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(Final version)

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

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A. Draft Resolution

1. The Parliamentary Assembly acknowledges the work carried out by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) in fulfilling its mandate as defined in Resolution 1115 (1997) on the setting up of an Assembly committee on the honouring of obligations and commitments by member States of the Council of Europe (Monitoring Committee) (as modified by Resolution 1431 (2005), Resolution 1515 (2006), Resolution 1698 (2009), Resolution 1710 (2010), Resolution 1936 (2013) and Resolution 2018 (2014)).
2. In particular, the Assembly commends the committee on its actions in accompanying the nine countries under a monitoring procedure *sensu stricto* (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Republic of Moldova, the Russian Federation, Serbia and Ukraine), and the four countries engaged in a post-monitoring dialogue (Bulgaria, Montenegro, “the former Yugoslav Republic of Macedonia” and Turkey) in their efforts to fully comply with the obligations and commitments they entered into upon accession to the Council of Europe, as well as the monitoring of the membership obligations of all other member States through its periodic review process.
3. The Assembly regrets that the co-rapporteurs for the monitoring procedure have not been able to visit the Russian Federation due to the boycott by the Russian delegation of the work of the Assembly. Considering that it is unacceptable for a country to *de facto* withdraw itself from the monitoring procedure, even on a temporary basis, by refusing all co-operation with the Assembly, the Assembly commends the committee on its efforts to continue the monitoring of the domestic developments in the Russian Federation. It recalls that co-operation with the monitoring procedure is an explicit accession commitment of the country.
4. The Assembly notes that, during the reporting period, a report on the functioning of democratic institutions in Turkey was debated by the Assembly as part of the post-monitoring dialogue with the country. It reiterates its concerns and the recommendations made in this resolution, which have become all the more relevant in the light of the ongoing developments in the country.
5. During the reporting period, the respective co-rapporteurs carried out fact-finding visits to Albania, Armenia (two visits), Azerbaijan (two visits), Bosnia and Herzegovina (two visits), Georgia (two visits), the Republic of Moldova (two visits), Serbia, Ukraine (two visits), Bulgaria (two visits, including one to Brussels for meetings with the European Commission), Montenegro, “the former Yugoslav Republic of Macedonia” and Turkey. In addition, the respective co-rapporteurs participated in the pre-electoral and election (or referendum) observation missions in Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Georgia, Montenegro, the Republic of Moldova, Ukraine, “the former Yugoslav Republic of Macedonia” and Turkey. The co-rapporteurs

produced information notes on Armenia, Azerbaijan, Georgia, the Republic of Moldova, Ukraine, Bulgaria, Montenegro, “the former Yugoslav Republic of Macedonia” and Turkey, which were declassified by the committee, as well as declarations and statements with regard to developments in Albania, Armenia, Azerbaijan, Georgia, the Republic of Moldova, the Russian Federation, Ukraine, Bulgaria, Montenegro, “the former Yugoslav Republic of Macedonia” and Turkey.

6. The Assembly takes note of the fact that the committee was seized, in line with the Rules of Procedure of the Assembly, for report on “The functioning of democratic institutions in Poland”.
7. The committee held an exchange of views with the Governor (Bashkan) of the Autonomous Territorial Unit of Gagauzia-Yeri of the Republic of Moldova. In addition, the committee organised hearings on the recent developments in south-east Turkey and the resumption of the peace process, with the participation of Mr Mehmet Tekinarслан, Deputy Undersecretary of the Ministry of the Interior of Turkey, Mr Osman Baydemir of the Democratic Peoples’ Party (HDP) and Mr Andrew Gardner of Amnesty international; and on the domestic developments in the Russian Federation, with the participation of Mr Alexander Cherkasov of Memorial Human Rights Centre, Ms Rachel Denber of Human Rights Watch and Mr John Dalhuisen of Amnesty International. The committee also organised an exchange of views with the Secretary General of the Council of Europe, Mr Thorbjørn Jagland, and with the leadership of the SDSM Party and VRMO-DPMNE of “the former Yugoslav Republic of Macedonia” on recent developments with regard to the state of implementation of the Przino Agreement. Underscoring the extensive co-operation between the committee and the European Commission for Democracy through Law (Venice Commission), the committee organised hearings with Mr Thomas Markert, Director and Executive Secretary of the Venice Commission, and with Mr Gianni Buquicchio, President of the Venice Commission. On the occasion of its meeting in Sarajevo, the committee held a hearing on “The Dayton Constitution: 20 years later” and, in the framework of its meeting in Albania, the committee organised a joint hearing with the Albanian Parliament on “Interreligious tolerance and dialogue”.
8. The Assembly welcomes the work of the Ad hoc Sub-Committee on Conflicts between Council of Europe Member States and takes note of the decision of the committee to transform it into a standing sub-committee of the Monitoring Committee.
9. The Assembly welcomes the positive developments and the progress made during the reporting period in a number of countries under a monitoring procedure or engaged in a post-monitoring dialogue. In particular in:
 - 9.1. Albania: the adoption of constitutional amendments paving the way for a thorough and comprehensive reform of the judiciary with a view to ensuring its impartiality and independence from external influence and pressure;
 - 9.2. Armenia: the adoption of a new constitutional framework with the stated objective of guaranteeing respect for

fundamental rights and freedoms and strengthening the balance of power in the country, as well as the constructive co-operation that has emerged between the ruling majority and the opposition on the adoption of the new Election Code, which has substantially lowered tension in the political environment;

- 9.3. Azerbaijan: the recent release of some human rights defenders, political activists, journalists and bloggers whose incarceration had been questioned by the international community;
- 9.4. Georgia: the ongoing reform of the justice system and the organisation of competitive parliamentary elections in line with European standards, as well as the efforts to settle the issue of the repatriation of the deported Meskhetian population, in line with its accession commitment to the Council of Europe;
- 9.5. the Republic of Moldova: the acceleration of the reform process to fulfil the requirements of the European Union Association Agreement Roadmap, as well as the establishment of a constructive dialogue with the Gagauz authorities with a view to harmonising Moldovan legislation with the Statute of this autonomous entity;
- 9.6. Serbia: the steps taken by the authorities to strengthen the independence and efficiency of the judiciary;
- 9.7. Ukraine: the continuing reforms and, in particular, the adoption of the constitutional amendments with regard to the judiciary and justice system that also honour one of the remaining accession commitments;
- 9.8. Bulgaria: the ongoing reform of the judiciary and, in particular, the adoption of the amendments to the Constitution that aim to increase the independence of the judiciary;
- 9.9. Montenegro: its active role in regional co-operation and in fostering stability in the region;
- 9.10. "the former Yugoslav Republic of Macedonia": the new agreement reached between the opposition and the ruling majority to overcome the political crisis in the country, and the subsequent consensual decision to organise early parliamentary elections in December 2016.
10. At the same time, the Assembly expresses its concern about developments and remaining shortcomings in a number of countries under a monitoring procedure or engaged in a post-monitoring dialogue. These shortcomings undermine the democratic consolidation of those countries and are at odds with their obligations and accession commitments:
- 10.1. Albania: the politicised media environment, as well as the lack of independence of and persistent corruption within the judiciary;

Amendment 5

Tabled by Ms Tamar CHUGOSHVILI, Ms Sofio KATSARAVA, Ms Eka BESELIA, Mr Dimitri TSKITISHVILI, Mr Giorgi KANDELAKI, Ms Nino GOGUADZE, Ms Irina PRUIDZE

In the draft resolution, paragraph 9.4, replace the words "settle the issue of" with the following words: "fulfil the commitment to".

- 10.2. Armenia: the corruption and insufficient independence of the judiciary;
- 10.3. Azerbaijan: the persistent non-execution of the judgment of the European Court of Human Rights in the case of Ilgar Mammadov, in violation of its membership obligations;

Amendment 9

Tabled by Mr Tiny KOX, Mr Nikolaj VILLUMSEN, Mr Yves CRUCHTEN, Ms Kerstin LUNDGREN, Mr Boriss CILEVIČS

In the draft resolution, replace paragraph 10.3 with the following paragraph:

"Azerbaijan: the persistent refusal to execute judgments of the European Court of Human Rights in violation of its membership obligations, and the harassment, arrests and persecution of human rights defenders, political activists, journalists and bloggers; with regard to the case of Ilgar Mammadov, the Assembly recalls the Committee of Ministers' interim resolution CM/ResDH(2016)144 stating that it is intolerable that, in a State subject to the rule of law, a person should continue to be deprived of his liberty on the basis of proceedings engaged, in breach of the Convention, with a view to punishing him for having criticised the government;"

- 10.4. Bosnia and Herzegovina: the persistent failure to implement judgments of the European Court of Human Rights, and the non-execution of a number of judgments of the Constitutional Court;
- 10.5. Georgia: the continued polarisation of the political environment and attempts to politicise the judiciary and influence its work;
- 10.6. the Republic of Moldova: the political instability and lack of progress in the investigation into the so-called "banking scandal", as well as allegations of politically motivated prosecutions of opposition figures;
- 10.7. the Russian Federation: the continuing deteriorating political environment and harassment of opposition supporters, and the rapidly decreasing space for civil society to operate and enjoy its rights to freedom of expression and association; the illegal annexation of Crimea and the continued covert war in eastern Ukraine in violation of, inter alia, international law, the Statute of the Council of Europe (ETS No. 1) and accession commitments; and the challenge to the supremacy of international law and the decisions of the European Court of Human Rights;
- 10.8. Serbia: the recurrent shortcomings in the electoral process, including abuse of administrative resources;
- 10.9. Ukraine: the widespread corruption and lack of concrete results in the fight against this major problem for the country; the continuing lack of independence and impartiality of the judiciary; the regular pressure on political opposition and the media;

Amendment 6

Tabled by Ms Tamar CHUGOSHVILI, Ms Sofio KATSARAVA, Ms Eka BESELIA, Mr Dimitri TSKITISHVILI, Mr Giorgi KANDELAKI, Ms Nino GOGUADZE, Mr Zviad KVATCHANTIRADZE

In the draft resolution, paragraph 10.7, after the words "war in eastern Ukraine", insert the following words: "and the occupation and illegal recognition of independence of Abkhazia, Georgia and South Ossetia, Georgia,"

- 10.10. Bulgaria: the slow pace of the reform process and lack of marked progress in the fight against corruption and organised crime;
- 10.11. Montenegro: the delays in the investigation of the violent clashes in Podgorica in October and November 2015 and the lack of political will to address the serious concerns with regard to the media environment and freedom of the media, including attacks on journalists, which create a sense of impunity for such unacceptable actions;
- 10.12. "the former Yugoslav Republic of Macedonia": the barriers to, and active disavowal of the work of the special prosecutor to investigate the allegations resulting from the so-called "wiretap scandal" in which large numbers of conversations of prominent politicians and others were illegally recorded;
- 10.13. Turkey: the discussions about the reintroduction of the death penalty, which would be incompatible with membership of the Council of Europe; the escalation of violence in south-east Turkey and the serious questions with regard to the respect for human rights and the rule of law in the implementation of the state of emergency following the failed coup d'état, including the lifting of immunity of members of parliament, the detention of a number of elected representatives, and threats to the freedom of the media and independence of the judiciary.
11. Consequently, the Assembly urges all the countries under a monitoring procedure or engaged in a post-monitoring dialogue to step up their efforts to fully honour all membership obligations and accession commitments to the Council of Europe. In particular it calls on:
 - 11.1. the Albanian authorities to continue the comprehensive reform of the justice system, especially with regard to the actual implementation of the new legal framework; to address the recommendations of the Assembly and the Venice Commission with regard to electoral reform, on the basis of a broad consensus between all political stakeholders, and before the 2017 general elections; to step up the fight against corruption and organised crime with a view to achieving marked and demonstrable progress in this priority area;
 - 11.2. the Armenian authorities and all political stakeholders to make every effort to ensure genuinely democratic elections in 2017; to pursue the reforms of the judiciary with a view to increasing its independence and to step up the fight against corruption in the country;
 - 11.3. the Azerbaijani authorities to reform the legislation and practice regarding NGOs, in line with Council of Europe standards and norms; to continue the release of journalists and NGO and political activists whose incarceration has raised concern with regard to possible political motivations and challenges to a fair trial as foreseen in the European Convention of Human Rights (ETS No. 5);

Amendment 10

Tabled by Mr Tiny KOX, Mr Nikolaj VILLUMSEN, Mr Yves CRUCHTEN, Ms Kerstin LUNDGREN, Mr Boriss CILEVIČS

In the draft resolution, replace paragraph 11.3 with the following paragraph:

"the Azerbaijani authorities to reform the legislation and practice regarding NGOs, in line with Council of Europe standards and norms and with opinions of the Venice Commission; to continue the release of journalists and NGO and political activists whose incarceration has raised concerns with regards to possible political

motivation and challenges to a fair trial, as foreseen in the European Convention on Human Rights (ETS No. 5); to refrain from harassing and arresting human rights defenders, activists and journalists and to guarantee an environment conducive to carrying out their legitimate activities; to fully implement without further delay the judgments of European Court of Human Rights in conformity with the resolutions of the Committee of Ministers and in particular in the case of Ilgar Mammadov v. Azerbaijan;"

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

Amendment 11

Tabled by Mr Damir ARNAUT, Mr Tiny KOX, Mr Alain DESTEXHE, Mr Pieter OMTZIGT, Sir Roger GALE, Mr Egidijus VAREIKIS

In the draft resolution, paragraph 11.4, replace the word "Bosnian" with the following words: "Bosnia and Herzegovina".

Amendment 12

Tabled by Mr Damir ARNAUT, Mr Tiny KOX, Mr Alain DESTEXHE, Mr Pieter OMTZIGT, Sir Roger GALE, Mr Egidijus VAREIKIS

In the draft resolution, paragraph 11.4, after the words "Sejdic and Finci", insert the following words: ", Pilav and Zornic,".

Amendment 13

Tabled by Mr Damir ARNAUT, Mr Tiny KOX, Mr Alain DESTEXHE, Mr Pieter OMTZIGT, Sir Roger GALE, Mr Egidijus VAREIKIS

In the draft resolution, paragraph 11.4, replace the word "judgment" with the word "judgments".

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

Amendment 7

Tabled by Ms Tamar CHUGOSHVILI, Ms Sofio KATSARAVA, Ms Eka BESELIA, Mr Dimitri TSKITISHVILI, Ms Nino GOGUADZE, Mr Stefan SCHENNACH, Mr Philippe MAHOUX, Mr Pierre-Yves LE BORGNE, Mr Zviad KVATCHANTIRADZE

In the draft resolution, paragraph 11.5, delete the following words: "to effectively investigate all cases of alleged politically motivated violence;"

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

- corruption and to fully and transparently investigate the "banking scandal";
- 11.7. the authorities of the Russian Federation to reverse its illegal annexation of Crimea and to unreservedly and fully implement the Minsk Agreements without preconditions; to reform the NGO legislation in line with Council of Europe standards and principles and to abrogate the law on foreign agents and on organisations undesirable on the territory of the Russian Federation; to end the harassment of opposition activists and fully and transparently investigate attacks made on them; to fully recognise the supremacy of judgments by the European Court of Human Rights and to repeal any legislation that would limit the execution of the Court judgments and, if necessary, consider amending the Constitution of the Russian Federation to ensure full compliance with its obligations under international law and the Statute of the Council of Europe;
- 11.8. the Serbian authorities to strengthen the separation of powers and pursue the reform of the judiciary with a view to empowering it to resist any undue political interference in its work; and to ensure proper implementation of the recently adopted media laws, in order to secure a pluralistic and sustainable media environment;
- 11.9. the Ukrainian authorities and the Verkhovna Rada to continue decisively with the reforms of the judiciary and to adopt promptly all required legislation to implement these reforms; to ensure a pluralist political and media environment; to demonstrate the commensurate political will to step up the fight against the widespread corruption in the country; and to maintain its full commitment to the implementation of the Minsk Agreements;
- 11.10. the Bulgarian authorities to speed up the pace of the reforms of the judiciary; and step up the fight against corruption and organised crime;
- 11.11. all political forces in "the former Yugoslav Republic of Macedonia" to implement in good faith the July 2016 political agreement to overcome the political crisis in the country and to launch the reforms that could form the basis for a reconciliation of the political forces in the country;
- 11.12. the Turkish authorities to end the state of emergency as soon as possible and to ensure that the investigations into the failed coup d'état will take place in full respect of the principles of the rule of law and the requirements of the European Convention on Human Rights and the case law of the Court; to promptly implement any recommendations by the Venice Commission on the legislation and decrees that have been adopted in the framework of the state of emergency, as well as to other relevant legislation that contradicts Council of Europe standards; to resolutely renounce any attempts to reintroduce the death penalty in Turkey as incompatible with its international obligations; to restart the peace process in south-east Turkey as well as the dialogue with Kurdish representatives on the settlement of the Kurdish question; and to abolish or limit the curfews with a view to restoring basic humanitarian conditions for the populations in the affected regions.

Amendment 8

Tabled by Ms Tamar CHUGOSHVILI, Ms Sofio KATSARAVA, Mr Zviad KVATCHANTIRADZE, Ms Eka BESELIA, Mr Dimitri TSKITISHVILI, Mr Giorgi KANDELAKI, Ms Nino GOGUADZE

In the draft resolution, paragraph 11.7, after the words "without preconditions", insert the following words: "; to reverse the ethnic cleansing and the occupation of the Georgian regions of Abkhazia and South Ossetia and to allow international monitors on the ground".

Amendment 2

Tabled by Mr Suat ÖNAL, Ms Leyla ŞAHİN USTA, Ms Emine Nur GÜNAY, Mr Orhan MİROĞLU, Ms Serap YAŞAR

In the draft resolution, paragraph 11.12, replace the word "ensure" with the following words: "continue to ensure".

Amendment 3

Tabled by Mr Suat ÖNAL, Ms Leyla ŞAHİN USTA, Ms Emine Nur GÜNAY, Mr Orhan MİROĞLU, Ms Serap YAŞAR

In the draft resolution, paragraph 11.12, delete the following words: "to resolutely renounce any attempts to reintroduce the death penalty in

Turkey as incompatible with its international obligations;"

Amendment 4

**Tabled by Mr Suat ÖNAL, Ms Leyla ŞAHİN
USTA, Ms Emine Nur GÜNAY, Mr Orhan
MİROĞLU, Ms Serap YAŞAR**

In the draft resolution, paragraph 11.12, delete the following words: "to restart the peace process in south-east Turkey as well as the dialogue with Kurdish representatives on the settlement of the Kurdish question; and to abolish or limit the curfews with a view to restoring basic humanitarian conditions for the populations in the affected regions".

12. The Assembly reaffirms the importance of the parliamentary monitoring procedure, and the work of the Monitoring Committee in the democratisation and institution-building processes in all Council of Europe member States. In that respect, it especially welcomes the periodic review of the honouring of the membership obligations to the Council of Europe by countries that are not subject to a monitoring procedure *sensu stricto*, or engaged in a post-monitoring dialogue with the Assembly.
13. The Assembly takes note of the reports of the periodic review of the honouring of the membership obligations to the Council of Europe by Austria, the Czech Republic, Denmark, Finland, France and Germany that are contained in the report on the progress of the Assembly's monitoring procedure (September 2015-December 2016). It endorses the findings and conclusions of these periodic review reports and encourages the respective authorities to implement its recommendations. In particular, the Assembly:
 - 13.1. with respect to Austria:
 - 13.1.1. recognising that Austria has recently been facing an unprecedented influx of refugees, which has led to rising populism with mounting anti-migration and anti-Islam rhetoric, welcomes the intention of the Austrian authorities to adopt a national action plan on human rights in the near future. In this context, the Assembly recommends that the authorities consider merging the various anti-discrimination acts and institutions of the federation and the federal States (Länder) in order to improve the protection afforded to victims of racism and discrimination;
 - 13.1.2. welcomes the strengthening of Austria's legal framework to combat corruption, by the ratification of the Criminal Law Convention on Corruption (ETS No. 173) and its Additional Protocol (ETS No. 191) in 2013. In this context, it encourages the authorities to amend the Political Parties Act, in line with the recommendations issued by the Group of States against Corruption (GRECO) and to strengthen the role and independence of the Austrian Court of Audit. In addition, it calls on the Austrian Parliament to promptly ratify the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from

Crime and on the Financing of Terrorism (revised) (CETS No. 198), which Austria signed in 2005;

- 13.1.3. encourages the authorities to consider Austria becoming a member of the Council of Europe Development Bank as well as becoming a member of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL);
- 13.1.4. welcomes the amendment to the National Minorities Act related to bilingual topographical signs and the use of minority languages as an official language;
- 13.1.5. calls on the Austrian authorities to sign and ratify the Additional Protocol to the European Charter of Local Self-Government, on the right to participate in the affairs of a local authority (CETS No. 207) and to initiate an overall institutional reform of the federal system in Austria, in line with Recommendation 302 (2011) of the Congress of Local and Regional Authorities of the Council of Europe;
- 13.2. with respect to the Czech Republic:
 - 13.2.1. welcomes the ratification of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), and the signature of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention"), as well as the Convention on Action against Trafficking in Human Beings (CETS No. 197). The Assembly expresses its expectation that the latter two conventions will soon be ratified by the Czech Parliament;
 - 13.2.2. expresses its concern about the intolerance in political discourse, which has been highlighted repeatedly by specific monitoring bodies, and recommends that efforts be made to fight against all forms of hate speech in the country. In this context, the Assembly emphasises that effective investigations must be carried out into all manifestations of racism, xenophobia and hate speech and adequate sanctions must be applied when needed;
 - 13.2.3. is concerned about the findings of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) with regard to the treatment of detained persons and conditions of detention in police establishments and prisons. It recommends prompt implementation of the CPT's outstanding recommendations, including on the issue of surgical castration of sex offenders;
 - 13.2.4. welcomes the improvements in the situation of Roma and the reforms initiated, especially concerning the issue of segregation of Roma children at school, but stresses that sustained efforts are needed to prevent, combat and sanction discrimination against them. In this context, the Assembly encourages the authorities to review the compensation system for Roma women who were victims of sterilisation without their full and informed consent, as also recommended by the Commissioner for Human Rights;
 - 13.2.5. welcomes the progress made in adopting the legislative and non-legislative measures contained in the 2015 Anti-Corruption Plan, as well as the increased efforts to

prosecute cases of corruption. The Assembly encourages the authorities to continue to pursue the fight against corruption, including political corruption, and recommends the prompt implementation of the outstanding GRECO recommendations;

- 13.3. with respect to Denmark:
 - 13.3.1. takes note of the specificities of the Danish political system, with two semi-autonomous entities, Greenland and the Faroe Islands, which enjoy a high degree of autonomy and thus bear an important responsibility in ensuring the protection of human rights as their consent is required to ensure that any legal instruments have full effect over the whole territory of the Kingdom of Denmark. The Assembly encourages all the relevant authorities to step up their joint co-ordination with a view to allow the lifting of current reservations on a number of conventions;
 - 13.3.2. welcomes progress made in strengthening local democracy after the Danish Municipal Reform launched in 2007 and encourages the authorities to sign and ratify the Additional Protocol to the European Charter on Local Self-Government on the right to participate in local government affairs;
 - 13.3.3. encourages the authorities to find the right balance between effective measures to fight terrorism and the protection of fundamental rights, and to ensure that the Aliens Act and the Administration of Justice Act fully comply with human rights standards, including with regard to due process and equality of arms;
 - 13.3.4. urges the Danish Parliament to ratify Protocol No. 12 to the European Convention on Human Rights (ETS No. 177);
 - 13.3.5. congratulates Denmark on the recurrent excellent scores in the Corruption Perception Index, which reflects a very low perception of corruption by the population and an overall high trust in the oversight institutions. To further strengthen this perception, the Assembly encourages the authorities to initiate the expected reform in the field of transparency of party funding without further delay and to ensure its compliance with the relevant Council of Europe anti-corruption standards and GRECO's recommendations;
 - 13.3.6. encourages the authorities to ratify the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (revised) and the European Social Charter (revised) (ETS No. 163), which Denmark signed in 1996, and the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (ETS No. 158), which it signed in 1995;
- 13.4. with respect to Finland:
 - 13.4.1. commends the country for its commitment to using the different Council of Europe monitoring bodies' recommendations as leverage to maintain sustained progress in the fields of human rights, the rule of law and democracy, which is a laudable example of good practice

- that should inspire other Council of Europe member States;
- 13.4.2. welcomes the proactive work of the authorities to address risks and vulnerabilities in existing corruption-prone areas and sectors, despite being one of the least corrupt countries in Europe according to several standards and measurements;
 - 13.4.3. encourages the authorities to continue to address the concerns of the CPT with regard to inadequate medical services and sometimes poor sanitation in detention centres, as well as with regard to excessive delays in moving detainees from police holding cells to remand prisons;
 - 13.4.4. welcomes the new anti-discrimination legal framework aimed at promoting equality, preventing discrimination and enhancing the protection provided by law to those who have been discriminated against. However, some vulnerable groups remain the subjects of discrimination. In this context, the Assembly encourages the authorities to address recurrent instances of discrimination against Roma and Russian speakers;
 - 13.4.5. reiterates the long-standing recommendation to ratify International Labour Organization (ILO) Convention 169 on the rights of indigenous and tribal peoples, and to immediately initiate a constructive dialogue with the Sámi Parliament of Finland in order to seek a solution to the land rights issue;
 - 13.5. with respect to France:
 - 13.5.1. acknowledges the serious challenges faced by the country as a result of the terrorist attacks and subsequent declaration of a state of emergency. The Assembly emphasises the need to ensure that a fair balance is struck in order, on the one hand, to defend freedom and security and, on the other, to avoid infringing these same rights when adopting and applying legislative provisions or other administrative measures. It reiterates its position that a state of emergency should remain an exceptional situation as it poses real dangers for fundamental rights when the measures it entails are used in a discriminatory or disproportionate manner. Acknowledging the judicial supervision and parliamentary oversight over the implementation of the state of emergency, the Assembly nevertheless considers that the state of emergency should be kept to an absolute minimum in terms of time;
 - 13.5.2. welcomes the progress on combating intolerance and racism made by the French authorities in the last few years and encourages them to ratify Protocol No. 12 to the European Convention on Human Rights;
 - 13.5.3. is seriously concerned about persistent prison overcrowding and remand without trial in France, which show no sign of abating. The authorities are urged to take, without further delay, all measures needed to address this serious human rights concern;
 - 13.5.4. encourages the authorities to take all necessary measures to permit the ratification of the European Charter for Regional or Minority Languages (ETS No.

- 148) and to sign and ratify the Framework Convention for the Protection of National Minorities (ETS No. 157);
- 13.5.5. welcomes the efforts to combat corruption, but also notes that, according to GRECO, serious shortcomings remain, which the Assembly encourages the French authorities to address;
- 13.5.6. notes that, notwithstanding the reforms carried out so far, the prosecution service could still be suspected of subordination to the executive, which is difficult to reconcile with the autonomy required by the sometimes exclusive or monopolistic tasks entrusted to prosecutors;
- 13.5.7. expresses its concern regarding the abuse of identity checks by the law-enforcement agencies as a means of crowd control during demonstrations, in clear violation of the legal provisions governing such checks, as well as the recurrent problem of excessive length of detention on remand, which the Assembly urges the authorities to address;
- 13.6. with respect to Germany:
- 13.6.1. commends Germany for its willingness to accommodate the massive arrival of refugees in the recent period. It welcomes the tolerant position of the Federal Government and major political parties in this context;
- 13.6.2. underscores that combating xenophobia, racism and intolerance constitutes one of the most important and urgent challenges that Germany – as well as many other European States – has to face and welcomes in this respect the establishment of a National Action Plan Against Racism and the increase in resources made available to the Federal Anti-Discrimination Agency. The Assembly encourages the German authorities to continue to pursue efforts to combat racism, intolerance and extremism and to show zero tolerance towards racism and ethnic profiling in the police;
- 13.6.3. strongly encourages the authorities to scrap Section 103 of the Criminal Code (Defamation of organs and representatives of foreign States) and amend accordingly the 2009 anti-terrorism law (the BKA Act) following the decision of the Constitutional Court of 20 April 2016, with a view to strengthening media freedom and freedom of expression;
- 13.6.4. with a view to strengthening the independence of the judiciary, calls on the authorities to consider setting up a system of judicial self-administration and abolish the possibility for Ministers of Justice to give the prosecution [lawful] instructions concerning individual cases, thus strengthening the independence of the public prosecutors;
- 13.6.5. welcomes the adoption of the Anti-Corruption Act as well as the Political Parties Act. In this context, it encourages the Bundestag to now promptly ratify the Council of Europe Civil Law Convention on Corruption (ETS No. 174), the Criminal Law Convention on Corruption and the Additional Protocol thereto, as well as the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism;

Amendment 1

Tabled by Mr Axel FISCHER, Mr Tobias ZECH, Mr Thomas FEIST, Ms Gabriela HEINRICH, Ms Mechthild RAWERT

In the draft resolution, replace paragraph 13.6.5 with the following paragraph:

"welcomes the adoption of the Anti-Corruption Act as well as the Political Parties Act. It also welcomes the adoption and entry into force of

the Council of Europe Criminal Law Convention on Corruption (ETS No. 173) and of the Additional Protocol thereto (ETS No. 191) as well as the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS No. 198). In this context, it encourages Germany now to promptly ratify the Council of Europe Civil Law Convention on Corruption (ETS No. 174)."

- 13.6.6. warmly welcomes the adoption by the German Parliament of the "No means No" law which enhances the protection of individual consent in sexual relations and paves the way for the ratification of the Istanbul Convention;
- 13.6.7. calls on the authorities to promptly ratify the European Social Charter (revised) and its protocols.
14. The Assembly takes note of the committee's continuous efforts to reflect on ways in which this review process can be strengthened and reinforced.