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

Report¹

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

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Summary

This report also includes four separate periodic review reports of countries not under the monitoring procedure *sensu stricto* or engaged in a post-monitoring dialogue.²

In its annual progress report, the Monitoring Committee takes stock of its activities since October 2014 and assesses the progress made by the nine countries under the Parliamentary Assembly's monitoring procedure *sensu stricto*, and in the four countries engaged in a post-monitoring dialogue, in honouring their obligations and commitments to the Council of Europe. It welcomes the progress made, expresses concerns at setbacks, and addresses specific recommendations to the countries concerned.

In addition, in line with the 2014 reform of the monitoring procedure, the Monitoring Committee presents in this report the first four periodic reviews – in respect of Andorra, Belgium, Croatia and Cyprus – of the honouring of Council of Europe membership obligations by the countries that are not under the monitoring procedure *sensu stricto* or engaged in a post-monitoring dialogue.

1. Reference to committee: [Resolution 1115 \(1997\)](#).
2. See Doc. 13868 [Part 2](#), [Part 3](#), [Part 4](#) and [Part 5](#).



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A. Draft resolution³

1. The Parliamentary Assembly acknowledges the work carried out by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) in fulfilling its mandate as defined in [Resolution 1115 \(1997\)](#) on the setting up of an Assembly committee on the honouring of obligations and commitments by member states of the Council of Europe (Monitoring Committee) (as modified by [Resolution 1431 \(2005\)](#), [Resolution 1515 \(2006\)](#), [Resolution 1698 \(2009\)](#), [Resolution 1710 \(2010\)](#), [Resolution 1936 \(2013\)](#) and [Resolution 2018 \(2014\)](#)).
2. In particular, the Assembly commends the committee on its actions in accompanying the nine countries under a monitoring procedure in *sensu stricto* (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Republic of Moldova, the Russian Federation, Serbia and Ukraine) and the four countries engaged in a post-monitoring dialogue (Bulgaria, Montenegro, “the former Yugoslav Republic of Macedonia” and Turkey) in their efforts to fully comply with the obligations and commitments they entered into upon accession to the Council of Europe.
3. The Assembly notes with satisfaction the closure of the monitoring procedure and opening of a post-monitoring dialogue in respect of Montenegro, as well as the closure of the post-monitoring dialogue in respect of Monaco. It urges the Monégasque authorities to implement [Resolution 2052 \(2015\)](#) and set up the expected mechanisms to find a suitable legal solution that would allow for the ratification of Protocols Nos. 1 and 12 to the European Convention on Human Rights (ETS No. 9 and 169) as well as the revised European Social Charter (ETS No. 163), while respecting the unique specificity of the country. The Assembly will continue to follow these developments through the periodic review carried out by the Monitoring Committee of the honouring of the membership obligations to the Council of Europe by countries that are not subject to a monitoring procedure *sensu stricto* or engaged in a post-monitoring dialogue with the Assembly.
4. During the reporting period, the Assembly considered two full reports on Albania and Montenegro, two reports on the functioning of democratic institutions with regard to Georgia and Azerbaijan and a report on the post-monitoring dialogue with Monaco.
5. During the reporting period, the respective co-rapporteurs carried out fact-finding visits to Albania, Armenia, Azerbaijan, Georgia, the Republic of Moldova (two visits), Montenegro (two visits), the Russian Federation, Serbia, Ukraine (three visits), Bulgaria, Monaco (two visits) and Turkey. In addition, the respective co-rapporteurs participated in the pre-electoral and election observation missions in Bosnia and Herzegovina, the Republic of Moldova, “the former Yugoslav Republic of Macedonia”, Turkey and Ukraine. The co-rapporteurs produced information notes on Georgia, the Republic of Moldova, Monaco, Turkey and Ukraine, which were declassified by the committee, as well as declarations and statements with regard to developments in Armenia (two statements), Azerbaijan (three statements), Bulgaria, Georgia (three statements), the Republic of Moldova, the Russian Federation (two statements), “the former Yugoslav Republic of Macedonia” (two statements), Turkey (three statements) and Ukraine (three statements).
6. The Assembly takes note of the fact that the Monitoring Committee was seized, in line with the Rules of Procedure of the Assembly, for report on the challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation. Subsequently, in line with [Resolution 2034 \(2015\)](#), the committee presented a report on the consideration of the annulment of the previously ratified credentials of the delegation of the Russian Federation (follow-up to paragraph 16 of [Resolution 2034 \(2015\)](#)). The Assembly commends the committee for its ongoing efforts in relation to the developments in Ukraine.
7. The committee held an exchange of views with Mr Laurent Nouvion, Speaker of the National Council of Monaco, and Mr Jacques Rit, Chairperson of the Special Committee on modification of the law on the organisation and functioning of the National Council, on the ongoing developments with regard to the implementation of Monaco’s remaining accession commitments. In addition, the committee held an exchange of views with Ambassador Heidi Tagliavini, Special Representative of the Chairperson-in-Office of the Organization for Security and Co-operation in Europe (OSCE) in Ukraine and in the Trilateral Contact Group on the implementation of “Package of Measures for the Implementation of the Minsk Agreements” with regard to the conflict in eastern Ukraine, as well as with Sir Nicolas Bratza, Chair of the International Advisory Panel on Ukraine, on the report of the Advisory Panel on the review of the Maidan investigations.

3. Draft resolution adopted by the committee on 3 September 2015.

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

9. The Assembly welcomes positive developments and the progress made during the reporting period in a number of countries under a monitoring procedure or engaged in a post-monitoring dialogue. In particular in:

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

9.2. Armenia, efforts to reform the constitutional framework with the stated objective of guaranteeing the respect for fundamental rights and freedoms and strengthening the balance of powers in the country;

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

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

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

9.6. Ukraine, the ongoing efforts to reform the Constitution and decentralise power to the regions;

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

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

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

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

10. At the same time, the Assembly expresses its concern about developments and remaining shortcomings in a number of countries under a monitoring procedure or engaged in a post-monitoring dialogue. These shortcomings undermine the democratic consolidation of those countries and are at odds with their obligations and accession commitments:

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

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

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

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

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

10.6. in the Republic of Moldova, the high electoral threshold to enter the parliament and lack of transparency of campaign financing, the malfunctioning of State institutions as highlighted by the 2014-2015 bank scandal, as well as the enduring impunity for corruption;

10.7. in the Russian Federation, the illegal annexation of Crimea and waging of a covert war in eastern Ukraine in violation of, *inter alia*, international law, the Statute of the Council of Europe (ETS No. 1) and Russia's accession commitments, the repressive legal framework for civil society organisations, the harassment and prosecution of NGOs critical of the government, the restrictive legal environment for media and journalists, which challenges the right to freedom of expression in Russia and the interference in, and pressure on, neighbouring countries, in clear contradiction with its accession commitments;

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

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

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

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

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

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

11.1. the Albanian authorities to implement a comprehensive reform of the justice system, including of the prosecution service, on a consensual and inclusive basis and in full respect of the independence of the judiciary, as well as to ensure that local authorities are given clear and concrete powers and functions of self-government and the necessary means to implement them properly; and on all political forces in the parliament to participate fully in the work of the ad hoc parliamentary committee on judicial reform established by the Albanian Parliament;

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

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

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

11.5. the Georgian authorities to continue the reform of the justice system, and especially of the prosecution service, with a view to establishing a genuinely independent judiciary, as well as to address the systemic shortcomings in the judicial procedures noted in the monitoring report of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) on the trial of 14 former high-level government officials; and on all political forces to agree on electoral reform, in particular to address the excessive variations in size of the single mandate election districts;

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

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

11.8. the authorities of the Russian Federation to reverse the illegal annexation of Crimea and to withdraw its troops from eastern Ukraine and fully implement the Minsk agreements, to cease the harassment and prosecution of civil society organisations or their activists and journalists, to abrogate the law on undesirable foreign organisations, to bring the legal framework for non-governmental organisations into line with Council of Europe standards, and to guarantee in practice the full implementation of all judgments of the European Court of Human Rights in respect of the Russian Federation;

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

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

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

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

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

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

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

14.1. with respect to Andorra:

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

14.1.2. welcomes the development of an effective policy with a view to increasing the integration of non-Andorrans in Andorran society and encourages the authorities to consider further reforms to increase their participation in the democratic processes of the country. In this

respect, the Assembly recommends that the authorities consider granting voting rights in local elections to non-Andorrans as well as exploring the possibility of introducing dual citizenship and easing the residency requirements for Andorran citizenship applications;

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

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

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

14.2. with respect to Belgium:

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

14.2.2. expresses its concern about structural problems related to prison conditions and prison overcrowding, as well as to the situation of mentally ill prisoners. The Assembly encourages the authorities to fully implement the judgments of the European Court of Human Rights in this respect;

14.2.3. urges the Belgian authorities to fully address the issue of detention of refugees and asylum seekers and the lack of access to reception centres;

14.2.4. with regard to Council of Europe conventions, recommends that Belgium ratify, *inter alia*, Protocol No. 12 to the European Convention on Human Rights (ETS No. 177), the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210) and the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems;

14.2.5. encourages the authorities to implement the remaining GRECO recommendations and improve the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197);

14.3. with respect to Croatia:

14.3.1. welcomes the implementation of comprehensive reforms to strengthen the functioning of democratic institutions, but considers that challenges still remain with regard to post-war justice and reconciliation; the authorities should in particular conduct effective investigations into the killing and disappearance of civilians during the war and ensure that a comprehensive legal framework is established that allows access to reparation for all civilian war victims;

14.3.2. urges the authorities to step up the fight against corruption and in particular to promptly adopt the code of ethics for parliamentarians that is currently being prepared, and to implement the GRECO recommendations with regard to strengthening the independence of, and public trust in, the judiciary;

14.3.3. encourages the authorities to further promote the rights of national minorities in line with the European Charter for Minority or Regional Languages (ETS No. 148), and to pay particular attention to the situation of the Serb and Roma minorities, which face specific discrimination;

14.3.4. with regard to Council of Europe conventions, recommends that Croatia ratify, *inter alia*, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, and the revised European Social Charter;

14.4. with respect to Cyprus:

14.4.1. strongly welcomes the recent renewed impetus to the peace talks and encourages President Anastasiades and Turkish Cypriot leader Akıncı to continue their efforts to bring lasting peace to the country and to resolve the problems related to persons missing as a result of the conflict;

14.4.2. notes the action by the authorities to implement GRECO recommendations, but considers that sustained efforts are needed to create a robust and coherent legal framework to effectively combat corruption, including with regard to transparency of political party funding;

14.4.3. while noting the important influx of refugees and asylum seekers due to its geographical position, remains concerned about the detention and treatment of irregular migrants and asylum seekers. In this respect, it urges the authorities to implement and further enhance the legal and administrative framework for migrants and asylum seekers and alternatives for the current practice of detaining asylum seekers;

14.4.4. although positive measures have been taken by the authorities, including plans for the construction of new prisons, is concerned about reports of ill treatment and overcrowding in prisons and urges the authorities to develop a coherent strategy to address these issues;

14.4.5. welcomes the efforts made to combat trafficking in human beings and encourages the authorities to promptly implement the recommendations of the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties. As concerns the execution of the judgment of the European Court of Human Rights in the case of *Rantsev v. Cyprus and Russia*, the Assembly takes note of Cyprus' full compliance with the general measures. It recalls however that the compliance of the individual measures required from both parties still needs to be assessed for the case to be closed;

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

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

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

B. Explanatory memorandum by Mr Schennach, rapporteur

1. Introduction

1. The basis for the Parliamentary Assembly's monitoring procedure is [Resolution 1115 \(1997\)](#) on the setting up of an Assembly committee on the honouring of obligations and commitments by member states of the Council of Europe (Monitoring Committee) (as modified by [Resolution 1431 \(2005\)](#), [Resolution 1515 \(2006\)](#), [Resolution 1698 \(2009\)](#), [Resolution 1710 \(2010\)](#), [Resolution 1936 \(2013\)](#) and [Resolution 2018 \(2014\)](#)). This resolution defines the mandate of the Monitoring Committee and entrusts it with the task of ensuring "the fulfilment of the obligations assumed by member States under the terms of the Statute of the Council of Europe (ETS No. 1), the European Convention on Human Rights (ETS No. 5, 'the Convention') and all other Council of Europe conventions to which they are parties" as well as ensuring the "honouring of commitments entered into by the authorities of member States upon their accession to the Council of Europe".

2. In accordance with [Resolution 1115 \(1997\)](#), as amended, the Monitoring Committee is obliged to report to the Assembly, on a yearly basis, on the general progress of the monitoring procedures. In line with established practice, the committee entrusted me, as its Chairperson, with the task of being the rapporteur on the committee's activities.

3. The progress in the monitoring procedure for the countries that are subject to a monitoring procedure of the Assembly 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.

4. In [Resolution 2018 \(2014\)](#) on the progress of the Assembly's monitoring procedure, the Assembly resolved to introduce a periodic review for the now 34⁴ countries that are not subject to a monitoring procedure *sensu stricto*, or engaged in a post-monitoring dialogue, with regard to the honouring of their membership obligations to the Council of Europe. It was agreed that each year a number of countries would be subjected to such a periodic review and their reports included in the progress report of the Assembly's monitoring procedure for that year. In line with [Resolution 2018 \(2014\)](#), the working methods for the implementation of these periodic reviews were adopted by the Monitoring Committee at its meeting on 17 March 2015. I will outline these working methods, in summary, at the end of part one of this report

5. During the period covered by this report, the committee adopted periodic reviews in respect of Andorra, Belgium, Croatia and Cyprus. These periodic reviews are contained in part two of this progress report.

2. Overview of the committee's activities

2.1. General remarks

6. At the start of the period covered in this report, ten countries⁵ remained under the monitoring procedure *sensu stricto* and an additional four countries⁶ were engaged in a post-monitoring dialogue. However, on 27 January 2015, the Assembly adopted [Resolution 2030 \(2015\)](#) on the honouring of obligations and commitments by Montenegro, in which it resolved to close the monitoring procedure and to move to a post-monitoring dialogue with that country. In addition, on 23 April 2015, the Assembly adopted [Resolution 2052 \(2015\)](#) on the post-monitoring dialogue with Monaco in which it resolved to end the post-monitoring dialogue with Monaco in view of the progress made with regard to the honouring of its obligations to the Council of Europe. As a result, there are currently nine countries under the monitoring procedure and four countries engaged in a post-monitoring dialogue.

7. It should be noted that, following the reform of the monitoring procedure in 2013, a time limit was established by which a post-monitoring procedure for a given country will be closed by the Assembly if the country fails to honour its remaining commitments within a maximum of two reports – each adopted within the statutory period of three years – after the opening of the post-monitoring dialogue. In such a case, the country

4. On 23 April 2015 the Assembly adopted [Resolution 2052 \(2015\)](#) on the post-monitoring dialogue with Monaco in which it decided to end its post-monitoring dialogue with that country.

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

6. Bulgaria, Monaco, "the former Yugoslav Republic of Macedonia" and Turkey.

will automatically return to the full monitoring procedure.⁷ In addition, in view of the importance of the post-monitoring dialogue, the Assembly resolved to ask the Monitoring Committee to appoint two co-rapporteurs – instead of a single rapporteur – for each country under a post-monitoring dialogue. This brings the procedure into line with that used for the monitoring procedure in *sensu stricto*. In line with the agreed transitional provisions, the second rapporteur for countries engaged in a post-monitoring dialogue was appointed during the second 2015 part-session of the Assembly, or when the term of the sitting rapporteur expired, or when a report on the post-monitoring dialogue for that country was debated in the Assembly, whichever of these events occurred first. Following the expiry of the transitional provisions in June 2015, two rapporteurs had been appointed for all the countries engaged in a post-monitoring dialogue.

8. During the reporting period, two full reports and draft resolutions, on Albania and Montenegro, were produced and debated by the Assembly. In addition, two reports on the functioning of democratic institutions, with regard to Georgia and Azerbaijan, were debated in the Assembly, as well as a report on the post-monitoring dialogue with Monaco.

9. The illegal annexation of Crimea and military intervention in eastern Ukraine by the Russian Federation has continued to be an important item in the work of the committee. On 26 January 2015, the Monitoring Committee was seized, in line with the Rules of Procedure of the Assembly, for report on the “Challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation”.⁸ The report was debated by the Assembly on 28 January 2015 and [Resolution 2034 \(2015\)](#) was adopted. Subsequently, in line with this resolution, the committee presented a report on the “Consideration of the annulment of the previously ratified credentials of the delegation of the Russian Federation (follow-up to paragraph 16 of [Resolution 2034 \(2015\)](#))”,⁹ which was debated in the Assembly on 24 June 2015 and resulted in the adoption of [Resolution 2063 \(2015\)](#).

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

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

12. In addition to the committee meetings, the Ad hoc Sub-Committee on Russia’s neighbourhood policy with regard to other Council of Europe member States met twice, in Berlin and Paris. Following the presentation of its findings, the ad hoc sub-committee was disbanded in January 2015. Given the importance of the ongoing conflicts over South Ossetia and Abkhazia; Nagorno Karabakh and seven provinces, Transnistria and northern Cyprus, and based on the experience of, and on recommendation of, the ad hoc Sub-Committee on Russia’s neighbourhood policy with regard to other Council of Europe member States, the Monitoring Committee decided, in April 2015, to establish an Ad hoc Sub-Committee on Conflicts between Council of Europe member States. This ad hoc sub-committee held its first meeting in Paris on 27 May 2015 and will meet for the second time on 21 September 2015 in Vienna, at the invitation of the Austrian Parliament.

13. With regard to the request to open a monitoring procedure in respect of France, on 3 September 2015 the committee adopted an opinion presented by the two co-rapporteurs in which it recommends not to open a monitoring procedure in respect of this country.

14. On 14 November 2014, the committee held an exchange of views with Mr Laurent Nouvion, Speaker of the National Council of Monaco, and Mr Jacques Rit, Chairperson of the Special Committee on modification of the law on the organisation and functioning of the National Council, on the ongoing developments with regard to the implementation of Monaco’s remaining accession commitments. On 28 May 2015, the committee held an exchange of views with Ambassador Heidi Tagliavini, Special Representative of the OSCE Chairperson-in-

7. For countries that were already engaged in a post-monitoring dialogue prior to the adoption of [Resolution 2034 \(2014\)](#), this “two-report period” criteria will start at the June 2015 part-session or first post-monitoring report after adoption of [Resolution 2034 \(2015\)](#), whatever came first.

8. [Doc. 13685](#).

9. [Doc. 13800](#).

Office in Ukraine and in the Trilateral Contact Group on the implementation of the “Package of Measures for the Implementation of the Minsk Agreements” with regard to the conflict in eastern Ukraine. Also on 28 May 2015, the committee held an exchange of views with Sir Nicolas Bratza, Chair of the International Advisory Panel on Ukraine, on the report of the Advisory Panel on the review of the Maidan investigations.

15. In response to the political crisis that ensued after the parliamentary elections in “the former Yugoslav Republic of Macedonia”, the Monitoring Committee decided to send a committee delegation to the country composed of the rapporteur in respect of that country, the Chair of the committee and the Chair of the Socialist Group in the Assembly. The visit took place from 28 to 29 April 2015.

16. In the framework of the periodic review of the honouring of the membership obligations to the Council of Europe by the 34¹⁰ countries that are not subject to a monitoring procedure *strictu sensu*, or engaged in a post-monitoring dialogue with the Assembly, four reports were prepared in respect of Andorra, Belgium, Croatia and Cyprus. They are presented in Parts 2, 3, 4 and 5 of this progress report.

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

2.2.1. Albania

17. On 2 October 2014, the Assembly adopted [Resolution 2019 \(2014\)](#) on the honouring of obligations and commitments by Albania. The co-rapporteurs visited Albania on 29 and 30 June 2015.

18. In [Resolution 2019 \(2014\)](#), the Assembly welcomed the progress made by Albania in honouring its obligations and commitments to the Council of Europe, but regretted the delays and negative effects of the continuing tense and polarised political climate in the country. In this respect, it welcomed the changes to the electoral code and parliamentary reforms agreed on between the ruling majority and opposition, but emphasised that democratic elections and co-operation between the majority and opposition cannot be ensured by legislation alone, but also need a culture of co-operation and respect for democratic values by all concerned. Following their visit to Tirana in June 2015, the co-rapporteurs welcomed the December 2014 agreement that was brokered by the European Parliament and that led to the return of the opposition to parliament. All political forces should now continue their mutual co-operation to implement these agreements, which are of key importance for the political stability of the country.

19. A non-partisan and impartial civil service is crucial for the functioning of democratic institutions. The politicisation, at all levels, of the civil service in Albania remains of concern. In that respect, the Law on Civil Service should now be implemented, without delay, both according to its letter as well as its spirit.

20. A far-reaching territorial-administrative reform has been implemented by the authorities, leading to a substantial reduction in local government units, which was a long-standing recommendation of, *inter alia*, the Assembly. These reforms culminated in the local elections that were conducted on 12 June 2015. According to international observers, these elections respected fundamental freedoms of assembly and expression, but serious shortcomings were still encountered. These shortcomings need now to be promptly addressed by all political stakeholders. The territorial administrative reform and local elections have laid a sound basis for the decentralisation and strengthening of self-government in Albania. However, it is now essential that local authorities are given clear and concrete powers and functions of self-government, as well as the necessary means to implement them properly.

21. The persistent and widespread corruption at many levels of Albanian society continues to undermine the country's political and socio-economic development and remains a major point of concern. While welcoming the priority given by the government to fighting corruption, it is important that the many policy papers and strategies are now effectively and coherently implemented by the authorities. Concrete results in terms of effective prosecutions and convictions are still largely lacking and increased efforts must be made to clearly demonstrate that there is no impunity for corruption at any level within the government, the police, the judiciary or the prosecution service.

22. The independence and impartiality of the judiciary continues to be of concern and the justice system continues to suffer from political pressure and interference. In that respect, it is to be welcomed that the reform of the justice system is a stated priority for the Albanian authorities. The reform of the justice system, including

10. On 23 April 2015, the Assembly adopted [Resolution 2052 \(2015\)](#) on the post-monitoring dialogue with Monaco in which it decided to end its post-monitoring dialogue with that country.

of the prosecution service, should be made on a consensual and inclusive basis and in full respect of the fundamental principle of the independence of the judiciary. To this extent, all political forces should participate fully in the work of the ad hoc parliamentary committee on judicial reform set up by the Albanian Parliament.

2.2.2. Armenia

23. The co-rapporteurs visited Armenia from 9 to 12 June 2015. The ongoing constitutional reform, which currently dominates the political agenda in Armenia, was a key item on the agenda for this visit.

24. In June 2013, President Sargsyan established a Specialised Commission on Constitutional Reform with the aim of “improving of constitutional mechanisms to ensure fundamental human rights and freedoms, guaranteeing full balance of power and raising the efficiency of public administration”. While a number of public consultations were organised with the assistance of the international community, the political opposition forces, for a large part, decided not to participate in the consultations on the concept for constitutional reform. Nevertheless, the Specialised Commission presented its concept paper for constitutional reform in June 2014. The Venice Commission adopted its, generally positive, opinion on this concept at its October 2014 plenary session.

25. A crucial feature of the concept paper is the proposal to move from a presidential to a parliamentary system of government. This is opposed by a considerable part of the political opposition in the country, which allege that the main objective of this change of system is to perpetuate the power of the current President. For their part, the authorities argue that, until recently, most of these opposition parties had been proponents of a change to a parliamentary system, while at the same time President Sargsyan has publicly declared that he will not stand for the post of Prime Minister.

26. It is essential for the democratic consolidation of the country that the constitutional reform process is inclusive and aimed at the strengthening of political pluralism and accountability of the government towards the National Assembly. In view of the diverging views on the political system for the country, as well as the need to strengthen trust in the political structures of the country, it is to be welcomed that the constitutional amendments will be adopted on the basis of a national referendum. A fully democratic referendum process, based on a comprehensive public debate on the constitutional changes, is crucial for the democratic legitimacy of the new Constitution. The authorities should ensure that such public consultations and public debate is organised before the referendum takes place.

27. While the introduction of a parliamentary system of government and a fully proportional electoral system are dominating the public debate on constitutional reform, the constitutional amendments also aim to strengthen human rights protection mechanisms and the independence of the judiciary. This, as well as the fact that the constitutional reform process is conducted in close consultation with the Venice Commission of the Council of Europe, should be commended.

28. In June 2015, an increase in energy costs led to protests in Yerevan. These protests were broken up by the police, allegedly with excessive use of force, including against journalists. While all persons detained were later released, the allegations of excessive use of force should be investigated by the authorities. In this respect, the co-operation between protesters and police which led to a de-escalation of tensions during subsequent protest rallies against energy price increases should be welcomed.

2.2.3. Azerbaijan

29. The co-rapporteurs visited the country from 2 to 3 March 2015. On 23 June 2015, the Assembly adopted [Resolution 2062 \(2015\)](#) on the functioning of democratic institutions in Azerbaijan.

30. The institutional structure of Azerbaijan grants very strong powers to the President, who has no constitutional limit to his terms of office, and results in a parliament with limited competences. Opposition forces are not represented in the parliament and the authorities are therefore encouraged to develop a political environment that favours political pluralism and strengthens parliamentary oversight of the executive. In that context, it is regrettable that some of the most important recommendations of the Venice Commission with regard to the electoral code have not yet been implemented.

31. Despite a number of welcome reforms of the justice system, the judiciary in Azerbaijan lacks independence and continues to be subjected to undue influence by the executive. Administration of justice, including dubiously motivated criminal prosecutions and disproportionate sentences, is a serious point of concern. The criminal prosecution of NGO leaders, journalists, their lawyers and others who express critical

opinions of the government, as reported by, *inter alia*, the Council of Europe Commissioner for Human Rights, is alarming. The resumption of the Joint Working Group on Human Rights Issues, with the participation of Council of Europe experts, should be welcomed in this respect.

32. The systematic repression of human rights defenders and those critical of the government, as well as reprisals against independent media and journalists in Azerbaijan, should be condemned and brought to an immediate halt.

33. A number of reforms of State programmes, including the establishment of the network of public service centres, called ASAN centres, have resulted in a decrease in levels of corruption, which is to be welcomed. The authority's efforts to increase transparency and fight corruption, terrorist financing and money laundering, should be supported. At the same time, it is important to ensure a proper balance between the fight against terrorism and organised crime on the one hand and the fundamental rights of freedom of association and expression, as guaranteed by the European Convention on Human Rights, on the other.

2.2.4. Bosnia and Herzegovina

34. No visits of the co-rapporteurs to the country took place in the reporting period, but the co-rapporteurs participated, *ex officio*, in the work of the ad hoc Committee of the Assembly to observe the general elections in Bosnia and Herzegovina on 12 October 2014.

35. As a result of the Dayton Constitution, elections in Bosnia and Herzegovina are excessively complex, with elections for the State Presidency and the State House of Representatives taking place at the same time as, in Republika Srpska, the elections for the President and Parliament for that entity, as well as in the Federation of Bosnia and Herzegovina for the cantons and Federation House of Representatives.

36. The legal framework for elections in Bosnia and Herzegovina continues to place unacceptable ethnicity-based restrictions on the right to vote and stand as a candidate. The general measures to remedy this situation demanded by the European Court of Human Rights in its decision on the *Sejdić and Finci* case have regrettably not been implemented by the Bosnian authorities. As a result, the 2014 General elections were not conducted in line with European standards.

37. The ad hoc committee that observed these elections¹¹ noted that, aside from the already mentioned ethnicity-based restrictions on passive and active voting rights, the legal framework is generally conducive to democratic elections. The elections were competitive but overshadowed by the interethnic divide.

38. Regrettably, the ad hoc committee noted an ever-growing public mistrust in the functioning of democratic institutions, which is undermining the stability and compromises the future of the country. This is of serious concern and should be addressed as a priority by all political forces in the country.

2.2.5. Georgia

39. On 1 October 2014, the Assembly adopted [Resolution 2015 \(2014\)](#) on the functioning of democratic institutions in Georgia. Subsequently, the co-rapporteurs visited the country from 3 to 5 December 2014.

40. Regrettably, despite some improvement, the political environment in Georgia remains polarised. Following the controversial dismissal of the Minister of Defence, and Free Democrats leader, Irakli Alasania, by Prime Minister Garibashvili, the Free Democrats left the governing coalition. This event followed a period of mounting tensions within the governing coalition between Georgian Dream and its junior coalition partners. The former independent group in the Georgian Parliament joined the government coalition, assuring its continued governing majority.

41. The strengthening of democratic institutions and establishment of a genuinely independent judiciary are the stated priorities of the Georgian authorities, which is to be warmly welcomed. A special State Commission for Constitutional Reform was established in 2013, in which both majority and opposition participate, but reportedly it has not yet achieved any concrete results. A pivotal component of these reforms is the planned electoral reform that recently gained new impetus. It should be noted that the current variations in the size of the single-mandate electoral districts violate the principle of the equality of the vote. It is therefore essential that the electoral reform is concluded well in time before the 2016 parliamentary elections take place, if they are going to be held in line with European standards for democratic elections.

11. [Doc. 13640](#).

42. A number of comprehensive reforms of the justice system have been implemented with a view to increasing the efficiency of the administration of justice and the independence of the judiciary. Notwithstanding these reforms, the independence of the judiciary, and especially of the prosecution service, remains a point of concern. Further reforms are necessary. Despite a marked reduction of its use, the excessive use of pretrial detention remains a point of concern in Georgia. It should be emphasised that pretrial detention should only be used as a measure of last resort, when there is a clear risk of absconding, interference in the course of justice or a serious risk that the person will commit a serious offence or pose a threat to public order.

43. On 9 December 2014, the OSCE/ODIHR published its monitoring report on the trial of 14 former high-level government officials with regard to its compliance with international standards. While this report explicitly did not wish to comment on the merits of the indictments or convictions against these persons, the monitoring report noted a number of systemic deficiencies in the court proceedings that resulted in the respect for a fair trial not having been fully guaranteed in these cases.

44. The issue of the systematic illegal surveillance of citizens by the Georgian security and law-enforcement agencies remained topical and of concern. On 28 November 2014, after protracted political debates, the parliament finally adopted a law regulating the access of security and law-enforcement agencies to the telecommunications networks and telecommunication providers' databases. This law is criticised by civil society and opposition parties, as well as by the junior governing partner "the Republican Party", for failing to provide adequate guarantees to prevent unlawful access by the law-enforcement and security agencies to the telecommunication networks.

45. The increased use of intolerant public discourse and discriminatory acts against minorities, especially sexual and religious minorities, is of concern. In this respect, the adoption on 2 May 2014 of the Law on all forms of discrimination, which significantly enhances the legal framework for the protection of individuals from discriminatory acts, is to be strongly welcomed.

46. The Russian Federation signed agreements on "alliance and integration" with the breakaway regions of Abkhazia and South Ossetia. These agreements amount to a creeping annexation of these regions by the Russian Federation. This act of the Russian Federation was strongly condemned by the Assembly and its Monitoring Committee.

47. Following recommendations by, *inter alia*, the Assembly, the authorities adopted the strategy for the repatriation of the deported Meskhetian population. It is important that this strategy be accompanied by a realistic action plan to ensure its implementation. The Charter for European Regional or Minority Languages (ETS No. 148) has not yet been signed and ratified by Georgia, despite this being an accession agreement of the country.

2.2.6. Republic of Moldova

48. The co-rapporteurs visited the Republic of Moldova from 23 to 26 September 2014 and from 13 to 16 May 2015. In addition, they participated, *ex officio*, in the work of the ad hoc committee to observe the parliamentary elections on 30 November 2014.

49. The ad hoc committee of the Assembly that observed the parliamentary elections considered that the elections were generally well organised with voters expressing their will freely and being able to choose from among a wide range of alternatives. However, a number of shortcomings remain, including in the legal framework, which sets a very high threshold for parties and blocs to enter the parliament. Lack of transparency of party and campaign financing and media ownership, as well as the uneven distribution of polling stations abroad, are issues of concern in this respect. The participation of foreign experts and interests as well as allegations of parties being funded from abroad characterised these elections, which took place in a challenging geopolitical context for the country. Four days before the elections took place, the Central Election Commission deregistered the Parti Patria – which is reportedly close to Russia and allegedly financed by it – for campaign financing violations. Some questions can be raised with regard to the timing of this decision.

50. Following the elections, a minority government was formed between the pro-European Liberal Democratic Party of Moldova and the Democratic Party of Moldova with the support of the Party of Communist of the Republic of Moldova. On 12 June 2015, Prime Minister Gaburici resigned over allegations that he had forged his high school diploma. Following the local elections that took place on 14 and 28 June 2015, the Liberal Democratic Party of Moldova and the Democratic Party of Moldova entered into negotiations with the Liberal Party of Moldova to form a new governing coalition. On 23 July 2015, these three pro-European parties reached an agreement on the formation of a new government.

51. At the end of 2014, three commercial banks were placed under direct administration of the central bank after they were declared insolvent over a number of bad loans. In the ensuing investigations, the central bank discovered that more than one billion euros (around 12% of the gross national product (GNP)) had mysteriously disappeared from these banks to offshore bank accounts whose owners could not be traced. Despite ongoing investigations, no-one has yet been charged or held responsible for the disappearance of this enormous sum of money. This banking scandal has undermined the people's trust in the functioning of the democratic institutions of the country and tarnished the country's international reputation.

52. The banking scandal also underscored the ongoing importance of the strengthening of the fight against corruption, including high level corruption, in the Republic of Moldova. The National Anti-Corruption Center, one of the main mechanisms to fight corruption in the Republic of Moldova, lacks independence and its work is hampered by low penalties as well as lack of co-ordination and independent decision-making from the anti-corruption unit of the Prosecutor General's Office. As a result, impunity for corruption, as reflected by the low number of convictions for corruption in the Republic of Moldova, continues to be a point of concern.

53. The reform of the Prosecution Office is an important priority for the country. A new law on the Prosecution Office, which takes into account most of the recommendations of the Venice Commission, was adopted in first reading on 29 May 2015. The provisions that govern the appointment of the Prosecutor General may necessitate amending the Constitution. The new appointment procedure proposed in the draft law will be an important mechanism to de-politicise the prosecution service. The adoption in final reading of this law is foreseen to take place this summer with the law coming into effect – minus the provisions governing the appointment of the Prosecutor General that need a change of the Constitution – on 1 January 2016.

54. Constitutional reform should also be adopted without further delay with regard to the election of the President, which is scheduled to take place in spring 2016. The current provisions governing the election of the President have previously resulted in vicious cycles of failed elections, throwing the country into a political crisis.

55. The present geopolitical situation has a considerable impact on domestic politics in the Republic of Moldova, as already noted with regard to the elections. Since September 2013, as a result of the Republic of Moldova's negotiations with the European Union for an Association Agreement, the Russian Federation imposed an import ban on wine that was subsequently extended to most agricultural products. After the November 2014 elections in the Republic of Moldova, two meat and two wine companies were exempted from this import ban and, in a welcome development, the Russian Federal Consumer Rights Protection and Human Health Control Service announced that the import ban on fruits to Russia could soon be lifted.

56. The Transnistrian region of the Republic of Moldova has been considerably affected by the economic crisis in Russia, which has diminished the flow of subsidies from Moscow to these regions. Also, the covert war in eastern Ukraine is impacting on the possible settlement of the Transnistrian conflict. On 21 May 2015, the Ukrainian Verkhovna Rada renounced five military agreements with the Russian Federation, including one that allowed Russian military cargo and personal transit to Transnistria via Ukrainian territory. In this context, the renewed impetus by the Moldovan authorities and parliament for dialogue with the transition *de facto* authorities is to be strongly welcomed. The ad hoc Sub-Committee of the Monitoring Committee on Conflicts between Council of Europe member States will dedicate its first meeting in Vienna, on 21 September 2015, to developments with regard to the settlement of the Transnistrian conflict.

2.2.7. Russian Federation

57. The Russian delegation took the regrettable decision to boycott the work of the Assembly, including the monitoring procedure, following the decision of the Assembly to apply sanctions against the Russian delegation over its role in the illegal annexation of Crimea and the starting of a covert war by the Russian Federation in eastern Ukraine. This decision by the Russian delegation was a clear rejection of the Assembly's offer of dialogue and has raised questions with regard to the Russian delegation's commitment to co-operate and to maintain a constructive dialogue with the Assembly, including on the honouring of its commitments and obligations to the Council of Europe. In this respect, it should be noted that, according to Rule 8.2.b of the Rules of Procedure of the Assembly, "lack of co-operation in the Assembly's monitoring procedure" is in itself a ground to challenge the credentials of a delegation.

58. Limited co-operation between the Assembly and the Russian delegation took place during the second half of 2014. As a result, the Russian delegation participated in the work of the ad hoc Sub-Committee of the Monitoring Committee on "Russia's Neighbourhood Policy with regard to other Council of Europe Member States" as well as in some meetings of the Monitoring Committee itself. In addition, the co-rapporteurs were able to make a fact-finding visit to Moscow on 16 and 17 December 2014.

59. The illegal annexation of Crimea and continuing integration in the Russian Federation, as well as the covert hybrid war waged by the Russian Federation in eastern Ukraine are gross violations of international law, of the United Nations Charter, the Helsinki Final Act of the Organization for Security and Co-operation in Europe (OSCE) as well as of the Statute of the Council of Europe (ETS No. 1) and Russia's accession commitments to the Council of Europe.

60. In this context, Russia's actions towards all its immediate neighbours have been a source of great concern to the Assembly. The Assembly has continued to remind the Russian Federation of its accession commitment to the Council of Europe "to denounce as wrong the concept of two different categories of foreign countries, whereby some are treated as a zone of special influence called 'the near abroad' and refrain from promoting the geographical doctrine of zones of special interests".

61. As a result of [Resolution 2034 \(2015\)](#) and [Resolution 2063 \(2015\)](#) adopted by the Assembly in reaction to the illegal annexation of Crimea and Russia's involvement, including with military troops and supply of volunteers and advanced weaponry, in the conflict in eastern Ukraine, the following rights of the Russian Delegation were suspended for the duration of 2015: voting rights; the right to be represented in the Bureau of the Assembly, the Presidential Committee and the Standing Committee; the right to be appointed rapporteur; the right to be member of an ad hoc committee on observation of elections; the right to represent the Assembly in Council of Europe bodies as well as external institutions and organisations, both institutionally and on an occasional basis. However, taking into account that these sanctions were in place, and as a signal of its continuing commitment to dialogue with the Russian delegation, the Assembly decided not to annul the credentials of the Russian delegation.

62. The political climate in Russia is guided by security and stability considerations as a result of the annexation of the Crimea and the conflict in eastern Ukraine, which have resulted in an overall deterioration of the respect for human rights. A restrictive and repressive legal framework has hindered the work of the opposition, civil society and independent media.

63. The cumulative effect of the "Law on foreign agents", the "Law on non-commercial organisations" and the "Law on treason" has had a chilling effect on the work of civil society, forcing many NGOs to close or face persecution and harassment at the hands of the authorities. Over 80 NGOs have been registered as "foreign agents", which exposes them to stigmatisation. A number of these challenged this decision in court, while at least 15 NGOs disbanded to avoid further persecution. A new law regulating the procedure of exclusion of non-commercial organisations from the foreign agent list was adopted in February 2015, but has not addressed concerns regarding the exclusion procedure that were voiced by international organisations, including the Council of Europe.

64. On 23 May 2015, the Law on "undesirable foreign organisations" entered into force. This law criminalised the work of foreign non-profit organisations that are considered to "threaten Russia's constitutional order, security or defence capacity". This law, which was strongly criticised by the international community, including the Council of Europe and its Assembly, also penalises with heavy fines any organisation or individual that is found "collaborating" with organisations that are deemed "undesirable". The Ministry of Foreign Affairs and the Prosecutor General are responsible for the establishment and maintenance of the list of "undesirable foreign organisations". On 7 July 2015, the Council of the Federation unanimously adopted a "patriotic stop list" containing 12 organisations, among them the Open Society Foundation and Freedom House, requesting that they be added to the list of undesirable foreign organisations. The adoption of this law is a clear sign of the authorities' desire to stifle any form of public criticism and independent opinion.

65. The media environment continues to raise serious concerns. The authorities have tightened, through a restrictive legal environment, direct and indirect State control over the media. On 2 May 2015, President Putin signed into force an amendment to the law on extremism that increases tenfold (up to 1 million rubbles) the maximum fine that can be levied on media organisations for publishing material that is deemed to incite or justify extremism and terrorism. It should be noted that extremism is not clearly defined in the law and allows for arbitrary and overbroad interpretation by the authorities.

66. On 28 February 2015, the well-known opposition figure, and former Prime Minister, Boris Nemtsov, was killed close to the Kremlin by unknown assailants. The assassination of Mr Nemtsov, a strong critic of President Putin's policies, as well as the manner in which the investigation into this murder has been conducted, have raised a series of questions and has had a chilling effect among political forces and social movements opposed to the policies of the current Russian authorities.

67. On 14 July 2015, the Russian Constitutional Court, in a controversial ruling, decided that judgments of the European Court of Human Rights were not binding on Russia if they violated its Constitution. This regrettable decision was widely condemned as it raises the spectre of selective implementation of Court

judgments by the Russian Federation. It should be underscored that, according to the Convention, the implementation of Court judgments is a legal obligation binding on any State Party to the European Convention on Human Rights.

2.2.8. Serbia

68. The co-rapporteur visited Serbia from 27 to 28 October 2014. This visit followed the parliamentary elections on 16 March 2014 and addressed the implementation of [Resolution 1858 \(2012\)](#) on the honouring of obligations and commitments by Serbia, with a special attention paid to the situation of media and minorities. No information documents or statements were adopted during this period.

2.2.9. Ukraine

69. The co-rapporteurs visited Ukraine from 24 to 27 November 2014, from 25 to 27 March 2015 and from 18 to 22 May 2015. In addition, the co-rapporteurs participated, *ex officio*, in the work of the ad hoc committee of the Assembly that observed the parliamentary elections on 26 October 2014.

70. The monitoring of Ukraine's honouring of obligations and commitments to the Council of Europe was dominated by developments in relation to the ongoing military conflict in eastern Ukraine, which have had a profound impact on the reform agenda.

71. The ad hoc committee that observed the elections concluded that “the early parliamentary elections marked an important step in consolidating democratic elections in line with international commitments, and were characterised by many positive aspects, including an impartial and efficient Central Election Commission (CEC), competitive contests that offered voters real choice, and general respect for fundamental freedoms”.

72. Following the gradual breakdown of the ceasefire agreement agreed in Minsk in September 2014, a “Package of measures to implement the Minsk agreement” was negotiated by the German Chancellor and French President and signed on 12 February 2015. As a result, the provisions of this package of measures, the implementation of the reform agenda in Ukraine and the resolution of the conflict in eastern Ukraine are strongly intertwined. While the new ceasefire agreement has resulted in a cessation of large-scale military hostilities, it is violated almost daily by all sides in the conflict. In addition, heavy weapons continue to be present in the security zone that was established by the agreements signed in Minsk on 12 February 2015.

73. There have been credible reports of human rights abuses and violations of international human rights and humanitarian law by all sides in the conflict, including persistent reports of abductions, summary killings, arbitrary detention and torture of civilians, which are of serious concern. Any allegations of the involvement of armed forces under the control of the Ukrainian authorities in such abuses should be fully investigated by the authorities.

74. Constitutional reform is the basis of a successful implementation of the main reforms needed for the country's democratic consolidation. In the package of measures signed in Minsk, the authorities agreed to adopt, as a priority, the constitutional amendments that would allow for decentralisation of powers to the local and regional authorities. Constitutional amendments for the decentralisation chapter were adopted by the Verkhovna Rada, in first reading, on 16 July 2015. Reportedly, all the recommendations made by the Venice Commission were included in the amendments. They are scheduled to be adopted by the Verkhovna Rada in second and final reading in September 2015. In line with the Minsk agreements, the transitional provisions allow for the status of certain areas of the Donetsk and Luhansk regions to be regulated by a special law.

75. A number of laws have been adopted to address the systemic shortcomings in Ukraine's judicial system, especially with regard to the independence of the judiciary. However, these laws need commensurate constitutional amendments to be implemented. In a welcome development, the Constitutional Commission sent its proposals for the constitutional amendments in the judicial chapter to the Venice Commission for opinion on 21 July 2015. This raises the hope that also the judicial chapter of the constitutional amendments can be adopted in final reading before the end of this year, which is to be welcomed.

76. In April 2015, the Verkhovna Rada adopted a law to postpone the implementation of the law on the General Prosecutor. The adoption and enactment of a new law on the prosecution service has been a long-standing recommendation and point of attention for the Assembly. The postponement of its implementation is a setback for the legal reform process.

77. The package of measures adopted in Minsk on 12 February 2015 foresee the organisation of local elections under Ukrainian legislation in all of Ukraine's territory, including in the areas of Luhansk and Donetsk that are not under the control of the central government. In line with the current Constitution, these elections

are scheduled to take place on 25 October 2015. A new local election code is currently under consideration in the Verkhovna Rada. It is important that that law be aligned with the new constitutional framework for self-government. Regrettably, it is not clear whether elections can take place in the areas not under the control of the central government.

78. On 16 September 2014, the Verkhovna Rada adopted a lustration law. According to the law, anybody that, *inter alia*, helped the Yanukovich regime to usurp power, took action or inaction that undermined the national security of Ukraine, served in leading positions during the Soviet Union, or ordered or abetted police action against the Euromaidan protesters, are excluded from serving in government positions or the civil service. Elected positions are excluded from the scope of this law. Concerned about the human rights implications of this law, the Monitoring Committee asked the Venice Commission for an opinion. Following an initially critical assessment, a number of amendments were adopted that addressed most of the Venice Commission's reservations and recommendations. Only the concerns regarding the temporal scope of the law and the decentralised nature of its implementation were not addressed.

79. On 9 June 2015, the Secretary General of the Council of Europe received an official notification¹² by Ukraine that it would derogate from certain rights of the European Convention on Human Rights under Article 15 of the Convention. Article 15 allows contracting States to derogate from certain obligations under the Convention in situations of "emergency, war or in other circumstances threatening the life of a nation". The Ukrainian authorities notified that the derogation, which is limited to the so-called anti-terrorist operation zone, concerns certain provisions of Articles 5, 6, 8 and 13 of the Convention. It is important to note that, even with this derogation, Ukraine remains fully covered by the European Convention on Human Rights and the jurisdiction of the Court.

2.3. Countries engaged in a post-monitoring dialogue

2.3.1. Bulgaria

80. The rapporteur visited Bulgaria from 2 to 5 June 2015. Pre-term parliamentary elections took place on 5 October 2014.

81. Following the dismal showing of the Bulgarian Socialist Party during the May 2014 European Parliament elections, the minority government Prime Minister, Mr Oresharki, resigned on 23 July 2014, triggering the second early elections in a row in Bulgaria. These elections took place on 5 October 2014. The International Election Observation Mission, of which the ad hoc committee of the Assembly to observe these elections was part, concluded that the elections "were well administered and fundamental freedoms were respected, but allegations from all sides of vote buying and selling and other regularities, as well as a campaign that lacked substance continued to negatively affect public confidence in the integrity of the process". In addition, while the legal framework for elections is in principle adequate, a number of recommendations from previous ad hoc committees that observed the elections in Bulgaria were not addressed, in particular with regard to the lack of transparency of campaign and party financing and the excessive variance in size of election districts, which violates the principle of equality of the vote.

82. The political climate improved after the elections and a strategy for the continued reform of the judicial system was adopted in broad consensus between ruling majority and opposition. However, it is now necessary to translate this strategy into concrete reforms that will be implemented by the authorities.

83. Corruption remains a concern in Bulgaria. It is important that all political forces display the commensurate political will to efficiently implement the anti-corruption strategy that has been developed.

84. Prison conditions and ill treatment of prisoners by the police and prison staff are of serious concern. On 26 March 2015, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) took the rare step of making a public statement to express its deep concern with regard to the ill treatment of prisoners, dismal physical prison conditions, and prison overcrowding and violence. Ill treatment of prisoners by police and prison staff is widespread and frequent. Prisons are generally overcrowded and their physical conditions so appalling that incarceration amounts to inhuman and degrading treatment. Corruption in the prison system to obtain better conditions is endemic. These are longstanding problems that have been underscored by the CPT on many previous occasions, but regrettably none of their recommendations have been implemented by the authorities to date.

12. <http://conventions.coe.int/treaty/Commun/ListeDeclarations.asp?PO=U&NT=005&MA=999&CV=1&NA=15&CN=999&VL=1&CM=5&CL=ENG>.

2.3.2. Montenegro

85. The co-rapporteurs visited Montenegro on 17 and 18 November 2014. On 27 January 2015, the Assembly adopted [Resolution 2030 \(2015\)](#) on the honouring of obligations and commitments by Montenegro. The Assembly considered that Montenegro had made considerable progress on the five key issues identified by the Assembly, namely: the independence of the judiciary; the situation of the media; the fight against corruption and organised crime; the rights of minorities and the fight against discrimination; and the situation of refugees and internally displaced persons (IDPs). It therefore decided to close the monitoring procedure in respect of Montenegro and opened a post-monitoring dialogue with the country.

86. Corruption remains wide spread in Montenegro, as does discrimination against lesbian, gay, bisexual and transgender (LGBT) persons. The implementation of the laws on the courts, on the rights and duties of judges, on the Judicial Council, on the Constitutional Court and on the Public Prosecutor's Office, which, apart from the Law on the Constitutional Court, were subsequently adopted in 2015, is essential to ensure an efficient and genuinely independent judicial system and judiciary. The Assembly will continue to monitor developments with regard to Montenegro's honouring of its accession commitments with regard to the above-mentioned five key areas within the framework of the post-monitoring dialogue with Montenegro. The Assembly has resolved to consider the possibility of re-opening the monitoring procedure in respect of Montenegro in 2017 if further progress in these areas is found to be lacking.

2.3.3. "The former Yugoslav Republic of Macedonia"

87. A political crisis ensued in "the former Yugoslav Republic of Macedonia" following the parliamentary and presidential elections on 13 and 27 April 2014. In response to the deepening crisis, the Monitoring Committee decided to send a delegation, composed of the rapporteur, the Chair of the Committee, as well as the Chair of the Socialist Group in the Assembly, to the country on 28 and 29 April 2015.

88. The political crisis has highlighted systemic shortcomings in the functioning of democratic institutions in the country and raised questions with regard to the implementation in practice of the Ohrid agreements. While calling on the opposition to end their boycott of the parliament, the Monitoring Committee expressed its concern and bewilderment about the apparent extent of surveillance at all levels carried out in the country in recent years. They urged the authorities to transparently and impartially investigate any allegations of violations and wrongdoing by, *inter alia*, State officials that surfaced in the wiretap scandal. On 15 July 2015, the main political parties reached an agreement, brokered by European Union Commissioner Hahn, to overcome the political crisis in the country, which is to be strongly welcomed. It is now important that new elections take place and that all political forces work together to address the underlying systemic causes of the crises, including the lack of trust in the electoral system, the independence of the judiciary and the functioning of the judicial system, as well as the freedom of the media and the depoliticisation of the civil service.

89. On 10 May 2015, 8 policemen and 14 members of an armed gang, reportedly coming from neighbouring Kosovo¹³, were killed when a gun fight broke out in the town of Kumanovo between the police and this armed group. The timing of this clash, in the midst of a deep political crisis, and its alleged ethnic connotations, raised fears of renewed outbreaks of ethnic violence in the country. The exact circumstances of these clashes need to be fully and transparently investigated to avoid any ethnic tensions arising.

2.3.4. Turkey

90. The rapporteur visited Turkey from 30 April to 4 May 2015. In addition, the rapporteur participated, *ex officio*, in the work of the ad hoc Committee of the Assembly that observed the parliamentary elections on 7 June 2015.

91. The parliamentary elections on 7 June 2015 were seen as a crucial test for a possible change of the political system from a parliamentary to a presidential model, a stated objective of President Erdoğan and the ruling AKP party. The ad hoc committee that observed the elections concluded that the elections were characterised by active citizen participation and a high voter turnout, but the excessively high threshold of 10% had limited political pluralism in the elections. Media coverage of the campaign, the undue involvement of the President of the Republic in the pre-electoral campaign and the functioning of the electoral supervisory bodies were issues of concern during the elections, with media outlets and journalists critical of the ruling

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

party reportedly being subject to pressure and intimidation. As was the case for the presidential election, the legal framework was generally conducive to democratic elections – if implemented fully and effectively –, but contains undue limitations on the fundamental freedoms of association, assembly and expression, as well as electoral rights. In addition, the legal framework for the media places undue restrictions on the right of freedom of expression. In these elections, the AK Party lost its parliamentary majority, putting on hold its project of introducing a presidential political system in Turkey. In addition, for the first time, the pro-Kurdish People's Democratic Party (HDP) participated as a party¹⁴ in these elections and passed the 10% threshold. These two events have the potential to considerably change Turkey's political environment.

92. Recent developments in Turkey have been strongly influenced by the ongoing conflict in Syria, with more than two million refugees entering Turkey. The authorities should be lauded for their resolve to provide a safe haven for such a large influx of refugees. The active involvement of Syrian and Iraqi Kurds in the fight against "IS" has had a direct impact on the domestic political environment.

93. In this context, the peace process to resolve the Kurdish question has been put on a back-burner and has shown a diverging approach between the government and the President of Turkey, which could hamper the process. With the establishment of the HDP as an important parliamentary force, it is hoped that the dialogue between the Turkish Government and Kurdish representatives will be resumed as soon as possible.

94. The authorities continued allegations of the existence of "parallel State structures", and plots to overthrow the government are starting to influence the functioning of, and trust in, the democratic State institutions.

95. The Ergenekon and Balyoz trials have fallen apart and many convicted individuals acquitted on appeal. The attention of the AK Party authorities has now focused on its erstwhile ally, the Gülen movement, which it has classified as a terrorist organisation. The purging of alleged sympathisers of the Gülen movement from State structures, including from the judiciary, prosecution and police force, is undermining their independence and efficient functioning, which is of serious concern.

96. The reversal of a number of previous reforms that were implemented to strengthen the independence of the judiciary is of concern. The Venice Commission has also expressed concern about interference with the independence of the judiciary in Turkey in its June 2015 declaration. The possible review of the provisions that allow individual appeals to the Constitutional Court is a case in point. The introduction of the individual appeal in 2010 was widely hailed by Turkey's partners. The government claimed that the Constitutional Court was overburdened by individual complaints. This was, however, denied by the Constitutional Court itself which opposes this review of the right to individual appeal.

97. As mentioned in the context of the parliamentary elections, the continuing threats to freedom of expression and freedom of Assembly are of concern in Turkey.

98. The media environment suffers from overly restrictive laws and questionable criminal investigations and prosecutions of journalists, restrictions on Internet access and interference of the authorities in the work of the media.¹⁵ In March 2015, the Turkish Parliament adopted Act No. 5651 on the Internet, which grants overbroad powers to the Telecommunications Directorate to block websites without sufficiently adequate legal oversight. In addition, the recent frequent use of the legal provisions that criminalise "insulting the President" and the "denigration of Turkishness" are of concern.

99. With regard to the freedom of assembly, the adoption of the Internal Security Act on 27 March 2015 raises a number of questions. This act, which has been referred to the Constitutional Court, would allow police to search homes and vehicles based only on "suspicions" and would allow questioning of suspects for 24 hours (48 hours for collective crimes) without supervision of a judge.

100. Relations with religious minorities have reportedly improved. Confiscated churches and properties have often been returned to their communities, but a proper legal status for these churches as well as for religious and for ethnic communities is still lacking.

101. Regrettably, the recognition of the right to conscientious objection and the establishment of an alternative service have still not been accomplished by the authorities.

14. In previous parliaments, its members had been elected as independent candidates.

15. See also the Assembly report on protection of media freedom in Europe, [Doc. 13664](#).

102. Despite the economic crisis and diminished prospects for joining the European Union, the Turkish authorities have continued their work towards further European integration, which underscores the clear European objective of the country. This is also clear from its recent and commendable decision to become a major contributor in the Council of Europe, as a result of which its seats in the Assembly will be increased from 12 to 18.

2.4. Requests to open a monitoring procedure

2.4.1. France

103. On 26 June 2013, 21 members of the Assembly tabled a motion for a resolution requesting the opening of a monitoring procedure in respect of France, claiming serious set-backs in the field of human rights and the rule of law in relation to police action against protesters against the Taubira Law, as well as in relation to the compulsory teaching of gender theory as from the age of six.

104. The Monitoring Committee appointed me and Mr Ghilechi as co-rapporteurs for the preparation of a written opinion on this subject. We carried out a fact-finding visit to Paris on 10 and 11 September 2014. Based on our proposals, the Monitoring Committee adopted an opinion on 3 September 2015, which contained a draft decision recommending not to open a monitoring procedure in respect of France.

3. Periodic review of the honouring of the membership obligations to the Council of Europe by countries that are not subject to a monitoring procedure *sensu stricto*, or engaged in a post-monitoring dialogue with the Assembly

105. In Resolution 2018 (2014) on the progress of the Assembly's monitoring procedure, it was agreed to subject, on a country-by-country basis, all the countries that are not under the monitoring procedure *sensu stricto* or engaged in a post-monitoring dialogue, to a periodic review of the honouring of their membership obligations to the Council of Europe. On 17 March 2015, the Monitoring Committee agreed on the working methods and reporting schedule for the preparation of these periodic reviews. In the following paragraphs, I will summarise the main aspects of the working methods and reporting schedule as agreed by the committee.

106. In line with the clear opposition in the Monitoring Committee to the idea of grouping countries on a geographical basis, countries are grouped on an alphabetical basis. It is foreseen to present between six and eight periodic reviews (prepared in two cycles of groups of 3 to 4 countries) in each annual progress report. The exact number could be adapted by the committee based on its workload and resource constraints. Under such a reporting cycle, the interval between reports for each country not under the monitoring procedure *sensu stricto* or engaged in a post-monitoring dialogue would be approximately four years, which is similar to the three-year interval for countries under the monitoring procedure.

107. For each country concerned, a concise preliminary report will be drafted by the Chair of the committee, containing an outline of any major political developments, as well as an assessment of the findings of the different convention-based and institutional monitoring bodies of the Council of Europe, with respect to the functioning of democratic institutions, the rule of law and respect for human rights during the reporting period. These preliminary reports will be discussed by the committee and sent to the national delegation of the country in question with a request for comments by the authorities on its findings. On the basis of these comments, a draft report will be produced that will be the subject of an exchange of views in the committee with a representative of the majority and opposition of the country in question. These final reports, as approved by the committee, will be included in the progress report of the Monitoring Committee for the year in which these country reports are adopted. Main recommendations in these reports will be included in the draft resolution that is part of the progress report.

108. When, in these reports, a country is found to be globally honouring its membership obligations to the Council of Europe, no further action should be necessary until the next reporting cycle. However, in the event that the committee considers that certain developments are of serious concern, it can decide to table a motion for a resolution, in line with paragraph 7 of its terms of reference, on the functioning of the democratic institutions in that country. Similarly, if a country is found to be structurally failing to honour its obligations as a member State of the Council of Europe, the committee can propose the opening of a monitoring procedure on the basis of paragraphs 3 and 5 of the terms of reference of the committee.

109. A number of special situations have been taken into account by the committee when it agreed on the reporting schedule. It is clear that it would be inappropriate for a Chair to present a report on his own country. In such situations, the report on that country should be taken into consideration immediately after a new Chair

has been appointed according to the normal two-year rotation of committee chairs. Similarly, as with countries under the monitoring procedure, a periodic review report should not be discussed in the plenary when the country in question holds the presidency of the Committee of Ministers of the Council of Europe. Lastly, in the event of a motion being tabled with a request to open a monitoring procedure in respect of a member State, the consideration of a report on this country in the framework of the periodic review will be postponed until the procedure regarding the request to open a monitoring procedure has been finalised.

110. On this basis, four periodic review reports have been prepared and included in the present progress report: in respect of Andorra, Belgium, Croatia and Cyprus. These periodic reviews are presented in the second part of this progress report.

4. Miscellaneous

111. Currently, the report on the progress of the Assembly's monitoring procedure is debated each year during the Assembly's October part-session. In line with statutory requirements, the report and draft resolution are therefore adopted by the committee during its September meeting. The progress report therefore contains information provided by the rapporteurs between September of the previous year and the June part-session of the year in which the progress report is presented. Especially with the inclusion of the periodic review reports, it would be more appropriate for the progress report to cover a full calendar year, which would bring it fully in line with the Assembly's session calendar. In addition, it would more closely align with the reporting cycles of other monitoring mechanisms. It is therefore proposed that from the next progress report on the Assembly's monitoring procedure onwards, the report be presented at the January part-session. That would allow the committee to adopt the report at its December meeting. In the years that the committee chairpersonship changes, the report would still be presented by the outgoing Chair.

Appendix 1 – Council of Europe treaties signed and/or ratified between 1 October 2014 and 11 August 2015 by the 47 member States of the Council of Europe

Countries	Treaties signed and/or ratified between 1 October 2014 and 11 August 2015	Signature / ratification
Albania	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	S: 24/11/2014 R: 22/7/2015
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	S: 25/3/2015
Andorra	ETS No. 191 Additional Protocol to the Criminal Law Convention on Corruption	R: 20/2/2015
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 27/5/2015
Armenia	None	
Austria	ETS No. 143 European Convention on the Protection of the Archaeological Heritage (Revised)	R: 23/1/2015
	CETS No. 199 Council of Europe Framework Convention on the Value of Cultural Heritage for Society	R: 23/1/2015
	CETS No. 209 Third Additional Protocol to the European Convention on Extradition	R: 10/4/2015
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	S: 25/3/2015
Azerbaijan	ETS No. 162 Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe	R: 10/3/2015
	CETS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters	R: 29/5/2015
Belgium	ETS No. 063 European Convention on the Abolition of Legalisation of Documents executed by Diplomatic Agents or Consular Officers	S: 10/12/2014
	CETS No. 202 European Convention on the Adoption of Children (Revised)	R: 7/5/2015
	CETS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters	R: 8/12/2014
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	S: 25/3/2015
Bosnia and Herzegovina	ETS No. 153 European Convention relating to questions on Copyright Law and Neighbouring Rights in the Framework of Transfrontier Broadcasting by Satellite	R: 1/12/2014
	ETS No. 168 Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings	R: 4/6/2015
	CETS No. 209 Third Additional Protocol to the European Convention on Extradition	R: 1/12/2014
Bulgaria	None	
Croatia	None	
Cyprus	ETS No. 127 Convention on Mutual Administrative Assistance in Tax Matters	R: 19/12/2014
	ETS No. 182 Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters	R: 12/2/2015
	CETS No. 201 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	R: 12/2/2015
	CETS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters	R: 19/12/2014
	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	S: 16/6/2015
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 16/6/2015

Countries	Treaties signed and/or ratified between 1 October 2014 and 11 August 2015	Signature / ratification
Czech Republic	ETS No. 144 Convention on the Participation of Foreigners in Public Life at Local Level	R: 17/7/2015
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 18/3/2015
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	S: 25/3/2015
Denmark	ETS No. 181 Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows	R: 16/3/2015
Estonia	CETS No. 197 Council of Europe Convention on Action against Trafficking in Human Beings	R: 5/2/2015
	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	S: 2/12/2014
Finland	CETS No. 205 Council of Europe Convention on Access to Official Documents	R: 5/2/2015
	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	R: 17/4/2015
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 17/4/2015
France	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	S: 2/10/2014
Georgia	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 6/7/2015
	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 6/7/2015
Germany	ETS No. 182 Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters	R: 20/2/2015
	CETS No. 202 European Convention on the Adoption of Children (Revised)	R: 2/3/2015
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 15/4/2015
Greece	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	S: 25/3/2015
Hungary	ETS No. 127 Convention on Mutual Administrative Assistance in Tax Matters	R: 7/11/2014
	ETS No. 191 Additional Protocol to the Criminal Law Convention on Corruption	R: 27/2/2015
	CETS No. 201 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	R: 3/8/2015
	CETS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters	R: 7/11/2014
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	S: 9/7/2015
Iceland	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	S: 12/11/2014
Ireland	No treaty signed and/or ratified between 1 October 2014 and 11 August 2015	
Italy	ETS No. 143 European Convention on the Protection of the Archaeological Heritage (Revised)	R: 30/6/2015
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	S: 25/3/2015
Latvia	None	
Liechtenstein	None	
Lithuania	None	

Countries	Treaties signed and/or ratified between 1 October 2014 and 11 August 2015	Signature / ratification
Luxembourg	ETS No. 185 Convention on Cybercrime	R: 16/10/2014
	ETS No. 189 Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems	R: 16/10/2014
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	S: 7/7/2015
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	S: 25/3/2015
Malta	ETS No. 071 European Convention on the Repatriation of Minors	S+R: 27/4/2015
	ETS No. 082 European Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes	S+R: 27/4/2015
	ETS No. 116 European Convention on the Compensation of Victims of Violent Crimes	S+R: 3/3/2015
	ETS No. 160 European Convention on the Exercise of Children's Rights	R: 9/3/2015
	ETS No. 161 European Agreement relating to persons participating in proceedings of the European Court of Human Rights	R: 5/2/2015
	ETS No. 192 Convention on Contact concerning Children	R: 5/2/2015
	CETS No. 196 Council of Europe Convention on the Prevention of Terrorism	R: 8/7/2015
	CETS No. 202 European Convention on the Adoption of Children (Revised)	S+R: 27/4/2015
Republic of Moldova	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	S: 25/3/2015
Monaco	ETS No. 127 Convention on Mutual Administrative Assistance in Tax Matters	S: 13/10/2014
	CETS No. 201 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	R: 7/10/2014
	CETS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters	S: 13/10/2014
	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	R: 7/10/2014
Montenegro	None	
Netherlands	None	
Norway	ETS No. 168 Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings	R: 26/5/2015
	ETS No. 195 Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research	R: 26/5/2015
	CETS No. 203 Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes	S+R: 26/5/2015
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	R: 9/12/2014
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	S: 25/3/2015
Poland	ETS No. 185 Convention on Cybercrime	R: 20/2/2015
	ETS No. 189 Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems	R: 20/2/2015
	CETS No. 201 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	R: 20/2/2015
	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	R: 27/4/2015
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	S: 7/7/2015
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	S: 25/3/2015

Countries	Treaties signed and/or ratified between 1 October 2014 and 11 August 2015	Signature / ratification
Portugal	ETS No. 127 Convention on Mutual Administrative Assistance in Tax Matters	R: 17/11/2014
	ETS No. 162 Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe	R: 13/4/2015
	ETS No. 191 Additional Protocol to the Criminal Law Convention on Corruption	R: 12/3/2015
	CETS No. 203 Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes	S: 17/3/2015
	CETS No. 207 Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority	S: 26/5/2015
	CETS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters	R: 17/11/2014
	CETS No. 212 Fourth Additional Protocol to the European Convention on Extradition	S: 1/12/2014
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	S: 17/3/2015
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	S: 25/3/2015
Romania	ETS No. 186 Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin	S: 20/2/2015
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 28/5/2015
	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	S: 14/10/2014
Russian Federation	ETS No. 127 Convention on Mutual Administrative Assistance in Tax Matters	R: 4/3/2015
	CETS No. 208 Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters	R: 4/3/2015
	CETS No. 212 Fourth Additional Protocol to the European Convention on Extradition	S: 24/2/2015
San Marino	ETS No. 108 Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	S: 2/3/2015 R: 28/5/2015
	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 16/2/2015
Serbia	ETS No. 106 European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities	S: 29/5/2015
	ETS No. 183 European Convention for the Protection of the Audiovisual Heritage	S+R: 22/1/2015
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 29/5/2015
Slovak Republic	None	
Slovenia	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	R: 5/2/2015
	CETS No. 212 Fourth Additional Protocol to the European Convention on Extradition	R: 3/6/2015
	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 26/3/2015

Countries	Treaties signed and/or ratified between 1 October 2014 and 11 August 2015	Signature / ratification
Spain	ETS No. 160 European Convention on the Exercise of Children's Rights	R: 18/12/2014
	ETS No. 186 Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin	R: 22/12/2014
	ETS No. 189 Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems	R: 18/12/2014
	ETS No. 190 Protocol amending the European Convention on the Suppression of Terrorism	R: 16/10/2014
	CETS No. 209 Third Additional Protocol to the European Convention on Extradition	R: 18/12/2014
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	S: 7/7/2015
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	S: 25/3/2015
Sweden	None	
Switzerland	CETS No. 209 Third Additional Protocol to the European Convention on Extradition	S: 23/10/2014
	CETS No. 212 Fourth Additional Protocol to the European Convention on Extradition	S: 23/10/2014
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	S: 20/3/2015
"The former Yugoslav Republic of Macedonia"	None	
Turkey	ETS No. 191 Additional Protocol to the Criminal Law Convention on Corruption	R: 16/12/2014
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	S: 25/3/2015
Ukraine	CETS No. 207 Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority	R: 16/12/2014
United Kingdom	CETS No.198 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	R: 27/4/2015
	CETS No. 213 Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms	R: 10/4/2015
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	S: 25/3/2015

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 (situation at 12 August 2015)

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 and therefore they do not appear in this table:

- the Convention for the Protection of Human Rights and Fundamental Freedoms
- the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
- the European Charter of Local Self-Government

Member States	Total of number of conventions ratified or signed (out of 216)	RULE OF LAW			HUMAN RIGHTS								
		Convention on Corruption		Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from crime (1990 or rev)	Protocols ECHR				Istanbul Convention	Social rights		Minority rights	
		Civil law	Criminal Law		6	12	13	14		ESC	Protocol ESC on collective complaints	FCNM	ECRML
Albania	81 R 4 S	R	R	R 1990 R rev	R	R	R	R	R	– 1961 R rev	–	R	–
Andorra	46 R 7 S	S	R	R 1990 – rev	R	R	R	R	R	– 1961 R rev	–	–	–
Armenia	58 R 15 S	R	R	R 1990 R rev	R	R	S	R	–	– 1961 R rev	–	R	R
Austria	113 R 32 S	R	R	R 1990 S rev	R	S	R	R	R	R 1961 R rev	S	R	R
Azerbaijan	62 R 7 S	R	R	R 1990 – rev	R	S	–	R	–	– 1961 R rev	–	R	S
Belgium	132 R 36 S	R	R	R 1990 R rev	R	S	R	R	S	R1961 R rev	R	S	–
Bosnia and Herzegovina	88 R 2 S	R	R	R 1990 R rev	R	R	R	R	R	– 1961 R rev	–	R	R
Bulgaria	81 R 15 S	R	R	R 1990 R rev	R	–	R	R	–	– 1961 R rev	–	R	–
Croatia	92 R 7 S	R	R	R 1990 R rev	R	R	R	R	S	R 1961 S rev	R	R	R
Cyprus	135 R 15 S	R	R	R 1990 R rev	R	R	R	R	S	R1961 R rev	R	R	R
Czech Republic	107 R 11 S	R	R	R 1990 – rev	R	S	R	R	–	R 1961 S rev	R	R	R
Denmark	135 R 18 S	S	R	R 1990 S rev	R	–	R	R	R	R 1961 S rev	S	R	R
Estonia	87 R 13 S	R	R	R 1990 S rev	R	S	R	R	S	– 1961 R rev	–	R	–

Member States	Total of number of conventions ratified or signed (out of 216)	RULE OF LAW			HUMAN RIGHTS									
		Convention on Corruption		Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from crime (1990 or rev)	Protocols ECHR				Istanbul Convention	Social rights			Minority rights	
		Civil law	Criminal Law		6	12	13	14		ESC	Protocol ESC on collective complaints	FCNM	ECRML	
Finland	114 R 12 S	R	R	R 1990 S rev	R	R	R	R	R	R 1961 R rev	R	R	R	
France	133 R 38 S	R	R	R 1990 S rev	R	–	R	R	R	R 1961 R rev	R	–	S	
Georgia	72 R 13 S	R	R	R 1990 R rev	R	R	R	R	S	– 1961 R rev	–	R	–	
Germany	127 R 44 S	S	S	R 1990 – rev	R	S	R	R	S	R 1961 S rev	–	R	R	
Greece	97 R 57 S	R	R	R 1990 S rev	R	S	R	R	S	R 1961 S rev	R	S	–	
Hungary	87 R 19 S	R	R	R 1990 R rev	R	S	R	R	S	R 1961 R rev	S	R	R	
Iceland	84 R 38 S	S	R	R 1990 S rev	R	S	R	R	S	R 1961 S rev	–	S	S	
Ireland	102 R 16 S	S	R	R 1990 – rev	R	S	R	R	–	R 1961 R rev	R	R	–	
Italy	127 R 46 S	R	R	R 1990 S rev	R	S	R	R	R	R 1961 R rev	R	R	S	
Latvia	96 R 5 S	R	R	R 1990 R rev	R	S	R	R	–	R 1961 R rev	–	R	–	
Liechtenstein	80 R 12 S	–	S	R 1990 – rev	R	S	R	R	–	S 1961 – rev	–	R	R	
Lithuania	96 R 13 S	R	R	R 1990 – rev	R	–	R	R	S	– 1961 R rev	–	R	–	
Luxembourg	132 R 52 S	S	R	R 1990 S rev	R	R	R	R	S	R 1961 S rev	–	S	R	

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		Civil law	Criminal Law		6	12	13	14		ESC	Protocol ESC on collective complaints	FCNM	ECRML	
Malta	94 R 15 S	R	R	R 1990 R rev	R	–	R	R	R	R	R1961 R rev	–	R	S
Republic of Moldova	83 R 15 S	R	R	R 1990 R rev	R	S	R	R	–	–	– 1961 R rev	–	R	S
Monaco	45 R 5 S	–	R	R 1990 – rev	R	–	R	R	R	R	– 1961 S rev	–	–	–
Montenegro	87 R 3 S	R	R	R 1990 R rev	R	R	R	R	R	R	– 1961 R rev	–	R	R
Netherlands	149 R 18 S	R	R	R 1990 R rev	R	R	R	R	S	R	R1961 R rev	R	R	R
Norway	148 R 12 S	R	R	R 1990 – rev	R	S	R	R	S	R	R1961 R rev	R	R	R
Poland	93 R 14 S	R	R	R 1990 R rev	R	–	R	R	R	R	R 1961 S rev	–	R	R
Portugal	116 R 41 S	–	R	R 1990 R rev	R	S	R	R	R	R	R1961 R rev	R	R	–
Romania	105 R 16 S	R	R	R 1990 R rev	R	R	R	R	S	R	S 1961 R rev	–	R	R
Russian Federation	60 R 15 S	–	R	R 1990 S rev	S	S	–	R	–	R	– 1961 R rev	–	R	S
San Marino	50 R 14 S	–	S	R 1990 R rev	R	R	R	R	S	R	– 1961 S rev	–	R	–
Serbia	81 R 8 S	R	R	R 1990 R rev	R	R	R	R	R	R	– 1961 R rev	–	R	R
Slovak Republic	100 R 7 S	R	R	R 1990 R rev	R	S	R	R	S	R	R1961 R rev	S	R	R

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		Civil law	Criminal Law		6	12	13	14		ESC	Protocol ESC on collective complaints	FCNM	ECRML
Slovenia	111 R 11 S	R	R	R 1990 R rev	R	R	R	R	R	S 1961 R rev	S	R	R
Spain	130 R 7 S	R	R	R 1990 R rev	R	R	R	R	R	R 1961 S rev	–	R	R
Sweden	138 R 15 S	R	R	R 1990 R rev	R	–	R	R	R	R1961 R rev	R	R	R
Switzerland	114 R 19 S	–	R	R 1990 – rev	R	–	R	R	S	S 1961 – rev	–	R	R
"The former Yugoslav Republic of Macedonia"	90 R 9 S	R	R	R 1990 R rev	R	R	R	R	S	R1961 R rev	–	R	S
Turkey	106 R 40 S	R	R	R 1990 S rev	R	S	R	R	R	R1961 R rev	–	–	–
Ukraine	87 R 19 S	R	R	R 1990 R rev	R	R	R	R	S	S1961 R rev	–	R	R
United Kingdom	121 R 22 S	S	R	R 1990 R rev	R	–	R	R	S	R 1961 S rev	–	R	R