/2017
Ireland	ETS No. 028 Third Protocol to the General Agreement on Privileges and Immunities of the Council of Europe	Ratification: 18/04/2017
Italy	ETS No. 190 Protocol amending the European Convention on the Suppression of Terrorism	Ratification: 21/02/2017
	CETS No. 196 Council of Europe Convention on the Prevention of Terrorism	Ratification: 21/02/2017
	CETS No.198 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Ratification: 21/02/2017
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Ratification: 21/02/2017
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 30/01/2017
	CETS No. 221 Council of Europe Convention on Offences relating to Cultural Property	Signature: 24/10/2017

Countries	Treaties signed and/or ratified between January and December 2017	Signature / ratification
Latvia	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	Signature: 09/05/2017 Ratification: 04/12/2017
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	Signature: 30/03/2017
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Ratification: 11/07/2017
Liechtenstein	ETS No. 124 European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations	Signature: 02/05/2017 Ratification: 18/09/2017
Lithuania	CETS No. 209 Third Additional Protocol to the European Convention on Extradition	Ratification: 02/01/2017
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 19/06/2017
Luxembourg	ETS No. 143 European Convention on the Protection of the Archaeological Heritage (Revised)	Ratification: 06/02/2017
	ETS No. 166 European Convention on Nationality	Ratification: 19/09/2017
	ETS No. 200 Council of Europe Convention on the avoidance of statelessness in relation to State succession	Signature + Ratification: 16/10/2017
	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/09/2017
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 30/01/2017
	CETS No. 222 Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons	Signature: 22/11/2017
Malta	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	Signature + Ratification: 07/11/2017
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 30/01/2017
Republic of Moldova	ETS No. 050 Convention on the Elaboration of a European Pharmacopoeia	Ratification: 24/01/2017
	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	Ratification: 15/02/2017
	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	Signature: 06/02/2017
	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	Signature: 03/03/2017
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	Ratification: 21/06/2017
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Ratification: 23/02/2017
Monaco	ETS No. 062 European Convention on Information on Foreign Law	Signature + Ratification: 01/09/2017
	ETS No. 185 Convention on Cybercrime	Ratification: 17/03/2017
	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	Signature + Ratification: 17/03/2017
	CETS No.198 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Signature: 01/09/2017
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Ratification: 02/03/2017
Montenegro	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Ratification: 06/10/2017
Netherlands	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 30/01/2017 Ratification: 24/08/2017

Countries	Treaties signed and/or ratified between January and December 2017	Signature / ratification
Norway	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	Ratification: 05/07/2017
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	Ratification: 12/09/2017
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 30/01/2017 Ratification: 03/03/2017
	CETS No. 222 Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons	Signature: 22/11/2017
Poland	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Ratification: 18/09/2017
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 18/07/2017
Portugal	ETS No. 177 Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification: 16/01/2017
	ETS No. 186 Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin	Ratification: 11/05/2017
	CETS No 195 Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research	Ratification: 11/05/2017
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification: 16/01/2017
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 30/01/2017
	CETS No. 221 Council of Europe Convention on Offences relating to Cultural Property	Signature: 19/05/2017
Romania	ETS No. 028 Third Protocol to the General Agreement on Privileges and Immunities of the Council of Europe	Ratification: 14/02/2017
	CETS No. 209 Third Additional Protocol to the European Convention on Extradition	Ratification: 18/09/2017
Russian Federation	ETS No. 182 Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters	Signature: 01/12/2017
	CETS No. 198 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Ratification: 28/09/2017
	CETS No. 206 Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs)	Ratification: 20/03/2017
	CETS No. 212 Fourth Additional Protocol to the European Convention on Extradition	Ratification: 29/05/2017
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification: 25/09/2017
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Signature: 27/07/2017
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Ratification: 03/10/2017
San Marino	ETS No. 185 Convention on Cybercrime	Signature: 17/03/2017
	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	Signature: 19/05/2017
	CETS No. 221 Council of Europe Convention on Offences relating to Cultural Property	Signature: 19/05/2017
Serbia	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	Signature: 08/03/2017
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 30/01/2017
Slovak Republic	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 30/01/2017 Ratification: 29/06/2017

Countries	Treaties signed and/or ratified between January and December 2017	Signature / ratification
Slovenia	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification: 04/07/2017
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 30/01/2017
	CETS No. 221 Council of Europe Convention on Offences relating to Cultural Property	Signature: 04/07/2017
Spain	ETS No. 125 European Convention for the Protection of Pet Animals	Ratification: 19/07/2017
	ETS No. 167 Additional Protocol to the Convention on the Transfer of Sentenced Persons	Ratification: 19/07/2017
	ETS No. 188 Additional Protocol to the Anti-Doping Convention	Ratification: 19/07/2017
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Signature: 23/05/2017
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 23/05/2017
Sweden	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Signature: 10/01/2017
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature + Ratification: 03/05/2017
Switzerland	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	Signature + Ratification: 18/07/2017
	CETS No. 222 Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons	Signature: 22/11/2017
"The former Yugoslav Republic of Macedonia"	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Signature: 18/01/2017
Turkey	ETS No. 168 Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings	Ratification: 14/11/2017
	CETS No. 211 Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health	Ratification: 21/09/2017
Ukraine	ETS No. 092 European Agreement on the Transmission of Applications for Legal Aid	Ratification: 12/09/2017
	ETS No. 123 European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes	Signature: 02/05/2017
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	Ratification: 10/01/2017
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	Signature: 11/09/2017
	CETS No. 221 Council of Europe Convention on Offences relating to Cultural Property	Signature: 11/09/2017
United Kingdom	No treaty signed and/or ratified between January and December 2017	

Appendix 2 – 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 in December 2017

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)
– ETS No. 173 Criminal Law Convention on Corruption
– 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 222)	RULE OF LAW		HUMAN RIGHTS								
		Civil Law Convention on Corruption	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Protocols ECHR					Social rights		Minority rights	
				6	12	13	Istanbul Convention	Convention on Action against Trafficking in Human Beings	ESC	Protocol ESC on collective complaints	FCNM	ECRML
Albania	84 R 4 S	R	R	R	R	R	R	R	– 1961 R rev	–	R	–
Andorra	51 R 4 S	S	–	R	R	R	R	R	– 1961 R rev	–	–	–
Armenia	62 R 12 S	R	R	R	R	S	–	R	– 1961 R rev	–	R	R
Austria	116 R 32 S	R	S	R	S	R	R	R	R 1961 R rev	S	R	R
Azerbaijan	63 R 8 S	R	R	R	S	–	–	R	– 1961 R rev	–	R	S
Belgium	135 R 37 S	R	R	R	S	R	R	R	R1961 R rev	R	S	–
Bosnia and Herzegovina	86 R 3 S	R	R	R	R	R	R	R	– 1961 R rev	–	R	R
Bulgaria	84 R 16 S	R	R	R	–	R	S	R	– 1961 R rev	–	R	–
Croatia	91 R 10 S	R	R	R	R	R	S	R	R 1961 S rev	R	R	R
Cyprus	136 R 18 S	R	R	R	R	R	R	R	R1961 R rev	R	R	R
Czech Republic	108 R 13 S	R	–	R	S	R	S	R	R 1961 S rev	R	R	R
Denmark	137 R 17 S	S	S	R	–	R	R	R	R 1961 S rev	S	R	R
Estonia	90 R 11 S	R	S	R	S	R	R	R	– 1961 R rev	–	R	–

Member States	Total of number of conventions ratified or signed (out of 222)	RULE OF LAW		HUMAN RIGHTS								
		Civil Law Convention on Corruption	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Protocols ECHR					Social rights		Minority rights	
				6	12	13	Istanbul Convention	Convention on Action against Trafficking in Human Beings	ESC	Protocol ESC on collective complaints	FCNM	ECRML
Finland	111 R 13 S	R	S	R	R	R	R	R	R1961 R rev	R	R	R
France	137 R 35 S	R	R	R	–	R	R	R	R1961 R rev	R	–	S
Georgia	73 R 13 S	R	R	R	R	R	R	R	– 1961 R rev	–	R	–
Germany	134 R 38 S	S	R	R	S	R	R	R	R 1961 S rev	–	R	R
Greece	99 R 59 S	R	R	R	S	R	S	R	R 1961 R rev	R	S	–
Hungary	87 R 19 S	R	R	R	S	R	S	R	R1961 R rev	S	R	R
Iceland	86 R 37 S	S	S	R	S	R	S	R	R 1961 S rev	–	S	S
Ireland	102 R 18 S	S	–	R	S	R	S	R	R1961 R rev	R	R	–
Italy	130 R 47 S	R	R	R	S	R	R	R	R1961 R rev	R	R	S
Latvia	97 R 6 S	R	R	R	S	R	S	R	R1961 R rev	–	R	–
Liechtenstein	88 R 7 S	–	–	R	S	R	S	R	S 1961 – rev	–	R	R
Lithuania	97 R 14 S	R	S	R	–	R	S	R	– 1961 R rev	–	R	–

Member States	Total of number of conventions ratified or signed (out of 222)	RULE OF LAW		HUMAN RIGHTS								
		Civil Law Convention on Corruption	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Protocols ECHR					Social rights		Minority rights	
				6	12	13	Istanbul Convention	Convention on Action against Trafficking in Human Beings	ESC	Protocol ESC on collective complaints	FCNM	ECRML
Luxembourg	135 R 53 S	S	S	R	R	R	S	R	R 1961 S rev	–	S	R
Malta	95 R 17 S	R	R	R	R	R	R	R	R1961 R rev	–	R	S
Republic of Moldova	90 R 16 S	R	R	R	S	R	S	R	– 1961 R rev	–	R	S
Monaco	52 R 3 S	–	S	R	–	R	R	R	– 1961 S rev	–	–	–
Montenegro	85 R 4 S	R	R	R	R	R	R	R	– 1961 R rev	–	R	R
Netherlands	150 R 18 S	R	R	R	R	R	R	R	R1961 R rev	R	R	R
Norway	151 R 13 S	R	–	R	S	R	R	R	R1961 R rev	R	R	R
Poland	93 R 15 S	R	R	R	–	R	R	R	R 1961 S rev	–	R	R
Portugal	123 R 38 S	–	R	R	R	R	R	R	R1961 R rev	R	R	–
Romania	106 R 15 S	R	R	R	R	R	R	R	S 1961 R rev	–	R	R
Russian Federation	63 R 16 S	–	R	S	S	–	–	–	– 1961 R rev	–	R	S
San Marino	57 R 10 S	–	R	R	R	R	R	R	– 1961 S rev	–	R	–
Serbia	78 R 9 S	R	R	R	R	R	R	R	– 1961 R rev	–	R	R

Member States	Total of number of conventions ratified or signed (out of 222)	RULE OF LAW		HUMAN RIGHTS								
		Civil Law Convention on Corruption	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Protocols ECHR					Social rights		Minority rights	
				6	12	13	Istanbul Convention	Convention on Action against Trafficking in Human Beings	ESC	Protocol ESC on collective complaints	FCNM	ECRML
Slovak Republic	99 R 7 S	R	R	R	S	R	S	R	R1961 R rev	S	R	R
Slovenia	109 R 12 S	R	R	R	R	R	R	R	S 1961 R rev	S	R	R
Spain	132 R 11 S	R	R	R	R	R	R	R	R 1961 S rev	–	R	R
Sweden	140 R 16 S	R	R	R	–	R	R	R	R1961 R rev	R	R	R
Switzerland	120 R 18 S	–	–	R	–	R	S	R	S 1961 – rev	–	R	R
"The former Yugoslav Republic of Macedonia"	91 R 9 S	R	R	R	R	R	S	R	R1961 R rev	–	R	S
Turkey	117 R 34 S	R	R	R	S	R	R	R	R1961 R rev	–	–	–
Ukraine	87 R 25 S	R	R	R	R	R	S	R	S1961 R rev	–	R	R
United Kingdom	120 R 23 S	S	R	R	–	R	S	R	R 1961 S rev	–	R	R