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## **The progress of the Assembly's monitoring procedure (January-December 2018) and the periodic review of the honouring of obligations by Iceland and Italy**

### **Report<sup>1</sup>**

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

Rapporteur: Sir Roger GALE, United Kingdom, European Conservatives Group

### *Summary*

In its annual report, the Monitoring Committee takes stock of its activities from January to December 2018, 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 full monitoring procedure, 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 two periodic review reports on the honouring of membership obligations by Iceland and Italy.

Furthermore, the report presents the conclusions of the committee's reflection on the reform of the parliamentary monitoring procedure and its working methods and introduces a new format and way of preparation of periodic reviews. It also includes a number of measures which the committee has agreed to adopt with a view to reinforcing the monitoring procedure and its impact on countries concerned.

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1. See also Doc. 14792 [Part 2](#) and [Part 3](#).



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## A. Draft resolution<sup>2</sup>

1. The Parliamentary Assembly acknowledges the work carried out by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) in fulfilling its mandate as defined in [Resolution 1115 \(1997\)](#) on the setting up of an Assembly committee on the honouring of obligations and commitments by member States of the Council of Europe (monitoring committee) (as modified by [Resolution 1431 \(2005\)](#), [Resolution 1515 \(2006\)](#), [Resolution 1689 \(2009\)](#), [Resolution 1710 \(2010\)](#), [Resolution 1936 \(2013\)](#) and [Resolution 2018 \(2014\)](#)). It commends the committee on its work in accompanying the 10 countries under a full monitoring procedure (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 deplores that in 2018 the co-rapporteurs for the monitoring procedure were once again unable 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 comments the Sub-Committee on Conflicts between Council of Europe Member States for the work it has undertaken.

4. 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:

4.1. Albania: the continuing efforts to reform the justice system, especially through the ongoing vetting process of judges and prosecutors;

4.2. Armenia: the ability to manage a change of power in a peaceful manner and in line with the provisions of the new Constitution;

4.3. Azerbaijan: the release of Mr Ilgar Mammadov, leader of the opposition civic movement ReAl while regretting that the remaining part of the original sentence, which was based on an unfair trial, was replaced by a two-year probation period without the right to leave Azerbaijan;

4.4. Georgia: the ongoing implementation of the new constitutional framework and the drafting, in an inclusive manner, of new Rules of Procedure for the Georgian Parliament, with a view to strengthening parliamentary oversight over the executive, as well as the role of the opposition in that process;

4.5. the Republic of Moldova: the recent initiatives taken to combat domestic violence, including the introduction of restriction orders on perpetrators of violence; the progress achieved in the Transnistrian settlement process;

4.6. Turkey: the lifting of the state of emergency in July 2018;

4.7. Bulgaria: the adoption of a new law on Anti-Corruption and Forfeiture of Assets with extensive powers;

4.8. Montenegro: the end of the parliamentary boycott by a significant number of political groups from the opposition;

4.9. “The former Yugoslav Republic of Macedonia”: the signature of the Prespa Agreement to settle the “name issue” with Greece; the continuing requests by the authorities for the expertise of the European Commission for Democracy through Law (Venice Commission).

5. 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, that undermine the democratic consolidation in those countries and are at odds with their obligations and accession commitments:

5.1. Albania: the continuing polarisation between the main political parties and the still limited tangible results in the fight against organised crime, political corruption and State capture;

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2. Draft resolution adopted unanimously by the committee on 12 December 2018.

- 5.2. Azerbaijan: the early presidential election that took place within a restrictive political environment and under laws that curtail fundamental rights and freedoms, which are prerequisites for genuine democratic elections; the continued detention of journalists, such as Mehmed Huseynov, and civil society activists on politically motivated charges;
  - 5.3. Bosnia and Herzegovina: 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; the increasing incidence of disrespect for the rule of law and the reluctance or the refusal to abide by the decisions of the Constitutional Court or the State Court;
  - 5.4. Georgia: the continued polarised political climate and questions regarding the effectiveness of the prosecution service in politically sensitive cases;
  - 5.5. Republic of Moldova: the dubious invalidation of the early mayoral elections in Chişinău in June 2018 and the ongoing pressure exerted on all city councillors which further undermine trust in the judiciary, as well as the persistence of a high level of corruption;
  - 5.6. the Russian Federation: the absence of an impartial and effective investigation into the persecution of lesbian, gay, bisexual, transgender and intersex (LGBTI) people in the Chechen Republic; the arson attack against the Memorial office in Ingushetia and the detention of the director of the Memorial field office in Grozny; the abduction and violent abuse, apparently by the Ingushetian police, of a human rights activist sent by Amnesty International to observe peaceful protests in Maga, Ingushetia; its military aggression against Ukrainian vessels in the Kerch Strait and Sea of Azov, which the Assembly condemns; in this respect the Assembly reiterates its strong support for Ukraine's sovereignty and territorial integrity, which includes the freedom to navigate freely and unhindered in its own territorial waters;
  - 5.7. Turkey: the undermining of the separation of powers and the independence of the judiciary, as a result of the adoption of constitutional amendments in 2017 that are not in line with European standards; the continuing concerns regarding freedom of the media; the pretrial detention of members of parliament following the lifting of their immunity in 2016; the repeated violations of freedom of expression and freedom of the media; the situation of local administrations governed by State-appointed trustees in south-east Turkey; the limited space for democratic debate and for the free expression of a plurality of views during the June 2018 early presidential and parliamentary elections organised under the state of emergency;
  - 5.8. Ukraine: the unacceptable attacks on journalists and media outlets; the extension of the new financial disclosure regime to anti-corruption activists and its implementation on 1 April 2018; the absence of progress in the insufficient balance between the official language and the languages of national minorities in the new law on education in Ukraine; the widespread corruption that undermines public trust in the political and judicial system as a whole;
  - 5.9. Bulgaria: the brutal murder of an investigative journalist, Ms Viktoria Marinova;
  - 5.10. Montenegro: the misuse of State resources and the credible allegations of pressure on voters in favour of the ruling party candidate, and of vote buying and hiring of public employees during the election period, all these being recurrent according to the ad hoc committee of the Assembly on the observation of the presidential election in Montenegro.
6. 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:
- 6.1. the Albanian authorities and all political forces in the country to overcome the political polarisation, to complete the reform of the judiciary and to demonstrate tangible results in the fight against corruption and organised crime;
  - 6.2. the Armenian authorities, once the general elections have taken place, to resume reforms in key areas, such as the fight against domestic violence or the adoption of a legislation to effectively combat vote buying and the abuse of administrative resources during elections; to ensure that all criminal investigations, including those pertaining to the tragic events of March 2008, and allegations of corruption, take place strictly in line with the principles of the rule of law, judicial independence and a fair trial as laid out in the European Convention on Human Rights (ETS No. 5);

6.3. the Bosnian authorities to shoulder their responsibilities and to adopt the necessary changes both in the Constitution and in the electoral law, in accordance with the judgments of the European Court of Human Rights in the *Sejdić and Finci* and *Pilav* cases;

6.4. the Georgian authorities to fully implement the new Rules of Procedure of the parliament and to continue to strengthen the independence and effectiveness of the judiciary, including the prosecution service;

6.5. the Moldovan authorities to create conditions conducive to free and fair general elections in 2019, following the adoption of a mixed electoral system and taking into account the March 2018 recommendations of the Venice Commission, and to amend the Constitution to ensure independence and accountability of judges;

6.6. the authorities of the Russian Federation 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; to halt the abuse of legislation against extremism to curtail freedom of assembly in the Russian Federation; to return the Ukrainian vessels seized in the Kerch Strait, to immediately release the Ukrainian sailors captured and to fully respect Ukraine's legal right to freely navigate in the Kerch Strait and Sea of Azov unhindered;

6.7. the Turkish authorities to restore freedom of media and freedom of expression, release detained MPs – including the former HDP leader Mr Selahattin Demirtaş, in line with the November 2018 judgment of the European Court of Human Rights –, journalists, human rights defenders and academics; to upgrade the electoral legislation so as to ensure fair election campaigns; and to ensure that appeal procedures established for civil servants dismissed by emergency decree laws under the state of emergency are an effective domestic remedy;

6.8. the Ukrainian authorities to abolish the extension of the new financial disclosure regime to anti-corruption activists, in line with the Venice Commission recommendation; to fully implement the recommendation of the Venice Commission in its opinion on the amended Law on Education and the Law on Government Cleansing (Lustration Law); to implement the law on the establishment of a High Anti-Corruption Court without delay and to increase the pace of the reforms to fight the widespread corruption in the country and to ensure that these reforms now lead to tangible and concrete results;

6.9. the Montenegrin authorities to engage in the reform process of the electoral framework in line with the recommendations of the Venice Commission and the Assembly.

7. With regard to the preparation of the report on the functioning of democratic institutions in Poland, the Assembly takes note of the planned visit of the co-rapporteurs to Warsaw in spring 2019. In this context, the Assembly calls on the Polish authorities to ensure that the ongoing reforms, and in particular those of the justice system, are fully in line with European standards. To this end, the Assembly urges the Polish authorities to implement the recommendations of the Venice Commission expressed in its opinions on these reforms.

8. 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 full monitoring procedure or engaged in a post-monitoring dialogue with the Assembly.

9. The Assembly takes note of the periodic review reports on the honouring of their membership obligations to the Council of Europe in respect of Iceland and Italy, which are presented as part of the report on the progress of the Assembly's monitoring procedure (January-December 2018). It endorses the findings and conclusions in these periodic review reports and encourages the respective authorities to implement its recommendations. In particular, the Assembly

9.1. with respect to Iceland:

9.1.1. notes that, as a result of the size and relatively homogeneous make-up of its society, Iceland has in a number of cases favoured regulating issues via informal rules and arrangements in society rather than by clear rules and norms codified in law, which has led to vulnerabilities in the functioning of democratic institutions, especially with regard to checks and balances; it calls on the authorities to reform its democratic institutions with a view to addressing these vulnerabilities, either through rekindling the constitutional reform process or through common law;

9.1.2. commends the country on the continuing low levels of perception of corruption by its population. In that context, welcomes the increased attention paid in Icelandic society to vulnerabilities of the country's democratic institutions and financial interests to corruption and conflicts of interest. The Assembly therefore calls on the authorities to develop as a priority a coherent and comprehensive strategy with regard to corruption and integrity issues in State institutions that will fully address the recommendations of the Group of States against Corruption (GRECO) contained in the evaluation reports for Iceland in the framework of its Fourth and Fifth Evaluation rounds, and in particular:

9.1.2.1. develop a strategy to improve integrity and management of conflicts of interest of persons holding top executive functions in the government, as well as clear and harmonised codes of conduct for them;

9.1.2.2. review the rules regarding secondary activities as well as employment after leaving government functions;

9.1.2.3. ensure the proper funding of law-enforcement agencies and develop a clear, transparent, merit-based appointment and promotion process free from political interference;

9.1.3. while recognising the country's track record with regard to the protection of human rights, recommends that a National Human Rights Institution be established. It urges the authorities to adopt, without delay, a comprehensive anti-discrimination legislative framework, which is currently lacking;

9.1.4. commends the country on its track record with regard to gender equality, which can be considered as a role model. At the same time, it notes that domestic and sexual violence against women remains an area of concern that deserves the continuing attention of the authorities;

9.2. with respect to Italy:

9.2.1. expects Italy to remain committed to human rights promotion and protection, foster inclusive social policies and reduce regional disparities in line with the recommendations of the Congress of Local and Regional Authorities of the Council of Europe; welcomes the steps taken by the parliament to establish a National Commission for the Promotion and Protection of Fundamental Human Rights which should act as Italy's independent National Human Rights Institution in line with the Paris Principles;

9.2.2. while recognising the transposition, in 1999, of the Charter's principles in the legal system, continues to encourage Italy to ratify the European Charter for Regional and Minority Languages (ETS No. 148);

9.2.3. encourages Italy to ratify Protocol No. 12 to the European Convention on Human Rights (ETS No. 177), the European Convention on Nationality (ETS No. 166), as well as the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207);

9.2.4. invites the parliament to ratify, at its earliest convenience, Protocols Nos. 15 and 16 to the European Convention on Human Rights (CETS Nos. 213 and 214) following the recent introduction of a parliamentary bill to that effect;

9.2.5. concerning the management of the migration inflow affecting Italy, which requires a co-ordinated response of the international community, welcomes the end of the so-called "push-back" policy (resulting in forced return of irregular migrants and failed asylum seekers); at the same time, expresses its concerns about recent initiatives aimed at preventing rescue vessels from landing on Italian shores, thus putting the life of migrants and refugees at risk; urges the Italian authorities to strengthen their action to combat trafficking in human beings for the purpose of labour exploitation, in line with the recommendations made by the Group of Experts on Action against Trafficking in Human Beings (GRETA), and ensure that future legislation on migrants and refugees complies with Italy's European and international obligations;

9.2.6. remains concerned by the increase in racist attitudes, xenophobia and anti-Gypsyism in public discourse, notably in the media and on the internet, and rising hate speech by politicians – as highlighted by the Council of Europe Commissioner for Human Rights, the European Commission against Racism and Intolerance (ECRI) and the Advisory Committee on the

Framework Convention for the Protection of National Minorities – and calls on the authorities to effectively combat all manifestations of racism, intolerance and xenophobia, particularly by preventing, investigating and prosecuting all racially motivated offences;

9.2.7. in the field of freedom of expression and of the media, while welcoming the reform of the public broadcaster aimed at improving its independence, efficiency and sustainability, urges the Italian authorities to:

9.2.7.1. strengthen media freedom and address the issue of media ownership concentration;

9.2.7.2. decriminalise defamation and amend the criminal law in order to ensure the principle of proportionality of sanctions, in line with the recommendations of the Venice Commission;

9.2.8. welcomes the criminal justice reforms, including the extension of the statute of limitations, and calls on the Italian authorities to further address the issues of, *inter alia*, excessive use of pretrial detention, delayed justice and backlogs of court cases;

9.2.9. notes that corruption remains a widespread and deeply rooted phenomenon and that there is a persistent intertwinement of corruption, money laundering and mafia-type organised crime, especially in southern Italy; welcomes the creation of a National Anti-Corruption Authority, the adoption of the 2017 Whistleblowing Law and the adoption by the Chamber of Deputies of a Code of Conduct and Rules on Lobbying;

9.2.10. stresses the significant progress achieved in the framework governing political party funding; encourages, however, the Italian authorities to ensure transparency and the implementation of an efficient mechanism of control of accountability of the new system of party and election campaign funding based on private donations; urges Italy to implement all GRECO recommendations, and to consider lifting the reservation made in 2013 to the Criminal Law Convention on Corruption (ETS No. 173) and consider ratifying its Additional Protocol (ETS No. 191).

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

11. In this respect, the Assembly refers to the progress report of its Bureau in which it invited the Monitoring Committee to reflect on the proposals aimed at reforming the overall monitoring system of the Assembly or the current working methods and internal procedures of the Monitoring Committee on the basis of [Resolution 1115 \(1997\) \(modified\)](#) and commends the Monitoring Committee for the work accomplished in this respect.

12. The monitoring procedure of the Assembly is one of its core activities and a vital mechanism for reinforcing democratic processes in Council of Europe member States. The Assembly reaffirms its wish to maintain and reinforce its monitoring procedure based on the country-by-country approach.

13. The Assembly welcomes in particular the Monitoring Committee's intention to elaborate, where relevant, for each country under the full monitoring procedure or engaged in a post-monitoring dialogue, in consultation with respective authorities of the country, a clear list outlining the concrete issues and actions to be undertaken with a clearly defined timeline in order to move forward in the monitoring procedure.

14. Furthermore, it welcomes the committee's decision to change the format of periodic reviews with a view to submitting them for debate independently from the committee's progress report, accompanied by specific resolutions for each country, and replacing the current method of selection based on alphabetical order by a selection on substantive grounds, while maintaining the objective of producing, over time, periodic reviews on all member States.

15. Finally, the Assembly commends the committee's decision to introduce a more flexible frequency of visits by co-rapporteurs and reporting on each country under the full monitoring procedure or engaged in the post-monitoring dialogue in order to ensure that they address developments in the country of relevance to the honouring of commitments and obligations.

16. In the light of the above, the Assembly decides to amend [Resolution 1115 \(1997\)](#) (as modified by [Resolution 1431 \(2005\)](#), [Resolution 1515 \(2006\)](#), [Resolution 1689 \(2009\)](#), [Resolution 1710 \(2010\)](#)), [Resolution 1936 \(2013\)](#) and [Resolution 2018 \(2014\)](#)) as follows:

16.1. in paragraph 14, delete the words "and at least once every three years on each country being monitored or involved in post-monitoring dialogue".

17. Furthermore, the Assembly decides to amend the terms of reference of the Assembly's Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), appended to [Resolution 1115 \(1997\)](#) (modified), as follows:

17.1. in paragraph 13, second sentence, delete the words "within the statutory period of three years".

18. The Assembly decides that the amendments to [Resolution 1115 \(1997\)](#) (modified) shall enter into force upon their adoption.

19. The Assembly invites the Monitoring Committee to pursue its own reflection on ways to reinforce co-operation with other committees.

## B. Explanatory memorandum by Sir Roger Gale, rapporteur

### 1. Introduction

1. The basis for the 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 [Resolutions 1431 \(2005\)](#), [1710 \(2010\)](#), [1936 \(2013\)](#) and [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, once a year, on the general progress of the monitoring procedures. Since 2016 the reports on the progress of the Assembly's monitoring procedure have been discussed during the January part-session of the Assembly and have covered the previous calendar year. In line with established practice, the committee entrusted me, as its Chair, 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 their honouring of membership obligations and, if relevant, specific accession commitments. Currently, 10 countries are subject to a full monitoring procedure 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 full monitoring procedure or engaged in a post-monitoring dialogue, have been subject to a periodical review with regard to the honouring of their membership obligations to the Council of Europe. In accordance with the working methods adopted by the Monitoring Committee,<sup>3</sup> the periodic review of two countries, Iceland and Italy, which had been subject to this procedure since 2017, have been brought to an end and the related reports have been included in the report on the progress of the Assembly monitoring procedure. The fact that only two countries were covered instead of the four initially planned is the result of staffing constraints.

4. The progress in the monitoring procedure for the countries that are subject to an Assembly full monitoring procedure 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 reviews for Iceland and Italy are contained in Parts 2 and 3 of this progress report. The practice of conducting periodic reviews of countries that are not under a full monitoring procedure or engaged in a post-monitoring dialogue is now well established in the Monitoring Committee. The periodic review process and reports are well regarded by the countries concerned and the Assembly members, and help counter any allegations of double standards that could be made if some categories of member State were not monitored with regard to their membership obligations. The combined framework of the full monitoring procedure, the post monitoring dialogue and the periodic review reports, together with the possibility for the Monitoring Committee to prepare a report on the functioning of democratic institutions in any Council of Europe member State, guarantee the comprehensive monitoring by the Assembly of the membership obligations and commitments of all such States. 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, and on the work of the Chair of the committee, who is the *ex officio* rapporteur for these reports.

## 2. Overview of the committee's activities

### 2.1. General comments

6. Ten countries<sup>4</sup> are subject to a full monitoring procedure and an additional three<sup>5</sup> are engaged in a post-monitoring dialogue with the Assembly.

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

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

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

7. During the period covered by this report, the committee prepared a report on the honouring of obligations and commitments by Bosnia and Herzegovina,<sup>6</sup> which was debated in the Assembly.
8. Over the same period, the committee met nine times, four times in Strasbourg during the plenary session of the Assembly, four times in Paris and once in Tbilisi on the invitation of the Georgian Parliament, which I would like to thank for its warm welcome. During the meeting it held in Tbilisi, the committee held a seminar, which was open to the press and the public, on "Parliamentary oversight and the role of the opposition"
9. Over the same period, the respective co-rapporteurs carried out fact-finding visits to Albania, Armenia, Georgia, the Republic of Moldova, Turkey, Ukraine (twice) and Bulgaria. In addition, the co-rapporteurs for Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Serbia, Turkey, Montenegro, and "the former Yugoslav Republic of Macedonia" participated in the pre-electoral and election (or referendum) observation missions in these countries.
10. Following their visits, the respective co-rapporteurs produced information notes on Albania, Armenia, Georgia, the Republic of Moldova, Turkey, Ukraine, Bulgaria and "the former Yugoslav Republic of Macedonia", which were declassified by the committee. The rapporteurs and the committee also adopted a number of statements on developments in Albania, Armenia, Georgia, the Republic of Moldova, Turkey, Ukraine, Bulgaria and "the former Yugoslav Republic of Macedonia".
11. The Sub-Committee on Conflicts between Council of Europe member States, which the committee set up on 23 January 2017 pursuant to the decision it had taken on 9 November 2016, met in Paris on 16 January 2018 to discuss the Transnistrian Settlement Process with high-level representatives of the parties to the conflict, and in Strasbourg on 25 January and 11 October 2018. At the latter meeting, Mr Egidijus Vareikis (Lithuania, EPP/CD) was elected as Chair of the sub-committee following the resignation of his predecessor, Mr Cezar Florin Preda (Romania, EPP/CD). The sub-committee decided, among other things, to hold a seminar at a forthcoming meeting on "The Council of Europe contribution to the Human Rights aspects of the Transnistrian Settlement Process" as a follow-up to, and in the same format as, its January 2018 meeting.
12. The outstanding co-operation with the European Commission for Democracy through law (Venice Commission) continued this year. On 31 January 2018, the committee requested an opinion from the Venice Commission on the constitutional amendments adopted by the Georgian Parliament on 15 December 2017. It also requested an opinion from the Venice Commission on 21 September 2018 on the legislation on the Georgian High Council for Justice and Prosecutorial Council. On 4 May 2018, it asked for an opinion on the amendments to the electoral law and the subsequent "harmonisation laws" adopted by Turkey in March and April 2018. On the same date it also requested an opinion on amendments to three laws governing the judiciary in Romania, one on the status of judges and prosecutors, one on the organisation of the judicial system and one on the Superior Council of Magistracy. On 2 July 2018 it asked for an opinion on the recent changes in the Romanian Criminal Code and Code of Criminal Procedure. 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.
13. The work of co-rapporteurs for a monitoring procedure or post monitoring dialogue is complex, time consuming and demands considerable availability and flexibility. However, recently the committee has noted that elections and busy domestic agendas have reduced the availability of the rapporteurs to perform their duties as rapporteurs. This in turn has created at times considerable delays in the preparation of the reports before the committee and Assembly. This is an issue of concern and needs to be addressed by the political groups, who are responsible for proposing the committee members as well as for proposing candidates to fill vacant rapporteur posts. I therefore call upon all political groups to appoint members to the committee that have the necessary time and availability to take up rapporteurs positions.

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

### **2.2.1. Albania**

14. The co-rapporteurs paid a fact-finding visit to the country from 5 to 7 September 2018.

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6. [Doc. 14465](#), See also [Resolution 2201 \(2018\)](#).

15. Although political polarisation endures and politics is still conflict-ridden and hostile, with the opposition and majority accusing one another of corruption and falling sway to organised crime, some reforms have begun to be implemented, particularly those to the judicial system. The fight against corruption and organised crime continues to be one of Albania's main challenges. The European Council of 26 June 2018 decided that the opening of negotiations on Albania's accession to the European Union in June 2019 would be subject to significant progress on these two issues.

16. The political climate calmed down considerably following the agreement negotiated in 2017 by the Democratic Party of Albania (DP) and the Socialist Party (SP) at the instigation of the European Union and the United States. This agreement made it possible, among other things, to form a technical government and hold parliamentary elections on 25 June 2017. This period of calm did not last long. The PS's victory in the election gave it an absolute majority which could enable it to govern without consulting the opposition built around the DP or engaging in dialogue with it, and this is precisely what it did with regard to some decisions such as the appointment of an interim principal State prosecutor or the amendment of tax legislation in September 2017, which increased the executive's prerogatives. Moreover, since the elections, the opposition parties have resumed their practice of boycotting major votes and obstructing parliamentary activities. The Monitoring Committee's co-rapporteurs impressed on their Albanian discussion partners from the various political parties that parliament was the only forum geared to political interaction, debate and deliberation. Prior to the opening of negotiations on accession to the European Union in 2019, it is essential on the one hand for the opposition to end its boycott on major debates and votes, and on the other, for it to be given a tribune so that the majority can enter into sincere and constructive dialogue with it on key reforms and the governance of the country.

17. While the International Election Observation Mission (Parliamentary Assembly of the Council of Europe, Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), European Parliament) found that the election campaign for the 2017 parliamentary elections had been conducted without incident, that all the candidates had been able to campaign freely and everyone's fundamental rights had been respected, it also noted the continued politicisation of electoral administration and the many allegations of vote buying and pressure on voters, which had undermined public trust in the electoral process. These recurring problems, which have been reported by successive election observation missions, prompted the co-rapporteurs to ask all the parties to agree on a form of electoral administration which could operate independently and adopt a completely revised law on the funding of political parties and election campaigns, endorsed by the Venice Commission and in accordance with European standards. The Venice Commission and the OSCE/ODIHR also made several recommendations on electoral reform, which it is important to implement before the local elections in 2019. In this connection, the co-rapporteurs welcomed the parliament's decision to appoint an ad hoc committee on electoral reform, chaired jointly by the SP and the DP and tasked with proposing a new electoral code. This committee has announced its intention to produce a draft of the new electoral code by the end of 2018.

18. Judicial reform in Albania is currently dominated by the vetting of judges and prosecutors being carried out by the Independent Qualification Commission, whose members are appointed by parliament on the basis of recommendations by the International Monitoring Operation, which is headed by the European Commission and the United States. All judges and prosecutors are assessed on the basis of three criteria: justification of assets, background check and legal proficiency. Of the 54 decisions given by the Commission by the end of August 2018, 21 resulted in the dismissal of judges, including three at the Constitutional Court. The large number of dismissals (over 40% of the total number of officials vetted) highlights the important and pertinent role of the Independent Commission in establishing an independent, corruption-free judiciary in Albania, which is a first stage that will have to be followed by others.

19. One side effect of the implementation of this vetting process was the complete paralysis of some judicial bodies, and by no means the least important, because it was not anticipated how much time the process would take and no emergency plans were devised. During the co-rapporteurs' visit, neither the Constitutional Court nor the High Court were functioning as they did not have enough members to reach the quorum required under the regulations, and the two bodies which had to be consulted before the appointment of new members of the Constitutional Court or the High Court, namely the High Council of Justice and the High Prosecutorial Council, were not operational as their own members also had to be vetted beforehand by the Independent Commission.

20. The widespread corruption in Albania and the powerful presence and influence of organised crime, including persistent allegations of the intertwining of organised crime with economic and political interests in the country, remain major focuses of concern. The fact that a large number of judges and prosecutors have been dismissed on the basis of discrepancies in their asset declarations, which should have been audited by

the High Inspectorate for the Declaration and Auditing of Assets and Conflicts of Interest (HIDAACI), demonstrates the current weakness of HIDAACI, which was supposed to act as a cornerstone in the fight against high-level corruption in Albania.

21. As part of the reforms and policies adopted to fight high-level corruption, three specialised bodies to investigate and prosecute corruption cases have been established: the National Bureau of Investigation, the Special Prosecutor against Corruption and the Specialised Tribunal. They were supposed to be operational before the end of 2018 but their members cannot be appointed until the High Council of Justice and the High Prosecutorial Council resume activities.

22. In its 2018 report on Albania, the European Commission stated that the fight against corruption seems to focus mostly on administrative corruption and less on political corruption and State capture. However, the success and outcome of the vetting of the judiciary has led to calls for the vetting of Albanian society, particularly of members of the law-enforcement agencies and of elected officials and politicians. In March 2018, parliament adopted a law setting up a vetting system for the country's 12 300 law-enforcement officers focusing on their assets and compliance with ethical and professional standards. This law is controversial, however. It is condemned by the opposition as an instrument in the hands of power and, moreover, it does not include the safeguards that were put in place for the system to vet judges and prosecutors. At the same time, opposition leaders have proposed that all elected officials be vetted in the same manner as the judges and prosecutors. The co-rapporteurs have stated that they will look into the question of vetting of law-enforcement officers and elected officials on their next visit to Albania.

23. In its 2018 report, the European Commission noted that the number of convictions for organised crime cases still remained very low. The indictment of the former Minister of the Interior, Simir Tahiri,<sup>7</sup> on 12 May 2018, for drug trafficking, corruption and membership of a criminal group, and the continued seizure of cannabis at the Italian and Greek borders, along with major quantities of hard drugs, give good reason to believe that only steadfast political will and resolute action will make it possible to combat the influence of organised crime effectively.

### 2.2.2. Armenia

24. The co-rapporteurs paid a fact-finding visit to Yerevan from 23 to 25 May 2018 during a time of political upheaval in which mass protest movements had resulted in a change of government.

25. The new Armenian Constitution, drawn up in close co-operation with the Venice Commission, which had expressed a positive opinion on the final text, as had the Parliamentary Assembly, had brought an end to the presidential regime, at the head of which Mr Serzh Sargsyan was completing his second term of office, and replaced it with a parliamentary democracy. A new electoral code, based on a consensus between all the political partners, had been adopted and welcomed by the Venice Commission. Parliamentary elections governed by this new code had been held on 2 April 2017. This electoral legislation had been seen as progress, particularly in view of the measures that were planned to combat fraud. The complexity of the system and election procedures had, however, led to some confusion among voters and election commissions, undermining overall public trust in the election process. Above all, these elections had been tainted by allegations of widespread vote buying by all the candidates and abuse of administrative resources, often in favour of the incumbent authorities. Many of the people the co-rapporteurs spoke to argued that preserving a regional component in the electoral system had encouraged vote buying and the abuse of administrative resources.

26. Although the elections had been won by his own Republican Party, the former President, Serzh Sargsyan, had stated publicly that he did not intend to run for the post of Prime Minister. To do so, he said, would have been seen by the opposition as an attempt to use the new Constitution to remain in power. Nonetheless, Mr Sargsyan had been appointed Prime Minister by the National Assembly on 17 April 2018, and the Republican Party had formed a coalition with another party, the Armenian Revolutionary Federation. This appointment had triggered a wave of popular protest, which had been particularly marked by its spontaneity. The protests had not been orchestrated by political parties but had been launched by young people and students from all social backgrounds, especially within the larger cities. The protesters had been promptly joined by the YELK coalition, run by Nikol Pashinyan and the protests had subsequently become mass movements and transformed into a vast campaign of civil disobedience. After failed negotiations

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7. Mr Tahiri's compulsory residence order has now been lifted but he is still charged with the offences for which he was indicted.

between the authorities and the protesters and the brief arrest of Mr Pashinyan and MPs from the Yelk coalition, Mr Sargsyan had resigned from his post as Prime Minister on 23 April 2018. The resignation had put an end to the escalating political crisis and prevented it from degenerating into a violent confrontation.

27. The main opposition party, Prosperous Armenia, had then announced that it was joining the protesters, and the Armenian Revolutionary Federation had withdrawn from the government. Subsequently both parties had announced that they would support Mr Pashinyan for the post of Prime Minister. In accordance with the Constitution, Mr Pashinyan had been elected Prime Minister on 8 May 2018. Within the time limits imposed by the Constitution, he had formed a broad-based government, made up not only of the three political parties which had supported him, the Yelk Coalition, Prosperous Armenia and the Armenian Revolutionary Federation, but also of experts and technocrats, some of whom had been appointed to high-level ministerial posts such as Minister of Foreign Affairs, Defence or Finance. Subsequently, he had presented his programme to the National Assembly, which, in accordance with the Constitution, had adopted it within 20 days of the formation of the government.

28. Although Mr Pashinyan's government resembled a government of national union and had gained the trust of the Armenian people and the international community, it was still a minority government as the Republican Party considered itself to be in opposition and, despite some defections which meant that it no longer had an absolute majority, still had the largest number of seats of any party in the National Assembly. Co-operation between the ruling majority and the opposition therefore remained essential to govern the country.

29. Following the change in government, some people in civil society had spoken in favour of setting up a transitional justice system, giving rise to fears of possible political reprisals. A number of Republican Party MPs and officials had complained about hate speech and threats they claimed to have received on social media. At the same time, several non-governmental organisations (NGOs) had called for the immediate release of persons they referred to as "political prisoners", who had been imprisoned by the previous regime for offences including unauthorised protests and civil disobedience. Prime Minister Pashinyan's reaction had been unwavering, sticking to the argument that the judiciary would work entirely independently, free of all instruction or political interference, and, moreover, that there could be no impunity for criminal actions, including those of politicians and their supporters, irrespective of their political allegiances and sympathies.

30. It should be noted that the President elected under the new Constitution, which now assigns him a purely ceremonial role, has perfectly played his part as a non-partisan unifier of the Nation. During the events he made a key contribution as a mediator between the protesters and the ruling majority, thus helping to arrive at a peaceful settlement of the conflict.

31. Prime Minister Pashinyan stated repeatedly that one of his priorities was to hold early elections, while the Constitution made provision for such elections in only two circumstances, namely the failure of the National Assembly to elect a Prime Minister after two rounds of voting or the rejection by the latter of the government programme. The Prime Minister resigned on 16 October 2018, and after two votes in the National Assembly, parliamentary elections were called for 9 December 2018. The organisation of democratic elections which are perceived and accepted as such by all political stakeholders and candidates would be the culmination of the democratic and constitutional transition of the country's government, and a major step forward in Armenia's democratic consolidation.

32. The political upheaval in Armenia has, quite naturally, slowed down the implementation of certain major reforms. The draft laws on domestic violence and the fight against discrimination are still being discussed and although Armenia signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention") in January 2018, it has not yet ratified it. The co-rapporteurs have welcomed the fact that both the new government and the opposition have emphasised that the reform of the judiciary and the fight against corruption and illicit enrichment are still priorities for the country.

### 2.2.3. Azerbaijan

33. The co-rapporteurs visited Azerbaijan as part of an International Election Observation Mission (IEOM)<sup>8</sup> from 9 to 12 April 2018, conducted to observe the early presidential election held on 11 April 2018.

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8. Made up of delegations from the Parliamentary Assembly of the OSCE, the OSCE/ODIHR Election Observation Mission and the Ad Hoc Committee of the Parliamentary Assembly of the Council of Europe.

34. The amendments to the Constitution proposed by President Ilham Aliyev and adopted by referendum in 2016 granted, *inter alia*, the president the power to call presidential elections without any specific conditions to be satisfied, a new power which the Venice Commission considered incompatible with democratic standards. This was the legal basis on which President Aliyev announced on 5 February 2018 that an early presidential election would be held on 11 April 2018, in which he stood for a fourth successive seven-year term.

35. After the first round, in which Mr Aliyev won 86.02% of the votes cast and the turnout was 74.3% according to the Central Electoral Commission of Azerbaijan, the IEOM stated in its press release that the “early presidential election in Azerbaijan took place within a restrictive political environment and under laws that curtail fundamental rights and freedoms, which are prerequisites for genuine democratic elections. Against this backdrop and in the absence of pluralism, including in the media, the election lacked genuine competition. Other candidates refrained from directly challenging or criticizing the incumbent, and distinction was not made between his campaign and his official activities”.

36. Sir Roger Gale (United Kingdom, EC) was appointed co-rapporteur on 28 June 2018 to replace Mr Cezar Florin Preda (Romania, EPP/CD), who had resigned.

37. On 13 August 2018, the leader of the opposition civic movement ReAl, Mr Ilgar Mammadov, was released after serving five years in prison. However, the remaining part of the sentence which was based on an unfair trial was replaced by a two-year probation period without the right to leave Azerbaijan.

#### 2.2.4. Bosnia and Herzegovina

38. On 8 January 2018, the Assembly adopted [Resolution 2201 \(2018\)](#) on the honouring of obligations and commitments by Bosnia and Herzegovina. It is regrettable that the Bosnian authorities failed to make any comments on the preliminary draft report prepared before the resolution and gave no explanation for this omission. This failing, which is a serious breach of the country’s obligation to co-operate fully with the Monitoring Committee, raises serious doubts about the desire of the Bosnian authorities to honour their commitments.

39. The Assembly expressed regret that several of the commitments entered into by Bosnia and Herzegovina on its accession to the Council of Europe had still not been honoured.

40. “Over 20 years after the end of the war, the country remains deeply divided along ethnic lines and there is no common vision for the future, even if all three main ethnic groups seemingly agree on the strategic goal of European integration ... It seems that wartime objectives have become peacetime political projects: there is a very low level of trust between the three ethnic groups, with frequent recriminations, obstruction tactics and constant political crises.”<sup>9</sup>

41. The Assembly regretted that neither the Constitution of the State nor its electoral legislation had been amended to comply with the 2009 judgment of the European Court of Human Rights in *Sedjić and Finci*. At the general elections in 2014 and 2018, only Serbs, Croats and Bosniaks could run for the State Presidency or be elected/appointed to the House of Peoples of the State; furthermore, citizens of Bosnia and Herzegovina may only vote for a Serb candidate for the State Presidency if they live in Republika Srpska (RS), or a Croat or Bosniak candidate if they live in the Federation of Bosnia and Herzegovina (FBiH). This election procedure was also held to be in breach of the European Convention on Human Rights (ETS No. 5) in the *Pilav* judgment of 2016.

42. Twenty years after the end of the war, Bosnia and Herzegovina is not a democracy but an ethnocracy. It does not function on the principle of equal suffrage, which is one of the foundations of our democratic societies. Yet, when it joined the Council of Europe in 2002, one of Bosnia and Herzegovina’s commitments was to review electoral legislation within one year of accession in the light of Council of Europe standards, revising it where necessary with the assistance of the Venice Commission.

43. The Assembly also urged the authorities in both entities to amend their Constitutions, whether with regard to the continued inclusion of the death penalty in the Republika Srpska’s Constitution or with regard to the provisions concerning an Ombudsman in that of the Federation. Likewise in four cantons of the Federation, amendments to the respective cantonal constitutions are required to guarantee the status of “constituent people” to the Serbs living there.

44. It regretted that nationalistic and ethnic rhetoric still dominated the political discourse throughout the country and stated that there should be zero tolerance for hate speech or the glorification of war criminals.

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9. [Doc. 14465](#), paragraph 34.

45. It said that it was very concerned about the increasing disrespect for the rule of law in Bosnia and Herzegovina and urged the competent authorities to abide by decisions of the Constitutional Court and the State Court, which were final and binding. The Assembly focused in particular on the refusal by the RS to register at State level all military property located on its territory, the decision to hold a referendum on the Republika Srpska national day despite a ruling by the Constitutional Court banning it and the protracted delay by the State Parliament in implementing the decision of the Constitutional Court on Mostar, which dates back to 2010 and under which several electoral provisions applying specifically to Mostar were unconstitutional.
46. Furthermore, Bosnia and Herzegovina had failed to make any increased efforts to combat corruption within the judicial and prosecution system or the police, in breach of one of its accession commitments.<sup>10</sup>
47. The Assembly also urged the Bosnian authorities to take all necessary steps to implement their accession commitment to eliminate segregation and assimilation in education as a matter of priority.
48. While welcoming the legislation to combat discrimination and trafficking in human beings or reorganise the media sector, the Assembly called on the authorities to take steps to increase the safety of journalists, who had been subjected to death threats and other intimidation measures in recent years.
49. On 18 September 2018, Mr Serhiy Sobolev (Ukraine, EPP/CD) succeeded Sir Roger Gale as co-rapporteur.
50. As a result, he took part with Mr Tiny Kox (Netherlands, UEL) in the IEOM invited by the Bosnian authorities to observe the general election held on 7 October 2018. Dame Cheryl Gillan (United Kingdom, EC), head of the Assembly's IEOM delegation, made the following statement on the day following the elections: "Yesterday's voting was calm, and electors made their choice freely among a large number of parties and candidates. The Assembly delegation regrets that, once again, the elections were held in violation of the European Convention on Human Rights concerning discrimination on the basis of ethnicity and residency. The delegation also expressed its disappointment that the election campaign remained segmented along ethnic lines."

#### 2.2.5. Georgia

51. The co-rapporteurs visited Tbilisi from 6 to 8 November 2018. The main objective of their visit was to discuss, *inter alia*, the overall state of the monitoring procedure with regard to Georgia, the ongoing reform of the judiciary, in particular the functioning of the High Council of Justice, as well as the strengthening of the parliamentary oversight role of the Georgian Parliament, including the role of the opposition in it.
52. The political climate in Georgia remained tense and polarised, which worsened in the run-up to the presidential election. Regrettably this has also affected relations between the authorities and civil society organisations in Georgia, which have worsened considerably, especially after the start of the presidential election campaign. This is of concern, given the important role that civil society has historically played in Georgia.
53. The first round of the presidential election in Georgia took place on 28 October 2018. This election was observed by an IEOM of which a delegation of the Assembly was a part. According to the IEOM the first round of the presidential election was competitive and professionally administered with voters having a genuine choice among candidates that could campaign freely. However, the IEOM expressed its concern about the uneven playing field resulting from the fact that shortcomings in campaign financing regulations allowed for substantial unbalance in campaign donations and spending as well as from the use of technical candidates who in effect obtained additional State funding and free airtime for another candidate. Regrettably, the misuse of administrative resources was also noted during these elections, contributing to the unequal playing field. As none of the candidates obtained an outright majority in the first round, a second round of elections has been announced for 28 November between the two candidates who obtained most of the votes in the first round: Ms Salome Zurbishvili, who obtained 38.7% of the vote in the first round and Mr Grigol Vashadze who obtained 37.7% in the first round of elections. In the second round, Ms Zurbishvili was elected president with 59.52%, Mr Vashadze obtaining 40.48% of the votes. The turnout was 56.5%.
54. The strengthening of parliamentary oversight and the role of the opposition in those processes have been identified as a key priority by the current authorities. To that extent a new set of Rules of Procedure for the Georgian Parliament has been drafted in an inclusive process in co-operation with the parliamentary

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10. [Doc. 14465](#), paragraph 168.

opposition. These new Rules of Procedure are generally considered to be an improvement over the previous version. The implementation of the new Rules of Procedure, impartially and in good faith, will be an important factor in ensuring that they meet their intended objectives.

55. The strengthening of the independence of the judiciary and impartial administration of the justice system continues to be an important priority for the Assembly. In that respect the rapporteurs have recently focused on the functioning of the High Council of Justice and the Prosecutorial Council. At their recommendation, the Monitoring requested, on 18 September 2018, the opinion of the Venice Commission on the legal rules for the High Council of Justice and the Prosecutorial Council. The opinion was adopted at the December 2018 plenary session of the Venice Commission.

#### *2.2.6. Republic of Moldova*

56. The co-rapporteurs paid a fact-finding visit to the country from 3 to 5 April 2018.

57. The consolidation of the parliamentary majority secured by the Democratic Party (PDM) in January 2016 has enabled Prime Minister Pavel Filip to launch a series of reforms in the field of the economy and energy safety, and to announce social measures and a “comprehensive reform agenda”, agreed with external partners, to fight corruption, and reform public administration, funding of political parties, the media, the judiciary, gender equality and the banking sector.

58. However, this positive change is in stark contrast with the climate described to the co-rapporteurs by many of the members of the opposition and civil society representatives they met, who talked of various types of pressure, the erosion of fundamental freedoms and a lack of trust in public institutions, which, together with the media, were under the control, they claimed, of the two main political parties, the PDM and the Party of Socialists of the Republic of Moldova (PSRM), both of which had links with oligarchs. The situation in the country is still affected by the management of the banking scandal which resulted, in 2014, in the disappearance of one billion dollars from the Moldovan banking system. The rapporteurs have called on the Moldovan authorities to publish the second audit report submitted by the auditing firm Kroll in 2018.

59. Geopolitical issues continue to play an important role in domestic politics. Russia has real influence in the country, which it exercises through various economic, political or military channels. At the same time, 140 local authorities in the Republic of Moldova have signed formal declarations calling for reunification with Romania in the wake of the adoption by the Romanian Parliament, on 27 March 2018, of a declaration marking the one hundredth anniversary of the union of Bessarabia with Romania.

60. There have been a number of positive developments in attempts to settle the Transnistrian question, which should be welcomed. For instance, protocols signed in Vienna on 27 and 28 November 2017, and brought to the attention of the Assembly’s Sub-Committee on Conflicts between Member States in January 2018, related to the apostilisation of educational documents issued in the Transnistrian region of the Republic of Moldova, the functioning of Latin script schools located on the left-bank of the Nistru/Dniestr river, the restoration of Moldovan farmers’ access to their land in the Dubasari district and the reopening of the Gura Bicului-Bychok bridge. In addition, an agreement on a mechanism to enable vehicles from Transnistria to join international road traffic was signed on 24 April 2018. Lastly, in a round of the 5+2 negotiations held in Rome on 29 and 30 May 2018, the issue of restoring telephone communications between the two banks of the Nistru/Dniester was addressed.

61. On the institutional level, the decision to continue electing the President of the Republic by direct universal suffrage and the fact that the current incumbent, Mr Igor Dodon, is from a party in opposition to the parliamentary majority of the PDM, has resulted in some conflict between parliament and the President. The Constitutional Court dealt with this creatively so as to avoid an institutional deadlock by allowing the President of the Parliament to promulgate laws when the President of the Republic breaches the Constitution by refusing to do so.

62. With a view to the forthcoming parliamentary elections, scheduled initially for autumn 2018 but now to be held in February 2019, the Moldovan Parliament has amended the Electoral Code to adopt a mixed voting system, combining a proportional, list-based ballot on the one hand and single-member constituencies on the other. When consulted initially on this law by the Monitoring Committee, the Venice Commission took a critical view and concluded that “such a fundamental change, while a sovereign prerogative of the country, [was] not advisable at [that] time”. Although the Moldovan authorities did not react positively to this opinion, the draft law was amended in response. The Monitoring Committee asked the Venice Commission to give its opinion on the amendments to the text and, in its opinion of March 2018, it found that while some of its recommendations

had been taken into account, others had been overlooked, such as the adoption of additional measures to safeguard the independence of the committee tasked with establishing constituency boundaries. It also reiterated the need to arrive at a consensus on electoral legislation.

63. As to the Autonomous Territorial Unit of Gagauzia-Yeri (ATUG), the dialogue between Chişinău and Comrat in 2016 resulted in the adoption of three texts proposed by the working group entrusted with harmonising Moldovan legislation with the ATUG Statute, which are still to be examined by the Moldovan Parliament.

64. The fact-finding visit bore out the reports of a deterioration in the situation of local democracy given in the last report of the Congress of Local and Regional Authorities of the Council of Europe.<sup>11</sup> The Congress had observed the organisation of early mayoral elections in Chişinău, Bălţi and six other villages, which were seen as a political test before the parliamentary elections. It concluded that although the local elections were technically well prepared, there were concerns about misuse of administrative resources, low turnout, lack of trust in State institutions and reports about pressure being brought to bear on local elected representatives through court proceedings and threats, particularly to members of the opposition, intended to force them to change sides.<sup>12</sup> Furthermore, the invalidation by the Supreme Court of the election of a mayor belonging to the opposition in Chişinău was described by the Congress Monitoring Committee as “a direct threat to the proper functioning of Moldovan local democracy” and “a very worrying decision for the future of Moldovan local democracy”,<sup>13</sup> while the High Representative of the European Union, Ms Federica Mogherini, and Commissioner Johannes Hahn called on the Moldovan authorities to “take appropriate measures to ensure that the results of the Chişinău mayoral elections, as recognised also by national and international observers and reflecting the will of the voters, are respected”.<sup>14</sup>

65. In the human rights sphere, a new audiovisual code was prepared in co-operation with the Council of Europe, and one of its aims was to prevent monopolisation of the media, which according to some of the people the co-rapporteurs talked to on their visit, was under the control at that time of the two main parties, the PDM and the PSRM. The code was adopted by parliament on 18 October 2018, then again on 7 November 2018, after the President refused to promulgate it. In addition, welcome steps have been taken by the Moldovan authorities to combat domestic violence, particularly the introduction of restraining orders. On the other hand, widespread recourse to pretrial detention continues, whereas one third of apprehended persons to whom such a measure is applied are ultimately released.

66. As to the rule of law, despite some progress, such as the adoption in 2017 of a national strategy to promote integrity and anti-corruption measures for 2017-2020, a law on integrity, and a new law on preventing and combating money laundering and terrorism, efforts are still required to combat high-level corruption and start thoroughly reforming the judicial system. The co-rapporteurs have argued in particular that a revision of the constitutional provisions on the judicial system should be launched so as to secure the independence and the responsibility of the judiciary, particularly public prosecutors, and to guarantee fair trials.

### 2.2.7. Russian Federation

67. On 25 April 2018, Mr Telmo Correia (Portugal, EPP/CD) took over from Ms Theodora Bakoyannis (Greece, EPP/CD), as co-rapporteur, and on 10 October 2018, Ms Angela Smith (United Kingdom, SOC) succeeded Ms Liliane Maury Pasquier, who had been elected President of the Assembly.

68. The Russian delegation maintained its regrettable decision to boycott the work of the Parliamentary Assembly in 2018, deciding again not to present its delegation’s credentials in January 2018. As a result it was impossible for the co-rapporteurs of the Monitoring Committee to visit the Russian Federation, but they have continued to follow developments in the country.

69. The reports of abductions, unlawful detention, torture and assassinations of men in the Chechen Republic because of their sexual orientation or gender identity prompted the Assembly to debate a report on the “Persecution of LGBTI people in the Chechen Republic (Russian Federation)”, presented by Mr Piet de Bruyn (Belgium, NR) on behalf of the Committee on Equality and Non-Discrimination, at its June 2018 part-

11. Report on the situation of local elected representatives in the Republic of Moldova, following the fact-finding mission carried out in Chişinău on 13 December 2017 by Congress co-rapporteurs, Marc Cools, Belgium (L, ILDG) and Gunn Marit Helgesen, Norway (R, EPP/CCE), CG34(2018)09prov, March 2018.

12. [Press release](#) of 21 May 2018 by the Congress delegation for the observation of early local elections in the Republic of Moldova on 20 May 2018, Appendix IV.

13. [Declaration](#) of 28 June 2018.

14. [Declaration](#) of 27 June 2018.

session, and to adopt a resolution and a recommendation. In [Resolution 2230 \(2018\)](#), it pointed out in particular that it was for the Russian Federation, as a Council of Europe member State, to see to it that the requirements of the European Convention on Human Rights were respected throughout its territory. It urged the Russian authorities to conduct a proper, impartial investigation into the persecution of LGBTI people in the Chechen Republic and ensure there would be no impunity for the perpetrators or alternatively to allow an independent international investigation by an international human rights organisation, should an investigation at national level not be pursued. On 2 November 2018, 16 OSCE member States invoked the OSCE's Moscow Mechanism<sup>15</sup> to look into alleged human rights violations in the Chechen Republic.<sup>16</sup>

70. On 17 January 2018, the Secretary General of the Council, Mr Thorbjørn Jagland, expressed alarm and concern at the arson attack on the Ingushetia office of the human rights NGO Memorial and at the detention in the Chechen Republic of Oyub Titiyev, the director of Memorial's office in Grozny. He pointed out that human rights NGOs have a key role to play in civil society in all member States and that they must be protected when carrying out their work. He also hoped that the necessary steps would be taken to guarantee that the commitments entered into by the Russian Federation under the European Convention on Human Rights were fully respected.<sup>17</sup> On 26 June 2018, a court in the Chechen Republic extended Mr Oyub Titiyev's pretrial detention. As a result, Mr Titiyev, was prevented from receiving in person the 6th Václav Havel Human Rights Prize, which he was awarded by the Parliamentary Assembly on 6 October 2018. Mr Egidijus Vareikis (Lithuania, EPP/CD), Assembly rapporteur on protecting human rights defenders in the Council of Europe member States, has said that Mr Titiyev's detention could have a chilling effect on the work of Memorial, which was the only human rights organisation currently working in the North Caucasus.<sup>18</sup>

71. The conflicts affecting the rule of law and human rights in this region were also condemned by Mr Frank Schwabe (Germany, SOC), Assembly rapporteur on the continuing need to restore human rights and the rule of law in the North Caucasus region, in his statement on behalf of the Committee on Legal Affairs and Human Rights on the abduction and violent abuse of Mr Oleg Kozlovsky in October 2018, seemingly by the police. Mr Kozlovsky is an Amnesty International researcher and had come to observe peaceful protests in Maga, Ingushetia.<sup>19</sup> In a judgment of 15 November 2018, the European Court of Human Rights reiterated that any restrictions on the rights guaranteed by the Convention could not be politically motivated.<sup>20</sup>

72. In June 2018, the Assembly adopted [Resolution 2231 \(2018\)](#) on Ukrainian citizens detained as political prisoners by the Russian Federation and called on the latter to release without further delay all Ukrainians detained in the Russian Federation and in Crimea on politically motivated or fabricated charges. Among those detained are Oleg Sentsov, Volodymyr Balukh and Pavlo Hryb.

73. On 18 September 2018, the Monitoring Committee had the opportunity to visit the administrative border line with South Ossetia, in Georgia. On this occasion, the Chair of the committee strongly condemned the violation of Georgia's territorial integrity by the Russian Federation and the occupation of the Georgian regions of South Ossetia and Abkhazia.

#### 2.2.8. Serbia

74. On 26 June 2018, Mr Robert Goodwill (United Kingdom, EC) was appointed co-rapporteur, taking over from Mr Samad Seyidov (Azerbaijan, EC).

75. Following their visit in July 2017, the co-rapporteurs drew up a preliminary draft report, which was discussed by the committee on 24 January 2018 and forwarded to the Serbian delegation. The delegation then submitted its comments, which were examined by the committee on 26 June 2018. The draft report should be debated by the committee shortly.

#### 2.2.9. Turkey

76. The co-rapporteurs paid a fact-finding visit to the country from 28 to 30 March 2018. They also participated *ex officio* in the IEOM covering the early presidential and parliamentary elections held on 24 June 2018.

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15. This Mechanism makes it possible to send missions of experts to assist in the resolution of a particular question or problem with a human dimension. It was used for the first time in 2011 in relation to Belarus.

16. [www.osce.org/odihr/401924](http://www.osce.org/odihr/401924).

17. [Statement](#), 17 January 2018.

18. [Statement](#), 29 June 2018.

19. [Statement](#), 17 October 2018.

20. *Navalnyy v. Russia*, Applications Nos. 29580/12, 36847/12, 11252/13, 12317/13 and 43476/14.

77. Through [Resolution 2156 \(2017\)](#) of 25 April 2017, the Assembly decided to re-open the monitoring procedure in respect of Turkey and outlined eight priority measures which Turkey should take and which might allay the Assembly's concerns. In this connection, the co-rapporteurs' visit in March 2018 had not, unfortunately, provided evidence of any tangible progress, as was also the finding of the European Commission in its report on Turkey of 17 April 2018,<sup>21</sup> in a context marked by the state of emergency set up since the failed coup attempt of 15 July 2016, which the Assembly had repeatedly asked the government to lift.

78. Since the introduction of the state of emergency, over 150 000 people have been taken into custody, 78 000 have been arrested and over 110 000 civil servants have been dismissed<sup>22</sup> whilst, according to the authorities, some 40 000 have been reinstated. The co-rapporteurs met members of the Inquiry Commission on the State of Emergency Measures set up in January 2017 to look into the complaints of civil servants who had been dismissed or associations objecting to their forced closure. The co-rapporteurs considered that although it was functional, this Commission was unlikely to set aside decisions taken previously by the authorities – only 100 people had then been reinstated following the 6 400 cases that had been examined – and, furthermore, that the time taken for the applications to be examined was especially long as about three years would be needed for decisions to be taken on all the cases.<sup>23</sup>

79. On the subject of democracy, the co-rapporteurs regretted that the shortcomings identified by Parliamentary Assembly observers in recent years in the field of media coverage, blurring of State and party resources or funding of political parties had been left unaddressed, as confirmed recently by the Group of States against Corruption (GRECO) in its December 2017 report.<sup>24</sup> They also reiterated their concerns about the detention of Turkish members of parliament, calling for their release and strongly regretting that, once again, they had not been allowed to visit them. Following the Chamber judgment of the European Court of Human Rights of 22 November 2018 in the case of *Selahattin Demirtaş v. Turkey (No. 2)*,<sup>25</sup> Assembly President Liliane Maury Pasquier called on Turkey to swiftly implement this judgment and release the former MP and co-Chair of the Peoples' Democratic Party (HDP).<sup>26</sup>

80. In the human rights sphere, particularly where freedom of expression and the media is concerned, the co-rapporteurs noted a further deterioration in freedom of expression, whether with regard to the proceedings initiated against persons criticising the policy carried out in south-east Turkey or expressing their objections to the military intervention in the region of Afrin in Syria, or in connection with the widespread recourse to the criminal charge of “insult to the President” (under Article 299 of the Criminal Code) since the election of Mr Recep Tayyip Erdoğan in 2014. The work of civil society activists also continues to be severely disrupted by the state of emergency and the current climate, as illustrated by the detention for over a year of the President of Amnesty International Turkey, Taner Kiliç, on unjustified grounds (he was released on bail on 15 August 2018).

81. At the same time, the situation of journalists has not improved. The Council of Europe Platform to promote the protection of journalism and safety of journalists has identified 115 journalists in detention<sup>27</sup> and several journalists working for the national daily *Cumhuriyet* are still accused of terrorism. Lastly, after the announcement of the sale of the Doğan media group, which represented about 20% of Turkey's media, Reporters without Borders reported that nine of the ten most-watched television channels and nine of the ten most-read national dailies would be owned by pro-government businessmen.<sup>28</sup>

82. Furthermore, due to the security situation the co-rapporteurs did not visit south-east Turkey. Civil society representatives however have pointed out that the situation with regard to the possibility for citizens to assemble, speak out and live in a safe and democratic environment has not improved in that region since 2016.

21. Turkey 2018 Report, [SWD\(2018\)153final](#), 17 April 2018.

22. Figures published by the European Commission, [SWD\(2018\) 153 final](#).

23. In December 2018, 42 000 cases had been examined, and 3 000 people re-instated (updated figures provided by the Turkish authorities).

24. Third Evaluation Round, Fourth *Interim* Compliance Report on Turkey, “Transparency of Party Funding”, published on 15 March 2018 ([GrecoRC3\(2017\)16](#)).

25. Application No. 14305/17.

26. [Statement](#) by the Assembly President of 22 November 2018.

27. [www.coe.int/en/web/media-freedom/turkey](http://www.coe.int/en/web/media-freedom/turkey).

28. <https://rsf.org/en/news/dogan-media-group-sale-completes-gouvernement-control-turkish-media>.

83. In March 2018, the Turkish Government authorised the publication of the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its April 2016 visit to the İmralı F-Type High-Security Closed Prison, where Abdullah Öcalan is being held, as well as the government's response. The co-rapporteurs welcomed this development. However, according to civil society representatives, ill-treatment and torture in places of detention and police stations seemed to have increased since the failed coup.

84. There have been worrying developments in the situation of women and LGBT people, including persistent discriminatory comments on grounds of gender among certain high-level politicians, the announcement in February 2018 by President Erdoğan of a proposal to make adultery a criminal offence and a decision by the Constitutional Court on 20 February 2018 in which it was found that the discharge of a soldier from the Turkish armed forces under the Military Criminal Code on the ground that he was "engaging in unnatural intimacy" was compatible with the Constitution.

85. In the area of the rule of law, recurring fears about the independence of the judiciary have not been dispelled. For instance in its report of March 2018, GRECO pointed out that the procedure for the appointment of members of the Council of Judges and Prosecutors, who, since the constitutional referendum of 2017, have been appointed by the President and parliament, was incompatible with the fundamental principle of an independent judiciary, and that the executive still had a significant influence on the recruitment of judges and prosecutors, their transfer and the disciplinary procedures to which they could be subject.

86. The co-rapporteurs welcomed the willingness of the Turkish authorities to continue co-operation programmes with the Council of Europe in the field of training of judges and prosecutors, and activities on freedom of expression.

87. On the other hand, they were concerned about the temporary refusal by the lower courts to draw the consequences of the Constitutional Court's decisions on the acquittal of two journalists, Mr Şahin Alpay and Mr Mehmet Altan, whose pretrial detention continued for some time although the Court had considered that their right to freedom and the right to freedom of expression and the media had been infringed. The matter was discussed by the Secretary General of the Council, Mr Thorbjørn Jagland, and President Erdoğan in February 2018. On 6 March 2018, in a public address, Mr Erdoğan said that the decisions of the Constitutional Court could be criticised but had to be obeyed. Since then no other Constitutional Court decision has been disputed by a lower court, and this should be welcomed.

88. On 20 April 2018, the Turkish Grand National Assembly called early presidential and parliamentary elections on 24 June 2018, 19 months before the original due date. These elections were very important because they were intended to result in the institutionalisation of the transition from a parliamentary system to a presidential system, in accordance with the constitutional amendments adopted by referendum in April 2017. On the day it called these early elections, the Grand National Assembly also decided to extend the state of emergency for the seventh time since the failed coup of 15 July 2016.

89. On 24 April 2018, the Monitoring Committee adopted a statement<sup>29</sup> in which it recommended that the Turkish authorities should postpone the elections in view of the adverse context, which would impede the conduct of free and fair elections. It also decided to ask the Venice Commission for an opinion on the amendments to the electoral legislation adopted in March and April 2018, enabling early elections to be held.

90. In the light of the statement issued by the IEOM on 25 June 2018, which was followed up by the report of the Ad Hoc Committee of the Parliamentary Assembly on the observation of the early presidential and parliamentary elections in Turkey (24 June 2018), the Monitoring Committee's fears were broadly founded. While, according to the ad hoc committee,<sup>30</sup> these elections confirmed that "Turkish citizens are willing to mobilise for their democracy ... to take to the streets, go to rallies, campaign, supervise the integrity of the election process and vote, in great numbers", it is also clear that "the state of emergency and the limitations to freedom of expression and assembly that have been introduced under its aegis, together with the ongoing security operations in the South East and the high number of arrests of politicians and journalists, negatively impact the electoral environment and limit the space for democratic debate which is even more essential during an electoral campaign".<sup>31</sup> The IEOM concluded therefore that the voters had had a genuine choice, but the incumbent president and the ruling party had enjoyed an undue advantage, including in the media.<sup>32</sup>

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29. [Statement](#), 24 April 2018. On the following day, the Ministry of Foreign Affairs published a statement emphasising the political character of this declaration.

30. [Doc. 14608](#), paragraph 84.

31. *Ibid.*, paragraph 12.

32. *Ibid.*, Appendix 5 – Statement by the International Election Observation Mission (IEOM).

91. In the presidential elections, the incumbent president, Mr Recep Tayyip Erdoğan, was re-elected in the first round with 52.59% of the vote. After the parliamentary elections the following parties were represented in the Grand National Assembly: the AKP (42.56%) and the MHP (11.1%), together forming the People's Alliance; the CHP (22.64%), the İYİ (9.96%) and the Felicity Party (1.34%), forming the Nation Alliance; and the HDP (11.07%). Of the 600 members elected, 104 are women.

92. On 19 July 2018, the rapporteurs welcomed the Turkish authorities' decision to lift the state of emergency, urging them to restore fundamental freedoms and ensure that future legislation complies with Council of Europe standards. Assembly President Ms Maury Pasquier welcomed the end of the Turkish derogation under Article 15 (derogation in time of emergency) of the European Convention on Human Rights, notified on 8 August 2018.

#### 2.2.10. Ukraine

93. On 25 April 2018, Ms Dzhema Grozdanova (Bulgaria, EPP/CD) replaced Mr Axel Fischer (Germany, EPP/CD) as co-rapporteur. On 11 October 2018, Mr Alfred Heer (Switzerland, ALDE) took over from Mr Eerik-Niils Kross (Estonia, ALDE). With the Monitoring Committee's authorisation, Mr Kross paid a fact-finding visit to Ukraine from 19 to 21 March 2018. Ms Grozdanova and Mr Heer visited from 19 to 21 November 2018.

94. On the political front, all the parties have begun their campaigns relatively early for the presidential and parliamentary elections to be held in 2019. For the time being, this campaign has not resulted in the slightest fragmentation of politics in the country, in which a powerful system of oligarchic interests continues to thrive, against a background of widespread corruption. In [Resolution 2145 \(2017\)](#) on the functioning of democratic institutions in Ukraine, the Assembly expressed concern about the hardening of political discourse and the political environment.

95. In this context and with a view to the 2019 elections, it would be highly desirable for the Verkhovna Rada to adopt a standard electoral code before the elections, as recommended by the Assembly and the Venice Commission. At the same time, all parties should agree on the need to achieve a "balanced composition of the Central Election Committee" through "proportional representation of all parliamentary political factions", as reiterated by the Assembly in [Resolution 2203 \(2018\)](#) on the Assembly's monitoring procedure from January to December 2017.

96. The former co-rapporteur, Mr Kross, also advised the Ukrainian authorities to take advantage of the current reform of the Verkhovna Rada's Rules of Procedure, to incorporate a series of clear rights for the opposition, which it was generally felt were better regulated before the previous reform in 2010.

97. Whereas civil society organisations played a decisive role in the Euromaidan movement, the political room formerly afforded them now seems to have shrunk, particularly for organisations and people involved in the fight against corruption. In addition to the cases of harassment and assault of civil society activists by extreme right groups reported to the co-rapporteur by NGO representatives, on 3 March 2017 the Verkhovna Rada introduced a requirement for anti-corruption campaigners to fill in the same electronic declaration of assets as public officials. This system is still in force despite two bills (Nos. 6674 and 6675) that were tabled to amend the declaration procedure, and anti-corruption campaigners were required to fill it in by 1 April 2018. Both the system set up on 3 March 2017 and the provisions of Bills Nos. 6674 and 6675 were strongly criticised by the Venice Commission,<sup>33</sup> which was asked for its opinion by the Monitoring Committee. The Verkhovna Rada's current position, particularly its refusal to put back the entry into force of the requirement for anti-corruption campaigners to enter a declaration, raises questions as to the ruling majority's desire to promote the establishment of a political climate in which civil society organisations can fulfil their democratic functions. In this context, this position must be condemned.

98. In [Resolution 2145 \(2017\)](#), the Assembly welcomed the fact that most of the systems to fight corruption had been set up but expressed its concern at the limited tangible results and the slow pace of reforms. This finding is still pertinent. For instance, the bill to set up a specialised High Anti-Corruption Court has been the subject of an opinion from the Venice Commission, whose recommendations on several fundamental issues, particularly the procedure for the appointment of the its judges and the scope of its powers, have not as yet been taken up. In addition, the key institutions in the fight against corruption, the National Anti-Corruption Bureau (NABU) and the Specialised Anti-Corruption Prosecutors Office, have found themselves in regular conflict over matters of jurisdiction with the office of the Prosecutor General, Mr Lutsenko, who is a close ally of President Poroshenko. For instance, when the NABU started an investigation into corruption in the prosecution service, the Prosecutor General ordered the arrest of several NABU investigators. Lastly, the

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33. [CDL-AD\(2018\)06](#).

National Agency for Prevention of Corruption, which is tasked in particular with collecting declarations of assets from public officials, has carried out only a very small number of checks (3 000 by mid-2017) and forwarded even fewer cases to the NABU for investigation (10). Unfortunately, the co-rapporteur saw no progress in this area during his visit.

99. These ongoing negative developments and the lack of tangible results in the fight against corruption could stall the overall reform programme in the country or even undo the progress made.

100. As to the Education Act adopted by the Verkhovna Rada on 5 September 2017, which has met with criticism focusing on Article 7 governing the use of the official language and minority languages in the education system, the co-rapporteur alerted his discussion partners to the fact that restricting the acquired rights to education in their mother tongue of such a large part of the population, namely those speaking Russian from birth, could have an adverse impact on Ukraine's stability and social cohesion and make it even more vulnerable to Russian propaganda and interference.

101. On 18 May 2018, the Monitoring Committee's co-rapporteurs also condemned the opening of a bridge over the Kerch Strait between Russia and the illegally annexed region of Crimea, stating that if Ukraine did not agree to it, the construction of this bridge violated its territorial integrity and sovereignty.<sup>34</sup> On 25 November 2018, navy ships of the Russian Federation captured, with the use of force, two Ukrainian Navy vessels and a tug boat trying to pass the Kerch Strait. This capture was in violation of international law, including the 2003 agreement between Russia and Ukraine guaranteeing the right of free navigation for vessels from both nations through the Kerch Strait and in the Sea of Azov. These actions were decried by Ukraine as an open act of military aggression by the Russian Federation and condemned by the international community, including the President of the Assembly and the two co-rapporteurs for Ukraine, who reiterated their strong support for Ukraine's sovereignty and territorial integrity, including the freedom to navigate freely and unhindered in its own territorial waters. Regrettably and despite international calls to the contrary, the Russian Federation, at the time of writing this report, continues to refuse to return the three vessels to Ukraine and to return the 24 sailors captured, six of whom were injured in this incident.

### **2.3. Countries engaged in post-monitoring dialogue**

#### **2.3.1. Bulgaria**

102. The co-rapporteurs visited the country from 3 to 5 October 2018. During the visit they focused on the functioning of the judiciary and the judicial reform; on amendments to the penal code and the fight against high-level corruption and organised crime; on media freedom; as well as on different aspects of human rights issues including implementation of judgments of the European Court of Human Rights, rights of minorities, refugees and asylum seekers and women's rights.

103. The amendments which were introduced to the Judicial System Act addressed the majority of concerns identified in [Resolution 1915 \(2013\)](#). They provided for the creation of two separate Judges' and Prosecutors' Chambers within the Judicial Supreme Council, and established more transparent procedures for appointment, appraisal and promotion of judges. Moreover, the powers of the Inspectorate were reinforced to include the verification of conflicts of interest and personal assets of magistrates, and their professional integrity.

104. In January 2018, the parliament adopted a new Anti-Corruption and Forfeiture of Assets Act. It established a new unified anti-corruption agency – Anti-Corruption and Forfeiture of Assets Commission – in charge of verifying conflicts of interest and private assets of high-level officials, investigating allegations of corruption among such officials, establishing safeguards for the prevention of corruption and the setting up of procedures for the seizure and confiscation of illicit assets.

105. On 8 October 2018, the co-rapporteurs on Bulgaria issued a statement following the brutal murder of an investigative journalist, Viktoria Marinova, calling on the Bulgarian authorities to carry out an exhaustive inquiry and bring the perpetrators to justice.<sup>35</sup>

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34. Statement, 18 May 2018.

35. On 7 December 2018, I received a letter from the Chairperson of the Bulgarian Delegation providing me with updated information on the progress of the investigation into the murder and the ongoing judicial procedure. The law-enforcement authorities had identified a suspect on the basis of DNA tests and other evidence as being a 21-year-old Bulgarian citizen who had in the meantime moved to Germany. Following a request for extradition, the German Court had decided to grant it. Currently, the suspect is undergoing psychiatric examination and the Court hearing will take place within four months.

### 2.3.2. Montenegro

106. The co-rapporteurs took part in the observation mission for the presidential election on 15 April 2018 as *ex officio* members of the Assembly's ad hoc committee.

107. On 10 October 2018, Mr Anne Mulder (Netherlands, ALDE) took over from Mr Andrea Rigoni (Italy, SOC) as co-rapporteur.

108. The lessons learnt by the ad hoc committee from the presidential election are of special interest over and above their actual content because the reforms relating to the election procedure are part of those which, were they not carried out, could justify the reopening of the general monitoring procedure with regard to Montenegro under the terms of paragraph 13.2 of [Resolution 2030 \(2015\)](#) on the honouring of obligations and commitments by Montenegro.

109. According to the State Election Commission, turnout was 63.92%. Mr Milo Đukanović, the former Prime Minister and former President, was elected in the first round with 53.9% of the vote from among seven candidates, including one woman. Mr Đukanović's main rival, Mr Mladen Bojanić won 33.4% of the vote.

110. Following the vote, the ad hoc committee concluded that the election "respected fundamental freedoms, that voting was well organised, and that voters made their choice from among a wide range of candidates. As regards the election campaign, there were reported cases of the misuse of State resources and credible allegations of pressure on voters in favour of the ruling party candidate. The ad hoc committee pointed out that regrettably those problems were recurrent in Montenegro, as well as credible allegations of vote buying and hiring of public employees during the election period".<sup>36</sup>

111. Among the subjects that drew its attention, the ad hoc committee stated in particular that, despite the Venice Commission's prior recommendations, the election law did not contain any provision on the impartiality and professionalism of election management bodies, that the requirement to be resident in Montenegro for 24 months prior to election day to be entitled to vote was in breach of the Venice Commission's Code of Good Practice in Electoral Matters because the period was too long,<sup>37</sup> and that the rules on the nomination of candidates had also been the subject of repeated recommendations from the Venice Commission for them to be brought more into line with the Code of Good Practice.<sup>38</sup>

112. The ad hoc committee also pointed out that electoral legislation had been thoroughly reformed since 2014 and a parliamentary working group had proposed further reforms, which parliament had not been able to adopt as the opposition boycott had prevented the requisite two-thirds majority from being reached.

113. On a more general level, the boycott of parliament has partly ended as several opposition parties have now decided to resume participation in its activities.

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

114. The co-rapporteurs visited "the former Yugoslav Republic of Macedonia" from 18 to 20 June 2018, at the time of the signature, on 17 June 2018, by "the former Yugoslav Republic of Macedonia" and Greece of a "name agreement",<sup>39</sup> also known as the "Prespa Agreement". The rapporteurs welcomed this achievement, which should bring an end to a 27-year dispute. The agreement covers a broad range of subjects such as the name of the State, which becomes "Republic of North Macedonia", the name of the country's nationals ("Macedonian/citizen of the Republic of North Macedonia") and the name of the official language ("the Macedonian language"). Its aim is also to clarify historical debates, particularly in the archaeological and heritage fields, which are in fact linked to identity issues. Overall, it is intended both to normalise relations between "the former Yugoslav Republic of Macedonia" and Greece, and, over and above this, to create relations of trust and good-neighbourliness.

115. For the Agreement to be transposed into national law, constitutional amendments were to be adopted and, according to the Agreement itself (Article 4), these had to be made before the end of 2018, while Greece was expected to ratify the Agreement "rapidly".

36. [Report on the observation of the presidential election in Montenegro \(15 April 2018\)](#), paragraph 4.

37. The call to reduce this requirement is expressly made in paragraph 13.2.5 of [Resolution 2030 \(2015\)](#).

38. [Report on the observation of the presidential election in Montenegro \(15 April 2018\)](#), paragraph 34.

39. The "Final Agreement for the Settlement of the Differences as described in the United Nations Security Council Resolutions 817 (1993) and 845 (1993), the Termination of the Interim Accord of 1995 and the Establishment of a Strategic Partnership between the Parties" signed by Greece and "the former Yugoslav Republic of Macedonia" on 17 June 2018.

116. Besides its historical significance for the signatories, the implementation of the agreement would also enable an end to be brought to Greece's refusal to allow "the former Yugoslav Republic of Macedonia" after it has become "the Republic of North Macedonia", to join the North Atlantic Treaty Organization (NATO) and the European Union. The European Union has, moreover, agreed to the "conditional opening" of accession negotiations in June 2019.

117. The agreement met with the support of all the political parties represented in parliament except the main opposition party, VRMO-DPMNE. On 20 June 2018, parliament adopted the ratification law by 69 votes for and none against, while VRMO-DPMNE abstained. The President of the Republic, Mr Gjorge Ivanov, refused to promulgate the law, considering it in breach of the Constitution.

118. These objections did not prevent the process from continuing, and on 30 July 2018, the parliament decided to hold a referendum to obtain voters' approval on the content of the Agreement, although it was unable to reach a consensus with the opposition on the consultative nature of the vote or on the wording of the question to be put to the voters.<sup>40</sup>

119. The referendum was held on 30 September 2018 and was observed by an ad hoc Assembly committee, which formed part of the International Referendum Observation Mission (IROM) including the OSCE/ODIHR.

120. The IROM concluded that although the legal framework did not sufficiently cover all aspects of the process, the referendum was administered impartially and fundamental freedoms were respected.

121. Of a total number of registered voters of about 1.8 million,<sup>41</sup> 666 344 cast a vote. 609 427 answered "yes" and 37 687 answered "no". The low turnout, of well under 50% of the registered voters, could, in the ad hoc committee's view, be accounted for in part by the fact that despite the lack of a proper, organised "no" campaign,<sup>42</sup> a campaign to boycott the referendum was run by a coalition of citizens' associations and two small political parties, which did not hesitate to resort to inflammatory rhetoric. The unclear nature of the question put and the failure to establish the link between the adoption of the Agreement and the obligation to amend the Constitution also played their part. The ad hoc delegation also drew attention to the provisions of the Venice Commission's Code of Good Practice on Referendums, particularly the fact that "electors must not be called to vote simultaneously on several questions without any intrinsic link".<sup>43</sup>

122. The Prime Minister, Mr Zoran Zaev, said that the consultation was not binding and announced that the revision of the constitution would be launched if "yes" won, whether or not turnout exceeded 50% of registered voters. On 19 October 2018, the Macedonian Parliament succeeded in adopting the constitutional amendments by a two-thirds majority.

123. On the legislative front, the co-rapporteurs welcomed the steps taken by the Macedonian authorities to reform the judiciary, strengthen media freedom, review electoral law, reform the intelligence and secret services and prevent discrimination. This legislation now has to be implemented.

124. Likewise, the continuing practice of seeking the opinion of the Venice Commission, as with the draft law on discrimination<sup>44</sup> or the reform of the Judicial Council and the courts,<sup>45</sup> is to be welcomed.

125. Furthermore, the co-rapporteurs encouraged the Macedonian authorities to ensure that the new pieces of legislation took into account the recommendations made by GRECO and stepped up their efforts to combat corruption along the lines suggested by GRECO.<sup>46</sup>

126. Lastly, discussions on the future of the Special Prosecutor's Office, which is currently investigating illegal wire-tapping, should be regarded as further efforts to normalise the system and put the country back on track towards meeting European standards. The question of extending its mandate, which will expire in September 2019, forms part of these discussions.

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40. Ultimately, the question put in the referendum was: "Are you in favour of European Union and NATO membership by accepting the agreement between the Republic of Macedonia and the Republic of Greece?"

41. A particularly high figure for a population estimated at about 2 million.

42. None of the parties represented in parliament, not even the VRMO-DPMNE, officially called for people to vote "no".

43. CDL-AD(2007)rev, paragraph 30.

44. CDL-AD(2018)01.

45. CDL-AD(2018)22.

46. Second compliance report in the Fourth Evaluation Round on "Corruption prevention in respect of members of parliament, judges and prosecutors", published on 9 August 2018, [GrecoRC4\(2018\)6](#).

### 3. Report on the functioning of democratic institutions in Poland

127. On 13 March 2018, the Bureau of the Assembly authorised the extension of the deadline to submit the report to 25 January 2019. On 23 November 2018, it put the deadline back still further, to 25 July 2019.

128. On 29 May 2018, Ms Theodora Bakoyannis (Greece, EPP/CD) took over from Ms Elisabeth Schneider-Schneiter (Switzerland, EPP/CD) as co-rapporteur.

129. On the same day, the committee had an exchange of views with the following high-level personalities: Mr Łukasz Piebiak, Under-Secretary of State at the Polish Ministry of Justice, Mr Dariusz Drajewicz, Vice-President of the National Council of the Judiciary, Ms Zuzanna Rudzińska-Bluszcz, strategic litigation co-ordinator at the Office of the Polish Commissioner for Human Rights (Ombudsperson), and Mr Gianni Buquicchio, President of the Venice Commission.

### 4. Periodic review of the honouring of Council of Europe membership obligations by countries that are not subject to a full monitoring procedure or engaged in a post-monitoring dialogue with the Assembly

130. 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 Council of Europe membership obligations by all the countries that are not under the full monitoring procedure or engaged in a post-monitoring dialogue. In accordance with the working methods agreed on by the committee, in 2018 periodic review reports were prepared for two countries: Iceland and Italy. These periodic reviews are presented in the second and third parts of this progress report and their main recommendations are set out in the draft resolution that is presented in this report.

### 5. Possible ways to reform the overall monitoring system of the Parliamentary Assembly and the current working methods and internal procedures of the Monitoring Committee

131. The monitoring procedure of the Assembly has played, and continues to play, an important and positive role in the transformation processes in many countries which joined the Council of Europe during and after the 1990s. The monitoring process remains one of the core activities of the Assembly and should be maintained. However, this recognition does not prevent a reflection on possible improvements to the existing procedure, which the committee has been making on a regular basis.

132. In the framework of the discussions in the ad hoc committee on the role and mission of the Parliamentary Assembly set up by the Bureau in December 2017, several national delegations and all political groups raised the question of the efficiency and impact of the Assembly's monitoring procedure, and the Monitoring Committee's current working methods and internal procedures. Their comments and proposals were included in the ad hoc committee's report submitted to the Bureau on 29 June 2018.<sup>47</sup>

133. Following the exchange of views on the report, the Bureau decided to refer these "proposals aimed at reforming the overall monitoring system of the Assembly or the current working methods and internal procedures of the Monitoring Committee on the basis of [Resolution 1115 \(1997\)](#) (modified) for consideration to the Monitoring Committee and the Committee of Rules of Procedure, Immunities and Institutional Affairs which should act in concert".

134. In the meantime, even prior to the Bureau's reference, the Monitoring Committee had launched its own process of reflection on strengthening the efficiency and the efficacy of the monitoring procedure. The members held several exchanges of views on the basis of my explanatory memorandum in which I presented concrete proposals. We achieved consensus on several issues.

135. Before I come to concrete points, I should point out that we have to make a clear distinction between possible changes of [Resolution 1115 \(1997\)](#) (modified) which refer to general principles of the monitoring procedure and can only be introduced by the Assembly itself, and the revision of the committee's internal proceedings implementing these principles. During our discussions in the committee, we were dealing mainly with the latter.

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47. See AS/Bur/MR-PA (2018) 06 rev.

### **5.1. Duration and closure of the monitoring procedure.**

136. At present, 10 countries are under the full monitoring procedure: Albania (since 1995); Armenia (since 2001); Azerbaijan (since 2001); Bosnia and Herzegovina (since 2002); Georgia (since 1999); the Republic of Moldova (since 1995); the Russian Federation (since 1996); Serbia (since 2006); Turkey (since 2017); and Ukraine (since 1995).<sup>48</sup> Moreover, there are three countries engaged in the post-monitoring dialogue: Bulgaria (since 2003); Montenegro (since 2015) and “the former Yugoslav Republic of Macedonia” (since 2000).

137. While clearly not wishing to question any of the ongoing monitoring procedures, it should be recognised that for some of the countries the length of the procedure is considerable, in some cases exceeding 20 years, which is an issue on which the committee reflected.

138. On the one hand, the duration of the procedure lends weight to those critics who claim that the monitoring process does not have any significant impact and that the countries under monitoring do not make substantial progress with regard to the fulfilment of their commitments and obligations. On the other hand, a number of the countries which are subject to full monitoring or engaged in the post-monitoring dialogue have pointed out that it is not always clear what is expected from them in order to progress in the monitoring procedure, that the scope of the present reports goes far beyond original commitments, and that therefore progress made, and the efforts of the country are not always – from their perspective – sufficiently recognised.

139. The committee does not share the reasoning behind the first suggestion. The clear progress made in most countries and the Assembly’s contribution towards this progress is undeniable. Furthermore, on many occasions we have heard positive feedback from representatives of both governing majorities and opposition of the countries concerned engaged in political dialogue with the Assembly, as well as guidance which has been instrumental in building democratic institutions and environment.

140. It should also be stressed that there are numerous examples of countries which have successfully left the full monitoring procedure; the Czech Republic (1997); Estonia (1997); Lithuania (1997); Romania (1997); the Slovak Republic (1999); Croatia (2000); Bulgaria (2000); “the former Yugoslav Republic of Macedonia” (2000); Latvia (2001); Monaco (2009) and Montenegro (2015). The post monitoring was concluded with Estonia (2001), Romania (2002), Lithuania (2002), Croatia (2003), the Czech Republic (2004), the Slovak Republic (2006), Latvia (2006) and Monaco (2015).

141. However, the members believe that countries under monitoring do have a right to know what is expected of them and that those showing demonstrable progress should have that recognised as swiftly as possible.

142. In conclusion, there was, firstly, a clear consensus that we should reflect, in the Monitoring Committee, on more clear and uniform criteria governing evaluations and closing of the strict monitoring procedure and post-monitoring dialogue once original outstanding commitments are fulfilled. Secondly, it was also agreed that for those countries that have achieved marked progress, clear perspectives for what needs to be done to move into a post-monitoring dialogue, or ending the procedure altogether, should be given.

143. To that effect, it was agreed that the committee would engage in a process of reflection on the criteria and concepts that are at the basis of the monitoring procedure and its assessments. The committee should reflect on the elaboration of a list of common criteria and standards for the termination of the monitoring procedure. This list would constitute a basis for co-rapporteurs’ reflection with respect to specific countries and the possible establishment of a clearly defined perspective to exit the monitoring procedure.

144. At the same time, the committee agreed that where possible co-rapporteurs for each country would prepare in consultation with the respective authorities of the country concerned a clear list with a timeline of concrete issues and actions to be undertaken that need to be addressed in order to move forward in the monitoring procedure. The list – after being discussed and approved by the committee – would be included in the next draft resolution accompanying the report on the country concerned and submitted to the Assembly for adoption.

145. It should be clear that under no circumstances should action be taken that can lead to the renegotiation of the commitments and obligations undertaken by the countries concerned. There is no question of lowering our standards, but we have to be more specific in our requirements and offer a clear road map for the way forward. This list would give a clear perspective for moving in or out of the procedure for the countries concerned.

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48. See State of procedure, AS/Mon/Inf (2018) 19.

146. The identification of clear measures to be introduced along with a clear timeline and clear perspective for the termination of full monitoring will undoubtedly constitute a strong incentive for at least some of the countries concerned to advance in their efforts. At the same time, it should be recognised that the reform of periodic reviews, which is outlined below, for all member States will allow the committee in a number of cases to more easily propose the next step in the monitoring procedure.

147. I am convinced that the combination of a proactive approach and the establishment of a system by the committee of full monitoring reports for all member States, would enable a number of countries to advance and move to the post-monitoring dialogue in the very near future.

## **5.2. Periodic reviews**

148. An important objective to this reform is to ensure that all countries receive equal treatment in the monitoring procedure and that no arbitrary dividing lines between member States exist. Indeed, although the rules enable even now the opening of a full monitoring procedure or the launching of a single report on the functioning of democratic institutions with respect to any member State,<sup>49</sup> in practice these are widely perceived as a sort of “punishment” and are highly politicised. They can therefore not fully be a substitute for genuinely even-handed procedures for all member States.

149. An effort in this respect has been made with the introduction, in 2014, of the periodic reviews of member States not under a strict monitoring procedure or engaged in a post monitoring dialogue. While generally welcomed as an important step forward in ensuring the monitoring of all member States, this process needs to be strengthened to ensure equality between member States. So far, 14 countries have been reviewed in this way: Andorra, Belgium, Croatia and Cyprus in 2015; Austria, the Czech Republic, Denmark, Finland, France and Germany in 2016; and Estonia, Greece, Hungary and Ireland in 2017. Two reports, on Iceland and Italy, have been being prepared for the January 2019 part-session.

150. Despite their positive impact, it is clear that the political weight of periodic reviews is not comparable to the importance attached to monitoring reports, debates and adopted texts in the framework of the full monitoring procedure and post-monitoring dialogue. The main reason seems to be because these reports are simply attached to progress reports and are not accompanied by specific resolutions, and as a result they pass almost unnoticed. Recommendations addressed to several countries and included in a resolution accompanying a progress report do not attract much attention. Additionally, the manner of selection (alphabetical order) does not lend itself to the flexibility required to respond to need. This is all the more regrettable given that very often they are excellent reports that should give rise to proper consideration, substantial discussions and follow-up.

151. The committee has agreed that periodic reviews are a key factor for increasing the committee’s added value provided that the procedure adopted for their preparation, as well as their format, undergoes a complete overhaul. They will also increase the Assembly’s relevance.

152. The current selection of countries on which reports are to be prepared within the next year based on alphabetical order should be replaced by a selection on substantive grounds. The committee could proceed to the selection once a year following an internal discussion based on the Chair’s proposals. The ultimate objective continues to be to have, over time, reports on all member States.

153. The order and the frequency of preparation of reports on specific countries should differ depending on the developments regarding these countries. This would allow the committee and the Assembly to respond to current developments and news updates. Every year, the committee could identify four countries on which reports would then be presented within the next two years.

154. As a result, one “periodic” report would be presented during the session (in addition to reports on the countries under full monitoring and engaged in the post monitoring dialogue), each accompanied by a resolution. There would be no time restriction on the preparation of the next report on the same country if the committee selects it.

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49. One country, Poland, is currently the subject of a report under preparation on the functioning of democratic institutions, following a motion for a resolution which is valid until 25 January 2019.

### **5.3. Other issues**

155. The co-rapporteurs' visits should in principle be carried out when developments warrant their presence in the country concerned. This will help avoid the organisation of unproductive visits, which I would perceive as a positive step. In addition, we will not take up co-rapporteurs' time and efforts for visits which serve no purpose and are used as an alibi by authorities who are not demonstrating political will for democratisation and will therefore liberate more of our limited time to spend on other member States.

156. At the same time, members, before accepting a rapporteurship, should be aware of the heavy workload and need for availability that such a position requires.

157. There is no question of abandoning the country by country approach. The issue-based approach which has features of cross-country monitoring has always existed in the Parliamentary Assembly and is systematically conducted by relevant committees.

158. The ultimate objective is to have all countries monitored on a periodic basis in a homogeneous way.

159. There is no doubt as to the overall positive assessment of the parliamentary monitoring procedure. It has been – and continues to be – a vital mechanism for reinforcing democratic processes in Council of Europe member States. The monitoring process is one of the core activities of the Parliamentary Assembly, and it should be maintained and reinforced taking into account new challenges and developments.

**Appendix 1 – Council of Europe treaties signed and/or ratified between January and December 2018 by the 47 member States of the Council of Europe**

Countries	Treaties signed and/or ratified between January and December 2018	Signature / ratification
<b>Albania</b>	No treaty signed and/or ratified between January and December 2018	
<b>Andorra</b>	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	Signature: 12/04/2018
	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
<b>Armenia</b>	ETS No. 127 Convention on Mutual Administrative Assistance in Tax Matters	Signature: 24/01/2018
	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	Signature: 18/01/2018
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	Signature: 24/01/2018
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Signature: 24/01/2018
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Signature: 24/01/2018
	CETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 24/01/2018
<b>Austria</b>	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>Azerbaijan</b>	CETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
<b>Belgium</b>	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification: 04/04/2018
	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	Signature: 08/11/2018
	CETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>Bosnia and Herzegovina</b>	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	Signature: 11/05/2018
	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	Signature: 11/05/2018
	CETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
<b>Bulgaria</b>	CETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>Croatia</b>	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	Ratification: 12/06/2018
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification: 09/01/2018
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	Signature: 29/11/2018
	CETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 20/04/2018 Ratification: 28/09/2018
<b>Cyprus</b>	CETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
<b>Czech Republic</b>	ETS No. 191 Additional Protocol to the Criminal Law Convention on Corruption	Ratification: 11/09/2018
	CETS No 195 Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research	Signature: 11/05/2018
	CETS No. 219 Protocol amending the European Landscape Convention	Ratification: 09/02/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018

<b>Countries</b>	<b>Treaties signed and/or ratified between January and December 2018</b>	<b>Signature / ratification</b>
<b>Denmark</b>	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: 12/02/2018
	CETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 16/04/2018
<b>Estonia</b>	ETS No. 176 European Landscape Convention	Ratification: 08/02/2018
	CETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>Finland</b>	CETS No. 199 Council of Europe Framework Convention on the Value of Cultural Heritage for Society	Ratification: 31/05/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>France</b>	ETS No. 098 Second Additional Protocol to the European Convention on Extradition	Signature: 02/10/2018
	CETS No. 209 Third Additional Protocol to the European Convention on Extradition	Signature: 02/10/2018
	CETS No. 212 Fourth Additional Protocol to the European Convention on Extradition	Signature: 02/10/2018
	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification: 12/04/2018
	CETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>Georgia</b>	CETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 06/09/2018
<b>Germany</b>	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>Greece</b>	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	Ratification: 18/06/2018
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification: 05/10/2018
	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
<b>Hungary</b>	ETS No. 182 Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters	Ratification: 09/01/2018
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Signature: 31/01/2018 Ratification: 31/08/2018
	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
<b>Iceland</b>	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	Ratification: 26/04/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 21/11/2018
<b>Ireland</b>	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>Italy</b>	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No. 222 Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons	Signature: 20/02/2018

<b>Countries</b>	<b>Treaties signed and/or ratified between January and December 2018</b>	<b>Signature / ratification</b>
<b>Latvia</b>	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 06/03/2018
	CETS No. 221 Council of Europe Convention on Offences relating to Cultural Property	Signature: 22/02/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>Liechtenstein</b>	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: 26/11/2018
<b>Lithuania</b>	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Ratification: 26/09/2018
	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Ratification: 26/09/2018
	CETS No. 222 Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons	Signature: 12/01/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>Luxembourg</b>	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	Ratification: 07/08/2018
	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	Signature: 06/09/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>Malta</b>	ETS No. 063 European Convention on the Abolition of Legalisation of Documents executed by Diplomatic Agents or Consular Officers	Ratification: 14/03/2018
	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: 16/01/2018 Ratification: 16/01/2018
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	Signature: 16/01/2018 Ratification: 16/01/2018
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Ratification: 16/01/2018
<b>Republic of Moldova</b>	CETS No. 209 Third Additional Protocol to the European Convention on Extradition	Ratification: 29/01/2018
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Ratification: 10/01/2018
	CETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
<b>Monaco</b>	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>Montenegro</b>	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	Signature: 16/02/2018
	CETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
<b>Netherlands</b>	CETS No. 219 Protocol amending the European Landscape Convention	Ratification: 31/07/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>Norway</b>	CETS No. 201 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	Ratification: 13/06/2018
	CETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>Poland</b>	CETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018

<b>Countries</b>	<b>Treaties signed and/or ratified between January and December 2018</b>	<b>Signature / ratification</b>
<b>Portugal</b>	ETS No. 161 European Agreement relating to persons participating in proceedings of the European Court of Human Rights	Ratification: 11/04/2018
	CETS No. 203 Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes	Ratification: 26/03/2018
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	Ratification: 08/11/2018
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Ratification: 13/03/2018
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Ratification: 19/06/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>Romania</b>	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
<b>Russian Federation</b>	CETS No. 211 Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health	Ratification: 20/03/2018
	CETS No. 221 Council of Europe Convention on Offences relating to Cultural Property	Signature: 08/11/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>San Marino</b>	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
<b>Serbia</b>	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: 29/06/2018
	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Ratification: 27/11/2018
<b>Slovak Republic</b>	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	Signature: 27/06/2018
	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
<b>Slovenia</b>	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Signature: 16/01/2018
	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
<b>Spain</b>	ETS No. 182 Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters	Ratification: 26/03/2018
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification: 20/09/2018
	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 07/05/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>Sweden</b>	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Ratification: 07/09/2018
	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018
<b>Switzerland</b>	CETS No. 211 Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health	Ratification: 25/10/2018
	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
<b>“The former Yugoslav Republic of Macedonia”</b>	ETS No. 127 Convention on Mutual Administrative Assistance in Tax Matters	Signature: 27/06/2018
	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	Ratification: 23/03/2018
	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature: 08/10/2018

<b>Countries</b>	<b>Treaties signed and/or ratified between January and December 2018</b>	<b>Signature / ratification</b>
<b>Turkey</b>	ETS No. 087 European Convention for the Protection of Animals kept for Farming Purposes	Ratification: 14/05/2018
	ETS No. 127 Convention on Mutual Administrative Assistance in Tax Matters	Ratification: 26/03/2018
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Ratification: 13/02/2018
	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No. 222 Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons	Signature: 06/03/2018
<b>Ukraine</b>	ETS No. 094 European Convention on the Service Abroad of Documents relating to Administrative Matters	Signature: 12/04/2018
	ETS No. 100 European Convention on the Obtaining Abroad of Information and Evidence in Administrative Matters	Signature: 12/04/2018
	CETS No. 205 Council of Europe Convention on Access to Official Documents	Signature: 12/04/2018
	CETS No. 209 Third Additional Protocol to the European Convention on Extradition	Ratification: 13/11/2018
	CETS No. 212 Fourth Additional Protocol to the European Convention on Extradition	Ratification: 13/11/2018
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification: 22/03/2018
	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification: 22/03/2018
	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No. 222 Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons	Signature: 12/04/2018
<b>United Kingdom</b>	CETS No. 201 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	Ratification: 20/06/2018
	ETS No. 219 Protocol amending the European Landscape Convention	Ratification: 01/08/2018
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature: 10/10/2018

**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 2018**

**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 have been 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 223)	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	Istanbul Convention	Convention on Action against Trafficking in Human Beings	ESC	Protocol ESC on collective complaints	FCNM	Minority rights			
				6	12	13							
<b>Albania</b>	84 R 4 S	R	R	R	R	R	R	R	R	- 1961 R rev	-	R	-
<b>Andorra</b>	52 R 5 S	S	-	R	R	R	R	R	R	- 1961 R rev	-	-	-
<b>Armenia</b>	63 R 18 S	R	R	R	R	S	S	R	R	- 1961 R rev	-	R	R
<b>Austria</b>	116 R 33 S	R	S	R	S	R	R	R	R	R 1961 R rev	S	R	R
<b>Azerbaijan</b>	64 R 8 S	R	R	R	S	-	-	R	R	- 1961 R rev	-	R	S
<b>Belgium</b>	137 R 38 S	R	R	R	S	R	R	R	R	R 1961 R rev	R	S	-
<b>Bosnia and Herzegovina</b>	87 R 5 S	R	R	R	R	R	R	R	R	- 1961 R rev	-	R	R
<b>Bulgaria</b>	85 R 17 S	R	R	R	R	R	S	R	R	- 1961 R rev	-	R	-
<b>Croatia</b>	95 R 9 S	R	R	R	R	R	R	R	R	R 1961 S rev	R	R	R
<b>Cyprus</b>	137 R 18 S	R	R	R	R	R	R	R	R	R 1961 R rev	R	R	R
<b>Czech Republic</b>	111 R 14 S	R	-	R	S	R	S	R	R	R 1961 S rev	R	R	R
<b>Denmark</b>	139 R 17 S	S	R	R	-	R	R	R	R	R 1961 S rev	S	R	R
<b>Estonia</b>	92 R 12 S	R	S	R	S	R	R	R	R	- 1961 R rev	-	R	-

Member States	Total of number of conventions ratified or signed (out of 223)	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	Istanbul Convention	Convention on Action against Trafficking in Human Beings	ESC	Protocol ESC on collective complaints	FCNM	Minority rights ECRML		
		6	12	13								
<b>Finland</b>	113 R 14 S	R	S	R	R	R	R	R	R1961 R rev	R	R	R
<b>France</b>	139 R 38 S	R	R	R	R	R	R	R	R1961 R rev	R	-	S
<b>Georgia</b>	74 R 14 S	R	R	R	R	R	R	R	- 1961 R rev	-	R	-
<b>Germany</b>	134 R 39 S	R	R	R	R	R	R	R	R1961 S rev	-	R	R
<b>Greece</b>	102 R 57 S	R	R	R	R	R	R	R	R1961 R rev	R	S	-
<b>Hungary</b>	90 R 18 S	R	R	R	R	R	R	R	R1961 R rev	S	R	R
<b>Iceland</b>	87 R 37 S	R	S	R	R	R	R	R	R1961 S rev	-	S	S
<b>Ireland</b>	103 R 19 S	R	-	R	R	R	R	R	R1961 R rev	R	R	-
<b>Italy</b>	130 R 47 S	R	R	R	R	R	R	R	R1961 R rev	R	R	S
<b>Latvia</b>	98 R 10 S	R	R	R	R	R	R	R	R1961 R rev	-	R	-
<b>Liechtenstein</b>	88 R 8 S	R	S	R	R	R	R	R	S1961 - rev	-	R	R
<b>Lithuania</b>	100 R 14 S	R	S	R	R	R	R	R	- 1961 R rev	-	R	-
<b>Luxembourg</b>	138 R 52 S	R	S	R	R	R	R	R	R1961 S rev	-	S	R



Member States	Total of number of conventions ratified or signed (out of 223)	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	Istanbul Convention	Convention on Action against Trafficking in Human Beings	ESC	Protocol ESC on collective complaints	FCNM	Minority rights ECRML	
<b>Slovenia</b>	110 R 13 S	R	R	R	R	R	R	S 1961 R rev	S	R	R
<b>Spain</b>	135 R 10 S	R	R	R	R	R	R	R 1961 S rev	-	R	R
<b>Sweden</b>	142 R 16 S	R	R	-	R	R	R	R 1961 R rev	R	R	R
<b>Switzerland</b>	123 R 16 S	-	-	R	S	R	R	S 1961 - rev	-	R	R
<b>“The former Yugoslav Republic of Macedonia”</b>	93 R 10 S	R	R	R	R	R	R	R 1961 R rev	-	R	S
<b>Turkey</b>	121 R 32 S	R	R	R	R	R	R	R 1961 R rev	-	-	-
<b>Ukraine</b>	92 R 25 S	R	R	R	S	R	R	S 1961 R rev	-	R	R
<b>United Kingdom</b>	122 R 23 S	S	R	R	S	R	R	R 1961 S rev	-	R	R