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Progress of the Assembly's monitoring procedure (January – December 2024)

Report[1]
Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)
Rapporteur: Ms Zanda KALNIŅA-LUKAŠEVICA, Latvia, Group of the European People's Party

Summary

In its annual progress report, the Monitoring Committee takes stock of its activities from January to December 2024 and assesses the progress in the honouring of the accession commitments and membership obligations to the Council of Europe made by the countries under a full monitoring procedure (Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Hungary, Republic of Moldova, Poland, Serbia, Türkiye and Ukraine), the four countries engaged in a post-monitoring dialogue (Albania, Bulgaria, Montenegro and North Macedonia), as well as the countries subject to periodic monitoring (Greece, the Netherlands, Spain and Sweden).

The committee welcomes progress made, notes challenges, and where relevant also expresses concerns about setbacks. On this basis, it formulates recommendations to the countries concerned.

1. Reference to committee: Resolution 1115 (1997).

Contents **Page**

A. Draft resolution 3
B. Explanatory memorandum by Ms Zanda Kalniņa-Lukaševica, rapporteur 7
1. Introduction 7
2. Overview of the committee's activities 7
2.1. General comments 7
2.2. Countries under a full monitoring procedure 8
2.3. Post-monitoring dialogue 20
2.4. Periodic monitoring reports 24
3. Some thoughts concerning the efficiency and impact of the committee's work 25

A. Draft resolution[2]

1. The Parliamentary Assembly recognises the work carried out by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) in fulfilling its mandate as defined in Resolution 1115 (1997) (modified) "Setting up of an Assembly committee on the honouring of obligations and commitments by member states of the Council of Europe (Monitoring Committee)". In particular, it welcomes the committee's work in accompanying the 10 countries under a full monitoring procedure (Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Hungary, the Republic of Moldova, Poland, Serbia, Türkiye and Ukraine) in their efforts to comply fully with the obligations and commitments they entered into upon accession to the Council of Europe. It also welcomes the efforts of the 4 countries engaged in a post-monitoring dialogue (Albania, Bulgaria, Montenegro and North Macedonia), as well as the countries subject to periodic monitoring of their membership obligations (Greece, the Netherlands, Spain and Sweden).

2. The Assembly takes note of the fact-finding visits carried out in 2024, and the findings by the respective co-rapporteurs, with regard to Bosnia and Herzegovina, Bulgaria, Hungary, the Republic of Moldova, Poland and Türkiye.

3. The Assembly welcomes the positive developments and progress made during the reporting period in the countries under a full monitoring procedure or engaged in a post-monitoring dialogue; it expresses its concern about some negative developments and remaining shortcomings and urges all these countries to step up their efforts to fully honour their membership obligations and accession commitments to the Council of Europe. The Assembly stands ready and committed to co-operate and assist member States in this respect.

4. Regarding the countries under a full monitoring procedure:

4.1. with respect to Armenia, referring to Resolution 2560 (2024), the Assembly commends the continuous commitment of the country to its democratic development in spite of the considerable security challenges it is facing. It welcomes the inclusiveness and transparency of the legislative process that underlaid the reform of the Electoral Code and considers that the objective of holding genuinely democratic elections which win the confidence of the Armenian people has been largely achieved. The Assembly regrets that the political climate remains exceedingly polarised and antagonistic and calls on all stakeholders to improve the relationship between the parliamentary majority and the opposition. The Assembly calls upon the authorities to continue with the implementation of reforms regarding the justice system and in the fields of media and freedom of expression;

4.2. with respect to Azerbaijan, with reference to its Resolution 2527 (2024) "Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of Azerbaijan", the Assembly remains seriously concerned about the further deterioration of the state of democracy, rule of law and human rights in the country. It remains concerned about the continuing crackdown on political and civil society activists, media representatives and other government critics. It exhorts the authorities to end retaliatory prosecutions and to immediately release all those who are detained on politically motivated charges. It calls upon the authorities to amend the Law on Political Parties, the Law on Media and the relevant legislation concerning NGOs, in line with the recommendations of the European Commission for Democracy through Law (Venice Commission). The Assembly also strongly deplores the authorities' refusal to co-operate with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and calls on them to resume without delay its co-operation with this body. Moreover, the Assembly deplores the lack of invitation to observe the 2024 early presidential and parliamentary elections. It notes with regret that, according to international observers, these elections did not meet international standards for democratic elections and were held under increased restrictions on freedom of expression, assembly, and association. It also strongly condemns, and considers unacceptable, that on 26 August 2024, the Azerbaijani Ministry of Foreign Affairs declared *personae non gratae* the 76 members of the Assembly who had voted in favour of Resolution 2527 (2024). It exhorts the authorities to immediately revoke this ban and to engage in a constructive dialogue with the Council of Europe's bodies – in particular the Committee of Ministers, the Secretary General and the Assembly itself – on all outstanding issues. The Assembly, referring to its Resolution 2517 (2023) and Recommendation 2260 (2023) on "The humanitarian situation in Nagorno-Karabakh", and the Resolution 2560 (2024) on "The honouring of obligations and commitments by

2. Draft resolution adopted unanimously by the committee on 3 December 2024.

Armenia", continues to follow the situation with detained representatives of Nagorno-Karabakh and all Armenian prisoners of war currently held in Azerbaijan, reiterating its call to Azerbaijan to release these people;

4.3. with respect to Bosnia and Herzegovina, referring to Resolution 2574 (2024), the Assembly reiterates its satisfaction with the pace of reforms since 2022. The Assembly repeats its call on Bosnia and Herzegovina to honour its accession commitment and adopt a constitutional reform in line with the European Convention on Human Rights (ETS No. 5). It urges the authorities to ensure the proper functioning of the Constitutional Court and reform the High Judicial and Prosecutorial Council. It reiterates its call to eliminate all aspects of segregation and discrimination in education, and encourages the establishment of a common core curriculum in history while prohibiting the honouring of individuals convicted of genocide, crimes against humanity and war crimes in the school curricula;

4.4. with respect to Georgia, the Assembly expresses its deep concern about the recent democratic backsliding of the country which has raised doubts about the country's commitment to international democratic norms and Euro-Atlantic integration, as well as its willingness to honour its membership obligations and accession commitments to the Council of Europe. It reiterates its position expressed in Resolution 2561 (2024) with regard to the controversial Law on transparency of foreign influence which is incompatible with European democratic, human rights and rule of law standards and norms. It calls upon the Georgian authorities to withdraw this law without further delay. The Assembly similarly expresses its concern about, and urges the authorities to withdraw, the law on the protection of family values and minors which is incompatible with international human rights standards, and in particular the European Convention on Human Rights. With regard to the parliamentary elections that took place on 26 October 2024, the Assembly deeply regrets that in several aspects these elections failed to meet European standards for democratic elections. The deficiencies noted, including widespread reports of pressure and intimidation of voters and an uneven playing field for election contestants that disproportionally favoured the incumbent ruling majority, undermined the trust in the outcome as well as the fairness of these elections. All reports of violations and alleged electoral fraud should be transparently and impartially investigated, and any irregularities encountered fully addressed;

4.5. with respect to Hungary, the Assembly reiterates its call on the Hungarian authorities to address the serious questions regarding the functioning of democratic institutions in the country as a result of the cumulative effect of measures that negatively affect the independence of the judiciary, the situation of the media and the transparency and accountability of State institutions. The Assembly emphasises again that the use of special legal orders must be restricted to that which is strictly necessary and proportionate and must be limited in time. In this respect it notes that the "state of danger" was extended until March 2025, at which time it will have been in place for 5 years with only a few months of intermission. The Assembly calls on the Hungarian authorities to fully address the recommendations of the Venice Commission in its opinion on Act LXXXVIII of 2023 on the Protection of National Sovereignty. The Assembly remains concerned about the transfer of very large amounts of public funds to public interest asset management foundations which lack guarantees of transparency and accountability, which undermines public oversight on key institutions for educational and cultural policies;

4.6. with respect to the Republic of Moldova, the Assembly welcomes the continued implementation of the ambitious reforms needed to further its European integration and to honour its commitments and obligations to the Council of Europe. However, it regrets that these reforms are sometimes drafted in a rather hasty manner without proper consultation with all stakeholders involved. It urges the authorities to address these concerns, since an inclusive and transparent reform process is essential to ensure the broad support and acceptance of the reforms by the Moldovan population, which will ensure the irreversibility of these reforms. The Assembly especially welcomes continuing reforms to strengthen the independence and integrity of the judiciary and especially the vetting of all key judges and prosecutors. It condemns the unprecedented nefarious interference by the Russian Federation and actors aligned to it, in Moldovan domestic politics and its electoral processes, which had a negative effect on the presidential election and constitutional referendum that took place in October and November 2024;

4.7. with respect to Poland, the Assembly strongly welcomes the ambitious reform programme that is being developed by the Polish authorities with the stated objective of implementing the judgments of the European Court of Human Rights with regard to the independence of the justice system and, in their own words, to restore the rule of law in the country. However, it takes note of the questions that have been raised about the compatibility of some of the aspects of these reforms with European standards and norms, and is concerned that the authorities, in their zeal to restore the rule of law, may be tempted to sometimes sidestep the very requirements of the rule of law itself. Given the sensitivity of these

reforms, and mindful of the very polarised and contentious political environment in the country, the Assembly calls on the authorities to continue its close co-operation with the Venice Commission and to fully address all recommendations and concerns expressed in its opinions on the various judicial reforms;

4.8. with respect to Serbia, the Assembly remains concerned about the frequent organisation of early elections at short intervals and urges the authorities to adopt further amendments to the electoral legislation in order to address long-standing issues identified by the Venice Commission. The Assembly welcomes the ongoing reform of the judiciary and the progress in the implementation of the recommendations of the Group of States against Corruption (GRECO) and expects the authorities to swiftly address the remaining ones. It urges the authorities to take further measures to combat and prevent ill-treatment by law enforcement authorities and to show a genuine commitment to investigating and adjudicating war crimes cases. It remains concerned about attacks and smear campaigns against journalists and media outlets, human rights defenders, and civil society activists. The Assembly expects the Serbian authorities to continue peaceful dialogue with Pristina with a view to solving all outstanding issues and not to hinder the implementation of its recommendations included in Opinion 302 (2024) "Application by Kosovo*[3] for membership of the Council of Europe";

4.9. with respect to Türkiye, the Assembly calls on the authorities to implement the judgments of the European Court of Human Rights fully and speedily and exhorts the authorities to release without delay Mr Osman Kavala and Mr Selahattin Demirtaş as well as Ms Figen Yüksekdağ Şenoğlu. It urges the authorities to implement, without delay and in line with the recommendations of the Venice Commission, the necessary reforms to restore an effective system of checks and balances and to ensure full independence of the judiciary. The Assembly reiterates its concerns regarding the ongoing crackdown on members of the political opposition and civil society as well as the restrictions on freedom of expression and media freedom. It calls on the authorities to put an end to all forms of reprisals against politicians, lawyers, journalists, and civil society activists and to ensure a conducive environment for all civil society actors. In line with Resolution 2528 (2024), it calls upon the authorities to eliminate torture and physical ill-treatment in places of detention. The Assembly furthermore calls on authorities to fully respect the results of the local elections of 31 March 2024, and, in particular not to replace democratically elected mayors by governors appointed by the Minister of the Interior;

4.10. with respect to Ukraine, the Assembly commends the efforts by the Ukrainian authorities, and indeed the whole society, to ensure the functioning of the democratic and rule of law institutions in the country, in spite of the challenging situation presented by the ongoing military aggression by the Russian Federation. It welcomes the efforts of the co-rapporteurs to organise a monitoring fact-finding visit to Ukraine in the first half of 2025, which is essential for the proper conduct of the monitoring procedure in respect of Ukraine.

5. Regarding the countries engaged in a post-monitoring dialogue:

5.1. with respect to Albania, the Assembly congratulates the country on the progress made in honouring its obligations and commitments to the Council of Europe that allowed the Assembly to close the full monitoring procedure and open a post-monitoring dialogue. It expects that this positive trajectory will be continued, and that consistent and tangible progress will be made with addressing the Assembly's recommendations with regard to the fight against corruption, the protection of minorities, media freedom and freedom of expression. In that respect it especially calls upon the authorities to adopt the three remaining by-laws that are essential to implement the provisions of the 2017 Law on the Protection of National Minorities;

5.2. with respect to Bulgaria, the Assembly welcomes the efficient organisation of the seventh round of the parliamentary elections held in the last three years but expresses its concern about the continuing absence of a breakthrough in the political impasse that underlays the recurrent political crisis. The Assembly calls on political forces to move beyond partisan divisions to break the cycle of short-term and caretaker governments and to establish lasting political solutions in order to avoid the institutionalisation of the political crisis. Political leaders and lawmakers are urged to introduce changes to the electoral system which might be more conducive to stable governments;

5.3. with respect to Montenegro, the Assembly welcomes the continuing commitment of the Montenegrin authorities to honour their obligations and commitments to the Council of Europe and to co-operate with the various Council of Europe bodies to achieve that goal. The Assembly takes note of

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

the two urgent opinions on the prevention of corruption and on the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity, and the three urgent follow-up opinions on Montenegro on the Law on the Judicial Council and Judges, the Law on the State Prosecution Service, and the Law on the Special State Prosecutor's Office, released by the Venice Commission in 2024. It welcomes the reforms adopted in a short time period in order to meet the interim benchmarks for accession to the European Union. These reforms bring Montenegro closer to fully honouring its membership obligations and accession commitments, and as a result the end of the post-monitoring dialogue. The Assembly reiterates that for that to happen, Montenegro is expected to fully address the remaining questions with regard to the independence of the judiciary, the trust in the electoral process, the fight against corruption, and the media environment;

5.4. with respect to North Macedonia, the Assembly welcomes the swift formation of a new government after the last parliamentary elections and the new authorities' commitment to European integration. It invites all political forces to reach a consensus on the revision of the Constitution that would allow the country to pave its way to the European Union. It encourages the authorities to step up the reforms launched to strengthen democracy, the rule of law and human rights in the country. In particular, it calls on the authorities to implement the outstanding recommendations of the Venice Commission and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) concerning the reform of the electoral legislation as well as GRECO's recommendations from its Fourth and Fifth Evaluation Rounds. The Assembly is concerned about numerous cases of ill-treatment of persons deprived of their liberty by the police and the situation in prisons, especially in Idrizovo. It calls on the authorities to implement without delay the outstanding recommendations of the CPT.

6. Regarding the countries that were subject to the procedure for the periodic review of membership obligations to the Council of Europe in 2024, the Assembly notes that with regard to the Netherlands, the preparation of the report were interrupted due to the early parliamentary elections in the country and the lengthy period of government formation that followed, leading to an extension of the reference for the report for this country until March 2026. The Assembly also notes that the preparation of the reports on the honouring of membership obligations by Greece, Spain and Sweden have not yet started due to the co-rapporteurs' unavailability.

7. The Assembly welcomes the continuing remarkable close co-operation with the Venice Commission in the context of the parliamentary monitoring procedures, as evident from the high number of opinions requested and produced, as well as from the number of follow-up hearings organised with participation of the Venice Commission rapporteurs.

8. The Assembly acknowledges the efforts by the Monitoring Committee to strengthen its reactivity and ability to quickly respond to developments in member States that are not under a full monitoring procedure, engaged in a post-monitoring dialogue or subject to periodic review of their obligations to the Council of Europe. It considers that the Monitoring Committee has an essential role to play in detecting, at an early stage, developments in member States with respect to possible malfunctioning of the democratic and rule of law institutions which could affect the internal social and political stability of these countries and their democratic security. It invites the committee to continue its reflection on the practical ways to increase its efficiency and impact in the accomplishment of its tasks.

9. The Assembly is informed about the insufficient availability of rapporteurs, as well the impact of this situation on the committee's work. It welcomes the reflections by the committee on the ways to address this problem and in particular on ensuring that all candidates for monitoring rapporteurs are well aware of the various tasks required of a monitoring rapporteur, prior to their appointment. It suggests that availability to take on a rapporteur position should be considered as an important criterion for nomination of members to the Monitoring Committee by the political groups.

10. In order to strengthen the visibility and impact of the monitoring procedures in the countries concerned, the Assembly calls for the systematic translation of the monitoring reports and resolutions adopted by the Assembly into the language of the countries concerned.

B. Explanatory memorandum by Ms Zanda Kalniņa-Lukaševica, 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), Resolution 2018 (2014), Resolution 2261 (2019), Resolution 2325 (2020), Resolution 2357 (2021), Resolution 2428 (2022) and Resolution 2551 (2024). Resolution 1115 (1997) defines the mandate of the Monitoring Committee and stipulates that "it shall be responsible for verifying the fulfilment of the obligations assumed by the member States under the terms of the Council of Europe statute [ETS No. 1], the European Convention of Human Rights [ETS No. 5] and all other Council of Europe conventions to which they are parties, as well as the honouring of the commitments entered into by the authorities of member States upon their accession to the Council of Europe."

2. In accordance with Paragraph 14 of 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 has entrusted me, as its Chairperson, with the task of being the rapporteur on the committee's activities for the period from January to December 2024.

3. In line with its mandate, the Monitoring Committee follows all Council of Europe member States with regard to the honouring of their membership obligations, and if relevant, specific accession commitments. Currently, ten countries are subject to a full monitoring procedure (Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Hungary, Republic of Moldova, Poland, Serbia, Türkiye and Ukraine).

4. Four countries are currently engaged in a post-monitoring dialogue (Albania, Bulgaria, Montenegro and North Macedonia). The post-monitoring dialogue concerns the States that have progressed to this stage following the termination of a full monitoring procedure. It is a less intensive procedure focusing on a limited number of remaining issues that are expected to be resolvable within a limited timeframe. Therefore, the Rules of Procedure specify that only two post-monitoring dialogue reports will be issued. The second post-monitoring report has to determine whether the post-monitoring dialogue can be ended for that country. If not, the country will return to a full monitoring procedure.

5. In accordance with its terms of reference, the Monitoring Committee is tasked to ensure and assess the fulfilment of obligations assumed by all member States under the Council of Europe Statute, the European Convention on Human Rights and all other conventions concluded within the Organisation to which they are party. Therefore, as set out in Resolution 2261 (2019), the Monitoring Committee prepares periodic review reports on the honouring of obligations to the Council of Europe for all member States that are not subject to any of the two specific monitoring procedures mentioned above. As specified in this resolution, the Monitoring Committee selects the countries for periodic review according to its internal working methods, on substantive grounds, while maintaining the objective of producing, over time, periodic monitoring reports on all member States. The third round of countries selected by the committee in December 2023 included Greece, Spain and Sweden. Unfortunately, due to unfilled vacancies for rapporteurs, the elaboration of reports in regard of these countries has not started yet (see chapter 3).

6. The country-specific comments which follow in the next section below have been prepared in consultation with the respective rapporteurs on the basis of their reports, notes and statements as well as the discussions in the Monitoring Committee (with the participation of representatives of the majority and the opposition of countries concerned) in accordance with Article 10 of Resolution 1115 (1997), and findings of other Council of Europe monitoring mechanisms.

2. Overview of the committee's activities

2.1. General comments

7. 2024 proved to be another very busy year for the committee and its mandate to monitor the honouring of membership obligations to the Council of Europe by all our member States. Several events on our continent underscored the continued relevance and need for the work of the committee: in particular the elections in the Republic of Moldova and Georgia that, as I will outline, took place at a crucial stage for each country's democratic consolidation and euro-Atlantic integration process, with strong geopolitical connotations and the – albeit different – impact on their respective democratic trajectories. The importance of the challenges faced in

ensuring compliance with key European norms and values was also underscored by the developments surrounding the adoption of the controversial Law on transparency of foreign influence in Georgia, which had a prominent place in the work of the committee. Another clear example of the positive impact of the committee's work was the closing of the monitoring procedure in respect of Albania, in recognition of the progress made in honouring its obligations and commitments.

8. Unfortunately, the work and agenda of the committee were seriously affected by frequent changes of rapporteurs and their demanding domestic agendas, as well as by the election cycles in the countries being monitored.

9. Over the reporting period, the rapporteurs carried out a number of visits to the countries under their respective responsibility, including two visits to the Republic of Moldova, two visits to the European institutions in Brussels regarding the monitoring of Bosnia and Herzegovina and Bulgaria, as well as visits to Hungary, Poland and Türkiye.

10. On 24 June 2024, the committee held an exchange of views with Mr Michael O'Flaherty, Commissioner for Human Rights of the Council of Europe. Furthermore, at the initiative of the relevant rapporteurs, several hearings were held during committee meetings. Details of these hearings are given below, in the sections devoted to the countries concerned. The committee also held joint hearings on "Strengthening mechanisms for early warning on challenges to democratic security" (with the Committee on Political Affairs and Democracy) and on "Regulating foreign influence: best practices and European standards" (with the Committee on Legal Affairs and Human Rights).

11. The Monitoring Committee submitted four country reports to the Assembly during the reporting period: "The honouring of obligations and commitments by Albania", "The honouring of obligations and commitments by Armenia", "The honouring of obligations and commitments by Bosnia and Herzegovina", and a report on "Challenges to democracy in Georgia", which was prepared under urgent procedure leading to the adoption of Resolution 2561 (2024). In addition, in line with its mandate, the committee prepared the report "Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of Azerbaijan" during the January 2024 part-session of the Assembly. Furthermore, it adopted a report on the post-monitoring dialogue with Bulgaria, which has not yet been presented to the Assembly due to the early parliamentary elections on 9 June and 27 October 2024.

12. During the year, the committee considered and declassified information notes on the Honouring of obligations and commitments by the Republic of Moldova and by Türkiye.

13. As in previous years, the remarkable co-operation with the Venice Commission continued over the reporting period. The committee requested opinions on the Georgian draft constitutional laws on the protection of family values and minors; the amendments to the Electoral Code of Georgia abolishing gender quotas as adopted by the Georgian Parliament on 4 April 2024; the amendments to the Electoral Code and to the Rules of Procedure of the Parliament of Georgia as adopted by the Georgian parliament on 20 February 2024; the Hungarian legislative package on the defence of national sovereignty; on the Hungarian Act XVII of 2024 on the Amendment of Laws related to Justice Matters; on Poland's draft law amending the Law on the National Council of the Judiciary, and on the relevant provisions of the Turkish Constitution and the Law on the Council of Judges and Prosecutors concerning the composition of the Council of Judges and Prosecutors and the election procedure of its members.

14. In Resolution 2551 (2024), the Assembly decided to amend certain provisions of its Rules of Procedure, including rules relating specifically to the functioning of the Monitoring Committee. The duration of the references for periodic review reports was extended to three years. Regarding the appointment of co-rapporteurs, the rules now state that: "no co-rapporteur shall be a chairperson of a friendship group in the national parliament of the State being monitored".

15. As mentioned above, a significant rotation in rapporteurs took place in 2024, which had a non-negligible impact on the committee's work.

2.2. Countries under a full monitoring procedure

2.2.1. Armenia

16. During its third part-session of 2024, the Assembly adopted Resolution 2560 (2024) "The honouring of obligations and commitments by Armenia". It commended the country for its continuous commitment to democratic development in spite of the considerable security challenges it was facing.

17. The Assembly welcomed the ratification by Armenia of Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances (ETS No. 187), including for crimes committed in times of war and imminent threat of war.

18. With regard to the long-standing concerns relating to elections in Armenia, the Assembly commended the authorities for the inclusiveness and transparency of the legislative process that has led to the reform of the Electoral Code. Noting that the 2023 local elections in Yerevan had been the third consecutive major elections assessed as free of the irregularities that had tainted many earlier elections, the Assembly considered that the objective to hold genuinely democratic elections that win the confidence of the Armenian people had been achieved to a large extent. It urged the authorities to implement the regulations on the misuse of public resources and the financing of political parties.

19. Nevertheless, the Assembly regretted that the political climate remained very polarised and antagonistic. Taking note of the generalised practice of stigmatisation of political opponents, the Assembly encouraged all political stakeholders to improve the relationship between the parliamentary majority and the opposition. The opposition was called to refrain from boycotting the work of the National Assembly, as a prolonged mass boycott of the work of parliament by the opposition would only be legitimate in rare and extreme circumstances where the legitimacy of parliament is questioned due to the actions of the majority. Such circumstances do not exist in Armenia at the moment.

20. The parliamentary majority, for its part, should exert restraint in using its qualified majority to side-step consensual decision making. This is especially relevant regarding appointments by parliament to independent supervisory bodies, as the current majority has the required number of votes to elect candidates single-handedly. Under these political circumstances, the qualified majority rule could undermine rather than strengthen the perception of political independence of designated personalities. The Assembly invited political parties represented in the National Assembly to find cross-party consensus for the appointments which require a two-thirds majority, considering the Venice Commission Checklist on "Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy".

21. With a view to strengthening the independence of judges, the Assembly encouraged the authorities to pursue the reforms with the co-operation of the Venice Commission.

22. Overall, the Assembly acknowledged the progress made by Armenia towards compliance with its obligations and commitments to the Council of Europe, in particular in the field of electoral law and decided to pursue its monitoring procedure, attaching particular importance to the implementation of reforms regarding the justice system, and in the fields of media and freedom of expression.

2.2.2. Azerbaijan

23. On 24 January 2024, on the basis of a report by the Monitoring Committee,[4] the Assembly adopted Resolution 2527 (2024) "Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of Azerbaijan", in which it resolved not to ratify the credentials of the Azerbaijani delegation. The Assembly deplored that more than twenty years after joining the Council of Europe, Azerbaijan had not fulfilled major commitments stemming therefrom, in particular as to its ability to conduct free and fair elections, the separation of powers, the weakness of its legislature vis-à-vis the executive, the independence of the judiciary and respect for human rights, as illustrated by numerous judgments of the European Court of Human Rights and opinions of the Venice Commission. It also cited the dire humanitarian and human rights situation in Nagorno-Karabakh and the authorities' lack of co-operation with the Assembly, including rapporteurs of the Committee on Legal Affairs and Human Rights and the Monitoring Committee.

24. The examination by the Assembly of the Monitoring Committee's report of 5 December 2023 on the honouring of obligations and commitments by Azerbaijan was postponed due to the fact that on 7 December 2023 an early presidential election in Azerbaijan (scheduled for 7 February 2024) had been called. After the presidential election, the report of the Monitoring Committee was tabled and published[5] but because of the absence of the Azerbaijani delegation, its consideration by the Assembly was further delayed. The co-rapporteurs for Azerbaijan – Ms Lise Christoffersen (Norway, SOC) and Mr Ian Liddell-Grainger (United Kingdom, EC/DA)[6] – continued to monitor the situation in the country, and, on 1 October 2024, the Assembly held a current affairs debate entitled "Deteriorating situation of human rights, rule of law and democracy in Azerbaijan".

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4. Doc. 15898 of 23 January 2024.
5. Doc. 15927 of 12 February 2024.
6. Mr Liddell-Grainger has since left the Assembly.

25. The Assembly was not invited by Azerbaijan to observe the early presidential election of 7 February 2024 and the early parliamentary election of 1 September 2024. Both elections covered, for the first time, the territory of Nagorno-Karabakh. In the election of 7 February 2024, the incumbent President of the Republic, Ilham Aliyev, who has held the office since 2003, won a fifth consecutive term with over 92% of the vote, with a turnout of 76,7%. Following the parliamentary election of 1 September 2024, the ruling New Azerbaijan Party won 68 of 125 seats in the Milli Majlis (parliament), the rest of seats being won by other parties and candidates that are supportive of the government's policies. The main opposition party – the Azerbaijani Popular Front Party – boycotted the election. The turnout was just 37.3%, the lowest figure in all elections.

26. The International Election Observation Mission consisting of the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Co-operation in Europe (OSCE) and the OSCE Parliamentary Assembly observed both elections.[7] According to the mission, these elections did not meet international standards for democratic elections. Both elections took place in a restrictive environment that did not enable genuine pluralism and resulted in a contest devoid of competition. Although the voting process was well-organised and efficient, serious irregularities and omissions were observed, in particular in the vote count. Moreover, the legal framework, namely the Electoral Code, did not meet international standards, including the recommendations of the ODIHR, the Venice Commission and the requirements stemming from judgments of the European Court of Human Rights.

27. Both elections were held in the context of increased restrictions on freedom of expression, assembly, and association, with continuing crackdown on political activists, government critics, civil society, and media representatives, as well as allegations of lack of independence of judges and public prosecutors and of unfair trials based on bogus charges. A few months before the elections, the authorities had started to arrest journalists and civil society activists, in particular those with experience in monitoring elections and/or corruption cases, such as: journalists from Toplum TV (including Mr Alaskar Mammadli, its founder), Abzas Media (including Mr Ulvi Hasanli and Mr Sevinj Abbasova, respectively director and editor-in-chief) and Kanal 13 (including Mr Aziz Orujev and Mr Shamo Eminov, respectively director and journalist); political activists Mr Tofig Yagublu and Mr Ruslan Izzatli and civil society activists: Mr Anar Mammadli, laureate of the 2014 the Václav Havel Prize and head of the Election Monitoring and Democracy Studies Center, and Mr Akif Gurbanov, one of the three candidates shortlisted for the 2024 Václav Havel Prize.[8] Mr Gudad Ibadoghlou, an academic and anti-corruption expert, was released in April 2024 after nine months of pre-trial detention, but still faces serious criminal charges and remains under house arrest.[9] According to recent reports by human rights groups, there are currently over 300 persons detained allegedly on politically motivated charges in the country.

28. On 3 July 2024, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) made a public statement about the persistent lack of cooperation by the Azerbaijani authorities and also decided to publish its report of the 2022 *ad hoc* visit to Azerbaijan. This decision was due to the Azerbaijani authorities' cancellation of high-level talks with the CPT in Baku and their refusal to accept an *ad hoc* visit of the CPT in June 2024. Moreover, none of the CPT's key long-standing recommendations regarding the treatment of persons held in establishments under the responsibility of the Ministry of Internal Affairs and allegations of physical ill-treatment (including, on occasion, torture) by the police had been implemented. It should be recalled that in its Resolution 2528 (2024) "Allegations of systemic torture and inhuman or degrading treatment or punishment in places of detention in Europe",[10] the Assembly was deeply concerned about credible reports suggesting that torture and other forms of ill-treatment tended to be systemic and/or widespread in Azerbaijan, in particular in the context of the "Terter cases" (concerning a group of military personnel and civilians detained by the Azerbaijani military).

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7. OSCE/ODIHR, Azerbaijan, Early Presidential Election, 7 February 2024: Statement of Preliminary Findings and Conclusions, 7 February 2024; and Azerbaijan, Early Parliamentary Elections, 1 September 2024: Statement of Preliminary Findings and Conclusions, 2 September 2024.

8. See statements by Ms Hannah Bardell (United Kingdom, NR), rapporteur of the Committee on Legal Affairs and Human Rights, of 8 March 2024: PACE rapporteur calls on Azerbaijan to immediately release jailed journalists and democracy activists and of 30 April 2024 (along with co-rapporteurs of the Monitoring Committee): PACE rapporteurs deeply concerned by the detention of Anar Mammadli. See also statement by the Commissioner for Human Rights: Azerbaijan should end the intimidation and harassment of journalists and civil society activists, 25 March 2024.

9. See statement by Ms Hannah Bardell (United Kingdom, NR), rapporteur of the Committee on Legal Affairs and Human Rights, of 22 April 2024: Azerbaijan: PACE rapporteur welcomes release from prison of Gubad Ibadoghlu (coe.int).

10. See paragraph 6.2. The resolution was adopted on 23 January 2024, on the basis of a report by the Committee on Legal Affairs and Human Rights, rapporteur: Mr Constantinos Efstathiou (Cyprus, SOC), Doc. 15880 of 11 December 2023.

29. On 26 August 2024, the Azerbaijani Ministry of Foreign Affairs declared *personae non gratae* the 76 members of the Assembly who had voted in favour of Resolution 2527 (2024) and therefore the non-ratification of the Azerbaijani delegation's credentials. This decision targeted, amongst others, Assembly members wishing to take part in the COP29 United Nations Climate Change Conference hosted in Baku between 11 and 22 November 2024.

2.2.3. Bosnia and Herzegovina

30. During the fourth part-session of 2024, the Assembly adopted Resolution 2574 (2024) "The honouring of obligations and commitments by Bosnia and Herzegovina". Following the visit of the co-rapporteurs in Sarajevo and Banja-Luka in September 2023, another visit was organised in February 2024 to the European Commission in Brussels, to discuss topics related to Bosnia and Herzegovina's accession to the European Union. In March 2024, the committee held an exchange of views with Mr Christian Schmidt, High Representative for Bosnia and Herzegovina. And in September 2024, the committee held a hearing with the participation of Mr Nikola Špirić, First Deputy Speaker of the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina, Ms Darijana Filipović, Second Deputy Chair of the Committee on Foreign Affairs of the House of Representatives of Bosnia and Herzegovina, and Ms Sabina Ćudić, member of the delegation of Bosnia and Herzegovina to the Assembly.

31. In its Resolution 2574 (2024), the Assembly congratulated the authorities of Bosnia and Herzegovina with the pace of reforms since 2022. These positive changes led to the decision by the European Council to open accession negotiations with Bosnia and Herzegovina in March 2024.

32. The Assembly welcomed the changes brought to the electoral legislation in line with European standards and the recommendations made by the OSCE/ODIHR, the Group of States against Corruption (GRECO) and the Venice Commission. However, the Assembly regretted that these changes had to be introduced by the High Representative and could not be adopted by the Parliament of Bosnia and Herzegovina despite the high level of agreement of the political parties on the substance of these reforms.

33. Notwithstanding these changes, the Assembly lamented the fact that the 2022 elections were held for the fourth time under a constitutional framework which was in violation of the European Convention on Human Rights. Since Bosnia and Herzegovina's accession to the Council of Europe in 2002, the Assembly has consistently and repeatedly urged for a constitutional reform in the country.

34. The Assembly referred to the United Nations General Assembly Resolution on the International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica, which made reference to the judgments of the International Criminal Tribunal for the Former Yugoslavia and the International Court of Justice on genocide committed in Srebrenica in 1995.

35. As regards the strengthening of democratic institutions and the rule of law, the Assembly called on the authorities of Bosnia and Herzegovina to, *inter alia*, bring the electoral legislation in line with the European Convention on Human Rights and ensure the equality and non-discrimination of citizens; ensure the proper functioning of the Constitutional Court; and reform the High Judicial and Prosecutorial Council. As regards the protection of human rights, the Assembly called for reforms to eliminate all aspects of segregation and discrimination in education and encouraged the establishment of a common core curriculum in history, while prohibiting the honouring in the school curriculums of individuals convicted of genocide, crimes against humanity and war crimes.

36. While welcoming positive developments in a number of areas, the Assembly remained concerned about the lack or insufficiency of progress in some areas crucial for the functioning of democratic institutions and resolved to pursue its monitoring of the honouring of obligations and commitments by Bosnia and Herzegovina. In December 2024, the Monitoring Committee decided to appoint Mr Pablo Hispán (Spain, EPP/CD) as co-rapporteur in replacement of Mr Aleksandar Nikoloski (North Macedonia, EPP/CD).

2.2.4. Georgia

37. On 4 April 2024, the ruling majority re-introduced a draft law on transparency of foreign influence. This draft law was an exact copy[11] of a proposal that the ruling majority had withdrawn in March 2023 following widespread and sustained domestic protests and demonstrations. It should be noted that, when the original proposal was withdrawn in 2023, the ruling majority had explicitly promised that it would not attempt to reintroduce similar legislation.

38. The reintroduction of this very controversial draft legislation led to a renewed outbreak of massive protests in Georgia, involving a wide cross-section of Georgian society. It was also condemned by the international community, which reiterated its deep concerns about the compatibility of this law with European democratic and human rights standards, including with regard to Georgia's obligations under the European Convention on Human Rights.

39. On 15 April 2024, the President of the Parliamentary Assembly requested an opinion of the Venice Commission on the draft law on transparency of foreign influence. On 20 May 2024, the Venice Commission issued its opinion which was unequivocal: the law is fundamentally flawed, it undermines freedom of expression and association, and it harms political pluralism and democracy. Despite the domestic outcry, and notwithstanding the recommendations of the Venice Commission and Assembly, the Georgian Parliament adopted the law on 18 May, and on 28 May overrode the Presidential veto of this law.

40. The reactions by the international community to its adoption were swift and predictable. As the authorities had been forewarned, the European Council stated that Georgia's EU membership process has been *de facto* suspended. The US administration has halted many of its co-operation programmes with the Georgian authorities, depriving them of considerable amounts of financial support. In addition, sanctions have been announced by the US authorities on several Georgian individuals and their family members for undermining Georgia's democracy.

41. The law on foreign influence officially came into force on 1 August 2024. According to the provisions in the law, civil society organisations (CSOs) and media outlets that receive more than 20% of their financing from foreign sources had until 3 September 2024 to register in the special registry foreseen by the law that is maintained by the Ministry of Justice. By 3 September, only around 1% of Georgian NGOs (around 400 out of 30 000) registered. Nevertheless, several CSOs have indicated that they have noticed an increasing reluctance by persons to volunteer for their work and activities as a result of the stigmatisation of CSOs by this law.

42. Over 120 CSOs, media organisations, as well as the President of Georgia have challenged the Constitutionality of the Law on Foreign Influence before the Constitutional Court. On 9 October 2024, the Constitutional Court announced that it had accepted parts of the appeals as admissible for substantive consideration. At the same time, it decided that it would not suspend the law while considering these appeals, leaving the law and its requirements hanging as a sword of Damocles over the heads of the Georgian CSOs. On 17 October, several media organisations and CSOs announced that they were filing a complaint against the law on foreign influence with the European Court of Human Rights.

43. On 24 June 2024, the Assembly decided to organise a debate under urgent procedure on "Challenges to democracy in Georgia" and seized the Monitoring Committee for report. In Resolution 2561 (2024) adopted at the end of this debate, the Assembly considered that the recent developments in Georgia had raised serious doubts about the country's commitment to international democratic norms and Euro-Atlantic integration, and about its willingness to honour its membership obligations and accession commitments to the Council of Europe. The Assembly was concerned that the controversial adoption of the Law on transparency of foreign influence – which it considered incompatible with European democratic and human rights standards – was not an isolated event, but the culmination of a series of developments that clearly indicate a democratic backsliding by the country. In that respect, the Assembly expressed its deep concern about the adoption of amendments to the electoral legislation that would potentially give the ruling majority control over all Central Election Commission decisions; the (then) draft laws on the protection of family values and minors, which are incompatible with international human rights standards, and in particular the European Convention on Human Rights; as well as the excessive and disproportional use of force by the police; and the violent attacks and intimidation campaigns against demonstrators, civil society activists, journalists and members of parliament, amounting to a crackdown on legitimate displays of disagreement and dissent.

44. Parliamentary elections took place in Georgia on 26 October 2024. The co-rapporteurs participated ex-officio in the observation of these elections.[12] These elections were the first in the country's recent history that were organised under a fully proportional election system, a long-standing recommendation of the Assembly. Regrettably, the above-described developments turned the election into a *de facto* referendum on the country's international alignment and democratic trajectory, which exponentially increased the polarisation of the political environment and hardened the discourse between the participants.

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11. The only small and cosmetic change was that the term "foreign agent" in the original proposal had been replaced by "organisation pursuing the interests of a foreign power", which can hardly be considered a less stigmatising and derogatory term.
12. See Doc. 16079, report on the observation of the parliamentary elections in Georgia (26 October 2024).

45. Unfortunately, these elections in several aspects failed to meet European standards for democratic elections and the deficiencies noted in the election process undermine the trust in its outcome as well as its fairness. According to the International Election Observation Mission, of which the Assembly was a part, these elections, despite offering a wide choice of alternatives to voters, were marred by widespread reports of pressure and intimidation of voters as well as an uneven playing field for election contestants that disproportionately favoured the incumbent ruling majority. While the legal framework provides for an adequate basis for democratic elections, recent amendments to the election legislation marked a step backwards, raising concerns over its vulnerability for political abuse. Unfortunately, questions about the impartiality and instrumentalisation of oversight bodies, most notably the Anti-Corruption Bureau, are of concern and undermine the trust in fairness of their decisions.

46. The incumbent Georgian Dream Party obtained an unexpectedly high result – 53.92% of the vote – higher than any result it obtained in previous elections. The three election coalitions (Coalition for Change, Unity-National Movement and Strong Georgia), as well as the For Georgia party of former Prime Minister Giorgi Gakharia won a combined 37.78% of the votes, while no other party passed the 5% threshold. According to this outcome, Georgian Dream will have 89 seats in the 150-member Georgian Parliament. The election and results were denounced by the opposition parties as well as by the main civil society organisations and the President of Georgia, who pointed at the overwhelming number of reports of widespread electoral fraud. The fairness of the results of these elections was subsequently questioned by several countries and international organisations, which called for a transparent and credible investigation into all reports of alleged electoral fraud.

2.2.5. Hungary

47. In December 2023, following the proposal of the co-rapporteurs, the Monitoring Committee requested an opinion of the Venice Commission on Act LXXXVIII of 2023 on the Protection of National Sovereignty. The Venice Commission adopted this opinion in March 2024 (CDL-AD(2024)001), and recommended to repeal some sections of the act and to provide further precisions on the legal definitions of some of the concepts involved. During its September 2024 meeting, the Monitoring Committee held an exchange of views on this opinion with Mr Michael Frendo, member of the Venice Commission. In October 2024, the European Commission decided to refer Hungary to the Court of Justice of the European Union, as it considered that the Act on the Protection of National Sovereignty violated European democratic values and a number of fundamental rights.

48. In October 2024, the committee held an exchange of views with the Venice Commission on its 2021 opinion (CDL-AD(2021)029) on the constitutional amendments adopted by the Hungarian Parliament in December 2020, with the participation of Mr Ben Vermeulen, member of the Venice Commission. The Ninth Amendment introduced several changes to the Fundamental Law, including establishing “public interest asset management foundations performing public duties”. Resolution 2460 (2022) considered the creation of these public-interest foundations as “very worrying”, pointing to the fact that these trusts would manage “a large amount of public and private funds without supervision”, and to “the lack of legal provisions governing the prevention of conflicts of interest of board members”. The Venice Commission has recommended to clearly set out the “relevant duties of transparency and accountability for the management of [the] funds”, as well as “appropriate safeguards of independence for the composition and functioning of the board of trustees” of these foundations.

49. The Monitoring Committee also decided to request an opinion of the Venice Commission on Act XVII of 2024 on the Amendment of Laws related to Justice Matters. From 18 to 20 November, the co-rapporteurs of the Monitoring Committee, Mr Papandreou and Mr Kross, made a visit to Hungary.

2.2.6. Republic of Moldova

50. The co-rapporteurs for the Republic of Moldova, Mr Pierre-Alain Fridez (Switzerland, SOC) and Ms Zanda Kalniņa-Lukaševica (Latvia, EPP/CD) visited the Republic of Moldova twice this year: from 5 to 7 February 2024 and from 1 to 3 July 2024.

51. The political environment in the Republic of Moldova during the last year has been dominated by the preparations for the presidential election and the constitutional referendum on European Union membership that took place on Sunday 20 October 2024.[13] These election and referendum were widely seen as a key

13. See Doc. 16074, report on the Observation of the presidential election (20 October and 3 November 2024) and constitutional referendum (20 October 2024) in the Republic of Moldova.

moment for the country's European integration and foreign alignment vectors, as well as a rehearsal for the upcoming parliamentary elections in 2025, which, in this parliamentary republic, will define the Republic of Moldova's domestic political course. As a result, the political environment remained very polarised with the political forces divided over questions related to the Republic of Moldova's future perspective, values, and foreign policy alignment. This was compounded by an unprecedented campaign of interference in the domestic political process and elections by the Russian Federation.

52. As already highlighted by the Assembly in previous reports, dialogue between the opposition and ruling majority is limited and contentious. Several interlocutors, including the Venice Commission in its opinions, have noted that reforms are sometimes drafted in a rather hasty manner without proper consultation with all stakeholders involved. The authorities should address these concerns, as an inclusive and transparent reform process is essential to ensure the broad support and acceptance of the reforms by the Moldovan population, in turn needed to ensure the irreversibility of the reform process.

53. The authorities have continued the implementation of the ambitious reforms needed to support the accession negotiations with the European Union. Key priorities in that respect have been the reform of the judiciary with a view to ensuring its independence and integrity, as well as strengthening the institutional capacity to fight the still endemic corruption in the country.

54. In a welcome development, on 31 May 2024, the Superior Council of Prosecutors proposed acting Prosecutor Mr Ion Munteanu as a candidate for the post of Prosecutor General. President Sandu appointed him the next day, therewith fulfilling one of the key conditions for the EU accession negotiations. Mr Munteanu will serve a single non-renewable seven-year term.

55. The National Anti-Corruption Centre, which is tasked to both prevent and combat corruption, has now been fully separated from the prosecutions service. The Anti-Corruption Prosecutor's Office is in charge of the criminal investigations conducted by the investigators of the National Anti-Corruption Centre as well as its own criminal investigations and is now a completely autonomous entity within the prosecution service. The members of the Anti-Corruption Prosecutor's Office will be subjected to a vetting procedure in the second half 2024. All prosecutors concerned were given the choice to either resign before 13 June 2024 or to be subjected to the vetting procedure. Approximately 25% of the prosecutors concerned subsequently resigned.

56. The vetting procedures for judges and prosecutors are continuing unabated. These procedures are essential to combat corruption among the judiciary and to ensure the integrity of these institutions. The vetting of the members of the Superior Council of Magistracy and Superior Council of Prosecutors has been finalised and the vetting of the Supreme Court judges should be finalised by the end 2024. The vetting of all key judge and prosecutor positions, in total about 250 positions, is still ongoing and will realistically only be finalised in the course of 2025.

57. Unfortunately, there have been some pushbacks from within the judiciary against the judicial reforms and the striving of the authorities to rid the judiciary of its endemic corruption. Members of the vetting commission have reported actions by individuals aimed at undermining the credibility and effectiveness of the vetting process. It is therefore important that the authorities continue to express their strong support for the vetting procedure and the vetting commissions in order to counteract such individual attempts.

58. The developments with regard to Gagauzia and the relationship between Chișinău and Comrat are increasingly becoming a vector for instability and Russian interference, including with regard to the elections. In May 2023, Ms Evghenia Guţul was elected as Bashkan (Governor) of Gagauzia. Ms Guţul was the candidate of the – later banned – Șor party and ran on a decidedly pro-Russian platform seemingly aimed at fomenting tensions between Gagauzia and the authorities in Chișinău. The elections were marred by foreign interference and vote buying. On those grounds, the Chief Anti-Corruption Prosecutor has initiated formal investigations into Ms Guţul's election, as well as the financing of her campaign. On 24 April 2024, the Anti-Corruption Prosecutor filed criminal charges against Ms Guţul for obtaining illegal financing for the Șor Party, as well as paying participants in protests organised by this party. It is hoped that the legal proceedings against her will soon be finalised in order to resolve this tense standoff, and to reduce its potential as a vector for foreign interference.

59. The presidential election and constitutional referendum took place on Sunday 20 October 2024. As mentioned, the pre-electoral period for these elections was characterised by the exponential increase in attempts by the Russian Federation to nefariously interfere in domestic politics and electoral processes. Of special concern in this respect, was the influx of large amounts of money into the Republic of Moldova from the Russian Federation, for the clear purpose of buying votes and subverting the democratic process. These illicit money streams often pass through third countries, including Council of Europe member States, who should be urged to take all necessary precautions to counteract such malicious practices. Anti-EU narratives

played a significant role. It is worth mentioning several key narratives to discredit the pro-EU agenda: firstly, the claims that EU accession would undermine the Republic of Moldova's sovereignty, neutrality, and territorial integrity, and that joining the European Union would entangle the country in the Russian Federation's war against Ukraine; secondly, disinformation narratives intended to sow doubts about a loss of the traditional Moldovan values and virtues.

60. The rapporteurs participated ex-officio in the observation of these elections by the Assembly. The statement of preliminary findings and conclusions issued by the international election observation mission, of which the Assembly was a part, concluded that the "20 October presidential election and constitutional referendum were well managed, and contestants campaigned freely in an environment characterized by concerns over illicit foreign interference and active disinformation efforts. While this affected the integrity of the process, additionally, campaign conditions did not allow for a level playing field among contestants".

61. While polls before the elections initially predicted that the referendum had the support of a considerable majority of the Moldovan public, it only narrowly passed with 50.35% of the votes in favour. The turnout was 51.74%. The authorities estimated that vote buying and other illicit schemes by the Russian Federation have considerably affected the outcome of the vote. In the presidential election, incumbent President Sandu obtained 42.3% of the vote, while the first runner-up, former Prosecutor General Stoianoglo, who was supported by the Socialist Party, received 26.1% of the vote. As none of the candidates obtained an outright majority, a second round was called between Ms Sandu and Mr Stoianoglo for 3 November 2024.

62. The second round of the presidential election was also observed by the Assembly in the framework of the international election observation mission, which concluded that the second round on 3 November 2024 "was administered efficiently and professionally and offered voters a choice between genuine political alternatives". Regrettably, it also noted that the "challenges posed by foreign interference and vote buying schemes continued to reverberate in the run-off campaign", while the playing field had remained uneven, albeit less than during the first round of the election. The second round was won by President Sandu who obtained 55.33% of the vote against 44.67% of the vote for Mr Stoianoglo. In both the presidential election and referendum, the votes from the Moldovan diaspora had a decisive impact on the outcome. In line with legal provisions, the Central Electoral Commission of the Republic of Moldova submitted on 26 October 2024 the results of the constitutional referendum to the Constitutional Court for confirmation. These results were confirmed by the Constitutional Court on 31 October 2024 within the legal 10-day deadline.

2.2.7. Poland

63. Following the parliamentary elections on 15 October 2023, the new Polish authorities have made the "restoration of the rule of law", as well as the execution of judgments of the European Court of Human Rights with regard to the independence of the justice system, a key priority of their work. To achieve this aim, they have embarked upon an ambitious reform programme of the judiciary. This is to be strongly welcomed.

64. However, some stakeholders have raised questions about the compatibility of some of the aspects of these reforms with European standards and norms, and wondered whether the authorities, in their zeal to restore the rule of law, were not sometimes sidestepping the very requirements of the rule of law.

65. On 21 February 2023, the Polish Government tabled with the Sejm (lower chamber of Parliament) a draft law on amendments to the Law of the National Council of the Judiciary, better known by its Polish abbreviation, KRS. This law will change the manner of appointment of the judge members of the KRS. As mentioned in previous reports, following the 2017 reform of the KRS, all judge members are appointed by the parliament, and the Council can therefore no longer be considered an independent body. This has had far reaching consequences for the independence and legitimacy of the Polish judiciary. Given the centrality of the KRS for the independence of the judiciary in Poland, it is important to ensure that the new appointment procedure and composition of the KRS is fully in line with European standards and norms. Therefore, on 6 March 2024, the Monitoring Committee asked for an opinion of the Venice Commission on this law.

66. In its opinion[14], the Venice Commission stressed that "any measure taken with a view to 'restoring' the rule of law has to meet the overall requirements of the rule of law" even if that means "some balancing between different – apparently conflicting – elements of the rule of law." Therefore, while the proposal of the election of 15 judicial members of the KRS by the judicial community is fully in line with European standards, the exclusion of the right to stand for election for judges who were appointed or promoted during the activities of the KRS as reformed in 2017, without individual assessment, raises questions of proportionality. The Venice Commission therefore recommends the authorities to reconsider the eligibility criteria for judges

14. CDL-AD(2024)018.

seeking candidacy in the election for the KRS. An amendment to that extent was adopted by the Polish Senate, but not taken over by the Polish Sejm. One other issue that was controversial in Poland was the question of the early termination of the mandates of the current members of the KRS. However, the Venice Commission considered that "the *ex lege* early dismissal of sitting judicial members of the NCJ [KRS] appears justified in the particular circumstances of the Polish case, and compatible with European standards".[15] On 2 August 2024, President Duda decided not to sign the law but to send it to the Constitutional Tribunal for a review of its constitutionality.

67. On 11 and 12 October 2024, the Venice Commission adopted two other opinions on crucial reforms of the judiciary that are being drafted by the Polish authorities, namely with regard to European standards regulating the status of judges and on the Law on the Public Prosecutor's Office.

68. In its opinion on European standards regulating the status of judges,[16] the Venice Commission considered that the question of how to deal with the judges that were appointed via a deficient procedure (by the KRS after its controversial 2017 reform) should be foremost seen in the light of Poland's obligation to execute the relevant judgments of the European Court of Human Rights regarding the judiciary. The authorities are therefore free to choose the means of how to do this, as long as those means are compatible with the requirements of the rule of law and the European Convention on Human Rights itself. Consequently, any mechanism implemented for that purpose should deal with all judges concerned; should not be implemented by a government-controlled body; should be under some sort of judicial review with a possibility for those judges concerned to appeal the decisions that concern them; and should allow for some sort of individual assessment of the deficient appointments. In addition, the Venice Commission considered that the *ex tunc* invalidation of appointments via a deficient procedure would run counter to rule of law principles, especially as it would fail any proportionality test.

69. In its opinion on the Law on the Public Prosecutor's Office,[17] the Venice Commission welcomed the proposed separation of the offices of the Prosecutor General and the Minister of Justice, which has been a long-standing recommendation of the Venice Commission as well as the Assembly. It welcomed the election of the Prosecutor General by the Sejm with absolute majority and with the consent of the Senate. However, it recommended the authorities to consider additional measures to ensure a non-politicised appointment process. In addition, to avoid a risk of abuse, it recommended that procedural "guarantees against the unfair dismissal of the Prosecutor General should be provided".

70. On the proposal of the co-rapporteurs, the Monitoring Committee decided to organise a high-level hearing entitled "The judicial reform process in Poland and the issues raised in this context" on 2 December 2024 with the participation of the Minister of Justice of Poland, Mr Adam Bodnar, the Polish Commissioner for Human Rights, Mr Marcin Wiacek, a representative of the Venice Commission, Mr Martin Kuijer, as well as with Mr Maciej Nowicki from the Polish Helsinki Foundation of Human Rights, and Mr Jacek Sokołowski of the Jagielloński Klub. In addition, the rapporteurs carried out a fact-finding visit to Poland from 18 to 20 November 2024.[18]

2.2.8. Serbia

71. The Monitoring Committee discussed the situation in Serbia during its meetings in January,[19] March[20]and April 2024.[21] The co-rapporteurs of the Monitoring Committee closely followed the situation in Serbia, although a visit to the country could not be organised due to the post-electoral developments (see below) and the unavailability of one of the co-rapporteurs.

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15. Ibid., § 83.
16. CDL-AD(2024)029.
17. CDL-AD(2024)034.
18. Press release, "PACE monitor, ending visit: much-needed rule of law reforms in Poland should comply with European standards", 26 November 2024.
19. The committee heard a statement by Mr Stefan Schennach (Austria, SOC), Chairperson of the *ad hoc* Committee of the Bureau for the observation of the early parliamentary elections in Serbia (17 December 2023).
20. On the basis of the information note concerning the fact-finding visit of the co-rapporteur Mr Axel Schäfer (Germany, SOC) of 2 to 4 October 2023, which was declassified after the parliamentary elections of 17 December 2023: AS/Mon (2023) 20 / Information note of 18 December 2023.
21. On 16 April 2024, the Monitoring Committee held a hearing on the post-electoral situation in Serbia, with the participation of Ms Maja Pejčić and Mr Vladimir Petrović, members of the Republic Electoral Commission, and Mr Rasa Nedeljkov, Head of Observation Mission of the Center for Research, Transparency and Accountability (CRTA).

72. On 17 December 2023, early parliamentary elections (the third organised in the space of four years) and local elections in Belgrade and in the Vojvodina province took place. An Assembly *ad hoc* committee observed the parliamentary election as part of an international election observation mission together with delegations from the Parliamentary Assembly of the OSCE, the European Parliament and the Election Observation Mission of the OSCE/ODIHR. In their report presented to the Assembly in January 2024, the Assembly observers concluded that, although Serbia's early parliamentary elections offered voters a choice between political alternatives; and freedom of expression and assembly were generally respected, the elections were marred by procedural irregularities and frequent allegations of the organising and bussing of voters to support the ruling party in local elections. Isolated instances of violence were reported. Pressure on voters, as well as the decisive involvement of the President of the Republic and the ruling party's systemic advantages, undermined the election process overall and created unjust conditions. The results of the elections[22] and the presumed irregularities triggered mass protests in the country. In its Resolution of 8 February 2024 entitled "Situation in Serbia following elections", the European Parliament proposed to carry out an independent international investigation into irregularities and suggested suspending pre-accession funding.

73. Subsequently, in April 2024, the Speaker of parliament called new municipal elections in Belgrade. They took place on 2 June 2024, at the same time as elections for 89 local assemblies in the country. Part of the opposition boycotted the elections. Regrettably, the Congress of Local and Regional Authorities of the Council of Europe, was not invited to observe these elections. According to the ODIHR Election Observation Mission's report, the elections "were well-administered, offering voters a wide range of political alternatives, but concerns about widespread pressure on public sector employees, misuse of public resources and media bias in favour of the ruling coalition negatively impacted the process." The ODIHR Election Observation Mission reiterated once again the need to reform the electoral legal framework in light of ODIHR's recommendations. It also pointed out a general lack of confidence in the accuracy of the voter register, the polarisation of the media landscape, cases of intimidation against journalists; and, on the election day, issues related to the secrecy of the vote, procedural irregularities, allegations of pressure and vote buying. The Serbian Progressive Party's (SNS) alliance won the elections in most local assemblies. In the election for the Belgrade city assembly, the SNS alliance won a majority of seats (52,4%), followed by the opposition Kreni Promeni (Go-Change) (17,2%). Opposition parties claimed the SNS had falsified the results in Niš and New Belgrade in order to claim a narrow majority of seats in their assemblies.

74. The new government was approved by the parliament on 2 May 2024, with Miloš Vučević as the new Prime Minister. While pointing out that membership in the European Union is a strategic goal for his country, Mr Vučević also stressed that he disagreed with the EU's policy of sanctions against the Russian Federation. He also mentioned that Kosovo's membership in the Council of Europe, which had been recommended by the Assembly in its Opinion 302 (2024) of 16 April 2024, was a challenge for Serbia and announced that his government would fight against it.

75. The summer of 2024 was marked by massive protests against the building of a lithium mine in the Jadar Valley. This investment is foreseen following the signing of a memorandum of understanding on critical raw materials with the European Union on 19 July 2024. During the protests, the authorities cracked down on environmental activists, media and civil society.

76. As regards the fight against corruption, as of December 2023, Serbia had implemented 10 of the 13 recommendations contained in GRECO's Fourth Evaluation Round concerning prevention of corruption in respect of members of parliament, judges and prosecutors (see Addendum to the second compliance report). However, with respect to GRECO's Fifth Evaluation Round, which tackles preventing corruption and promoting integrity in central government (top executive functions) and law enforcement agencies, according to GRECO's Addendum to the second compliance report of June 2024, only 1 out of the 24 recommendations has been fully implemented, while 10 were partly implemented and 13 have not been implemented (in particular with respect to checking the integrity of members of government, trainings on integrity standards, the definition of lobbying, disclosure of conflicts of interests, and corruption prevention in the police). As regards anti-money laundering and counter terrorist financing measures, according to a MONEYVAL report of December 2023, Serbia has made progress in relation to virtual assets and virtual assets service providers.

22. According to the Republic Electoral Commission, in parliamentary elections, the Serbian Progressive Party (SNS) won 46,75 % of the votes, while the largest opposition coalition, Serbia against Violence won 23,66%; the Socialist Party of Serbia won 6,55%; the NADA coalition won 5,02%; We – the Voice of the People won 4,69 %; and five minority lists won a combined total of 3,68%. The turnout was 58,58%.

77. There are 62 judgments of the European Court of Human Rights pending before the Committee of Ministers.[23] Three main groups of cases are still under the enhanced supervision procedure of the Committee of Ministers: ill-treatment by police officers and ineffective investigations into such allegations (the *Stanimirović* group of cases), excessive length of different types of judicial proceedings (the *Jevremović* group of cases) and non-enforcement or delayed enforcement of domestic decisions against socially/State-owned companies (the *Kačapor* group of cases).

78. In January 2024, the CPT published the report of its ad hoc visit to Serbia in March 2023. It was concerned about the lack of action by the authorities to implement its previous recommendations concerning ill-treatment by the police. Moreover, Serbia has still not taken the necessary steps to deal with the consequences of the wars in the former Yugoslavia, such as ensuring trials of war criminals and achieving transitional justice. In a letter sent to its Prime Minister in January 2024, the former Council of Europe Commissioner for Human Rights Dunja Mijatović asked the authorities to take concrete steps in this respect, including opening military archives.

79. As stressed by the rapporteur of the Monitoring Committee in his information note, the state of freedom of expression and media remains an issue of concern. In 2024, the Council of Europe Platform to promote the protection of journalism and safety of journalists issued at least 14 alerts, including in cases of denigration of journalists criticising the government, or death threats towards them (as of 23 October 2024).

80. As regards combating discrimination and protecting the rights of minorities, according to the European Commission against Racism and Intolerance (ECRI) report of April 2024, since 2017, progress has been made and good practices have been developed in a number of fields (in particular, as regards removing discriminatory content from textbooks and teaching material, combating hate speech and, as regards specifically Roma,[24] securing better preschool and school attendance of pupils and resolving the problem of lack of personal identity documents). However, some issues still give rise to concern and should be addressed (such as prejudice against LGBTI persons, hate speech against all kinds of minorities, lack of identification documents for refugees and asylum-seekers, *de facto* segregation of Roma in education and forced evictions of Roma). On 24-28 June 2024, a delegation of the Advisory Committee on the Framework Convention for the Protection of National Minorities visited the country to evaluate progress made on the protection of national minorities. Its fifth opinion is expected to be adopted in 2025.

2.2.9. Türkiye

81. In 2024, the Monitoring Committee focused on the local elections in Türkiye, the independence of the judiciary, prison conditions and implementation of judgments of the European Court of Human Rights, including in the cases of Mr Osman Kavala,[25] a businessman, philanthropist and human rights defender, and Mr Selahattin Demirtaş,[26] former member of the Grand National Assembly and co-chair of the People's Democratic Party (HDP). Since January 2023, the organisation of a fact-finding visit by the co-rapporteurs had been postponed a few times due to the political developments as well as due to changes in the rapporteurship.[27] Finally, a fact-finding visit by the co-rapporteur Mr Stefan Schennach (SOC, Austria) to Ankara and Istanbul took place on 11-14 June 2024.[28]

82. The political situation in Türkiye evolved with the local elections of 31 March 2024, which resulted in a victory for the opposition: the Republican People's Party (CHP) won especially in big cities and at the Mediterranean coast, while the People's Equality and Democracy Party (DEM) – the successor of the HDP – won in many provinces in the south-eastern part of the country. The elections were observed by the election observation mission of the Congress of Local and Regional Authorities of the Council of Europe, which

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23. In 19 "leading" cases and in 42 "repetitive" ones, as of 23 October 2023. See Department for the Execution of Judgments of the European Court of Human Rights.
24. The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/ Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.
25. *Kavala v. Turkey,* application No. 28749/18, judgments of 10 December 2019 and of 11 July 2022 (Grand Chamber judgment on Article 46§4 of the European Convention on Human Rights).
26. *Selahattin Demirtaş (No. 2) v. Turkey*, application No. 14305/17, judgment of 22 December 2020 (Grand Chamber).
27. Mr John Howell (United Kingdom, EC/DA) had been replaced by Ms Jill Mortimer (EC/DA) on 25 January 2024.
28. Unfortunately, the co-rapporteur, Ms Mortimer, could not take part in it due to the United Kingdom general election of 4 July 2024. See the statement that Mr Schennach issued after his visit [18 June 2024].

welcomed the high turnout and the peaceful and professional manner in which they had taken place.[29] After the elections, the authorities continued their previous practice of dismissing elected mayors in municipalities run by the DEM party and replacing them with governors appointed by the Minister of Interior – although an attempt to dismiss an elected co-mayor of the city of Van failed following a decision of the Supreme Election Council. In June 2024, the elected co-mayor of Hakkari was arrested and expeditely convicted to a sentence of 19 years and 6 months of imprisonment for terrorism-related offences.

83. As regards the independence of the judiciary, one of the most problematic issues is the structure of the Council of Judges and Prosecutors (HSK), which is followed in the context of the implementation of the Kavala judgment of the European Court of Human Rights (under general measures). The problem lies in the fact that the majority of HSK members are appointed by the executive and legislative powers, which is not in line with European standards.[30] This situation raises doubts as to the judiciary's independence from the political power, due to the HSK's role in appointing and dismissing judges and public prosecutors and taking decisions on their career. Therefore, on 18 April 2024, the Monitoring Committee requested that the Venice Commission prepare an opinion on the relevant provisions of the Turkish Constitution and legislation.[31] On 17 May 2024, the co-rapporteurs strongly condemned the sentences delivered in the so-called "Kobane case", including Mr Demirtaş's conviction for a 42-year prison sentence.[32] Following his fact-finding visit from 11 to 14 June 2024, the rapporteur noted that numerous detainees were kept in detention hundreds of kilometres away from their families and that trials often took place hundreds of kilometres away from the place of the allegedly committed offences.[33]

84. As regards prison conditions, in its Resolution 2528 (2024) "Allegations of systemic torture and inhuman or degrading treatment or punishment in places of detention in Europe",[34] the Assembly raised concern that "despite the «zero tolerance» message given by the authorities, there ha[d] been a rise in the use of torture and ill-treatment in police custody and prison over the past years, overshadowing Türkiye's earlier progress in this area". During its latest (*ad hoc*) visit to the country in February 2024, the CPT examined mainly the treatment of persons held in high-security prisons as well as the situation of LGBTI and women prisoners.[35] According to the Council of Europe's Annual Penal Statistics on Prison Populations (SPACE I) for 2023**,** Türkiye has the highest incarceration rate in Europe, with 405 inmates for every 100 000 inhabitants. During his June 2024 visit, the co-rapporteur Mr Schennach visited the Sincan (Ankara), Marmara (Istanbul) and Edirne prisons.[36]

85. As regards the execution of judgments of the European Court of Human Rights against Türkiye, as of 20 September 2024, there were 458 cases (including 138 "leading" and 320 "repetitive") pending execution before the Committee of Ministers, which supervises their execution.[37] Non-implemented judgments of the European Court of Human Rights mainly concern abuses of deprivation of liberty (*Kavala v. Turkey* and the group of cases *Selahattin Demirtaş (No. 2) v. Turkey)*;[38] unlawfulness of detention; violations of the right to freedom of expression and information; violations of the right to freedom of assembly and association; violations of the right to freedom of thought, conscience or religion; the functioning of justice; ineffective investigations into the actions of security forces and their impunity; domestic violence; and various violations linked to the situation in the northern part of Cyprus.[39] As regards the functioning of justice, the Committee of Ministers is currently supervising the implementation of the judgment *Yüksel Yalçınkaya v. Türkiye,* in which the European Court of Human Rights ruled that the conviction of the applicant (a teacher), for membership in an armed terrorist organisation, based decisively on the use of an encrypted messaging application (ByLock)

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29. Statement by the election observation mission of the Congress [1 April 2024].
30. According to the Committee of Ministers' Recommendation CM/Rec(2010)12, the composition of councils for the judiciary should include a majority of judges elected by their peers. *Ex officio* membership is not acceptable or should not include members or representatives of the legislature or the executive.
31. See its decision adopted at the meeting on 18 April 2024, AS/Mon(2024)CB 03.
32. Statement by the co-rapporteurs [17 May 2024].
33. See press release, "PACE monitor, ending visit, again urges Turkish authorities to implement Strasbourg Court judgments", 18 June 2024.
34. Adopted on 24 January 2024 on the basis of a report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Constantinos Efstathiou (Cyprus, SOC).
35. Press release: "The Council of Europe anti-torture Committee (CPT) visits Türkiye".
36. See information note, published on 11 September 2024, section 7.
37. Türkiye – Department for the Execution of Judgments of the European Court of Human Rights.
38. Including *Yüksekdağ Şenoğlu and Others v. Türkiye,* application No. 14332/17, judgment of 8 November 2022, concerning, amongst others, the placing in pre-trial detention of Ms Figen Yüksekdağ Şenoğlu, the other HDP co-leader at the time.
39. Department for the Execution of Judgments of the European Court of Human Rights, "Türkiye: Main issues before the Committee of Ministers – ongoing supervision".

was in breach of Article 6 (the right to a fair trial), Article 7 (no punishment without law) and Article 11 (freedom of assembly and association) of the European Convention on Human Rights.[40] This judgment may have far-reaching implications for thousands of people facing similar charges in Türkiye. At least 8 000 applications concerning this problem are now pending before the European Court of Human Rights.

86. The implementation of the judgments *Kavala v. Turkey* and of those from the group of cases *Selahattin Demirtaş (No. 2) v. Turkey* was raised during the co-rapporteur's visit to Türkiye. Mr Schennach met with Mr Kavala in the Marmara prison (Istanbul) and with Mr Demirtaş in the Edirne prison.[41] Although there was some hope after the visit that the authorities would find a legal avenue to implement the judgment of the European Court of Human Rights in the case of Mr Osman Kavala and would soon release him, regrettably, there had not been any positive developments in this case.

2.2.10. Ukraine

87. In reflection of the progress made by Ukraine in implementing the necessary reforms to accede to the European Union, the European Council, during its meeting of 14 and 15 December 2023, agreed to open accession negotiations with Ukraine. On 25 June 2024, the first Intergovernmental Conference at ministerial level to open the accession negotiations with Ukraine took place in Luxembourg.

88. The mandate of Mr Alfred Heer (Switzerland, ALDE) as co-rapporteur expired on 11 October 2024. His successor is expected to be appointed during the committee meeting in January 2025.

89. As mentioned in the previous progress report, the Ukrainian authorities and society continued their efforts to ensure the functioning of the democratic and rule of law institutions in spite of the Russian Federation's war of aggression against Ukraine. The rapporteurs for Ukraine continued to follow the developments in Ukraine, but regrettably, a fact-finding visit in the spring of 2024 that had been planned with the Ukrainian delegation had to be postponed. It is expected that this visit, which is essential for the proper conduct of the monitoring procedure with regard to Ukraine, will now take place in the first half of 2025, following the appointment of the new rapporteur.

2.3. Post-monitoring dialogue

2.3.1. Albania

90. On 17 April 2024, the Assembly adopted Resolution 2544 (2024) "The honouring of obligations and commitments by Albania". In light of the progress made by Albania in honouring its obligations and commitments to the Council of Europe, as well as recognising clearly expressed political will by the Albanian authorities, as well as all political forces in the country, to address, as a matter of priority and in close co-operation with the Assembly and the relevant Council of Europe bodies, the remaining concerns and recommendations made in Resolution 2544 (2024) and its accompanying report, the Assembly resolved to close the monitoring procedure in respect of Albania and to open a post-monitoring dialogue. At the same time, underscoring the importance of the remaining issues to be addressed, the Assembly asked the Monitoring Committee to consider proposing the return of Albania to the full monitoring procedure already in in its next report under the post-monitoring dialogue, if no tangible and concrete progress would be made at that time in addressing the Assembly's key concerns and recommendations with regard to the fight against corruption, the protection of minorities, media freedom and freedom of expression.

91. The Assembly welcomed the fact that the protracted, systemic political crisis that has plagued the country for years has started to subside, although it recognised that its root causes remained to be addressed. However, it expressed its concern about the continuing polarised political environment in Albania, which it considered to be the Achilles heel of the democratic consolidation of the country, as it undermines the system of checks and balances, and limits parliamentary oversight.

92. The Assembly welcomed the territorial administrative reform in Albania, which considerably reduced the number of municipalities and strengthened the efficiency of local self-government and the provision of services to their citizen. However, the Assembly emphasised that any future changes to the number of municipalities or the municipal borderlines should be based on a broad consensus between the different

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40. European Court of Human Rights, Application no. 15669/20, judgment of 26 September 2023 (Grand Chamber).
41. For more information, see information note. During his visit, Mr Schennach also met Mr Murat Arslan, lawyer and laureate of the Assembly's Václav Havel Human Rights Prize in 2017 (in the Sincan prison), and Mr Bekir Kaya, former co-mayor of Van (in the Marmara prison).

stakeholders. In that context, the Assembly expressed its concern that the territorial and administrative reform has had a direct impact on the enjoyment of minority rights in Albania; especially as key minority rights, such as the right to education in minority languages and the right to use minority languages in local government affairs, are only granted at the local level when the minority population in question exceeds 20% of the population – an excessively high threshold, in the view of the Assembly.

93. While recognising that national minorities are – with some exceptions – well integrated in Albanian society, the Assembly expressed concerns about the adequacy of the legal framework for the protection of minority rights. Three important by-laws that are essential for implementing the provisions of the 2017 Law on the Protection of National Minorities have still not been adopted. The Assembly urged the Albanian authorities to adopt the three by-laws that govern respectively the right to self-identification, the right to education in minority languages and their use in communication with the authorities, and the procedure for the recognition of national minorities, without further delay.

94. The Assembly welcomed the marked progress that has been made with regard to the fight against the still widespread and systemic corruption in Albania and the persistent concerns about the intertwinement of organised crime with economic and political interests in the country. The Assembly equally welcomed the progress made with the reform of the judiciary with a view to strengthening its independence and efficiency. In that context, the Assembly welcomed the implementation of the vetting procedure for all judges and prosecutors, which it considers to be a great success, despite the considerable, albeit temporary, impact of this vetting procedure on the functioning of key judicial institutions in Albania.

95. On 11 September 2024, Mr Ionuţ-Marian Stroe (Romania, EPP/CD) was appointed co-rapporteur for the post-monitoring dialogue with Albania.

2.3.2. Bulgaria

96. On 6 March 2024, the committee adopted a draft resolution on the post-monitoring dialogue with Bulgaria. The co-rapporteurs based their report on the findings of two visits to Sofia, a visit to Brussels for informal consultations with the European Commission, the hearings with the participation of different stakeholders held in the framework of the committee meetings and the conclusions of a number of monitoring mechanisms.

97. The co-rapporteurs recognised the unquestionable progress achieved by Bulgaria in terms of the crucial reforms and legislative framework put in place in the areas of the judiciary, the fight against high-level corruption, the media, human rights of minorities, combating hate speech and violence against women. They considered that the authorities had reliably demonstrated the will to ensure the sustainability and irreversibility of reforms. However, they also pointed to some remaining issues of concern and called on the authorities to address them without delay.

98. In conclusion, the co-rapporteurs proposed – and the committee accepted – to terminate the post-monitoring dialogue with Bulgaria, estimating that the ongoing reforms had put the country on the right track.

99. The debate in the Assembly was scheduled for the April 2024 session, and the report was tabled and made public (Doc. 15947).

100. However, following the unexpected announcement of snap parliamentary elections in Bulgaria which were to be held on 9 June 2024, the report was withdrawn from the April session's agenda. Indeed, it is a long-standing practice of our committee and the Assembly not to debate and adopt monitoring reports on the country during the national electoral campaign period.

101. On 26 June 2024, the committee held an exchange of views on the post-electoral situation in Bulgaria with the participation of the chairperson of the *ad hoc* committee for the observation of the early parliamentary elections.

102. It soon became clear that the new composition of the Bulgarian Parliament would not allow for the establishment of a government and that once again, Bulgaria was facing an early parliamentary election. The vote, which took place on 27 October 2024, was the seventh in just over three years, on top of European elections and two rounds of presidential election. The Assembly election observation mission commended the good organisation of the elections but expressed its concern at the continuing lack of breakthrough in the political impasse, illustrating recurrent political crises. It called on political forces to move beyond partisan divisions to break the cycle of short-term and caretaker governments and to establish lasting political solutions in order to avoid the institutionalising of the political crisis. Political leaders and lawmakers should consider introducing changes to the electoral system that might be more conducive to stable governments.

103. On 11 September 2024, the co-rapporteurs drew the committee's attention to one more worrying development, namely the adoption by the Bulgarian Parliament of an amendment to the education law banning "LGBTQ+ propaganda and promotion" in schools. It now makes it illegal to "encourage" a "non-traditional sexual orientation" and a gender identity "other than biological". This came as a surprise, without any public debate, and provoked protests and demonstrations. This legislative amendment was adopted by a large majority with 159 votes, 22 against and 13 abstentions.

104. The co-rapporteurs follow the situation in Bulgaria closely and intend to visit the country as soon as there is a new government.

2.3.3. Montenegro

105. In 2021, the Assembly adopted a first resolution in the framework of the post-monitoring dialogue for Montenegro. In this Resolution 2374 (2021), the Assembly resolved to continue the post-monitoring dialogue and listed a series of requisites regarding the independence of the judiciary, trust in the electoral process, the fight against corruption and the situation in the media. As per the rules of the Assembly, only two reports are possible in the framework of the post-monitoring dialogue and therefore only one other post-monitoring resolution. If this second resolution does not decide to end the post-monitoring dialogue with Montenegro, the country will return to a full monitoring procedure.

106. In November and December 2023, the last judge of the Constitutional Court and the three remaining lay members of the Judicial Council were appointed by Parliament, fulfilling a long-standing request by the co-rapporteurs.[42]

107. Over the reporting period, the will to carry out reforms in Montenegro has been driven and shaped by the accession process to the European Union. In January 2024, the European Union "welcomed Montenegro's efforts (…) to meet the rule of law interim benchmarks" and added that "Montenegro needs in particular to (…) resume, continue, accelerate and deepen reforms on the independence, professionalism and accountability of the judiciary". Over the first half of 2024, Montenegro has been rushing reforms to meet standards set by the European Commission prior to the publication of the "Interim Benchmark Assessment Report" in June 2024.

108. In the first six months of 2024, the Venice Commission released two urgent opinions and three urgent follow-up opinions on Montenegro, dealing with the prevention of corruption, the law on the Judicial Council and Judges, the Law on the State Prosecution Service, the Law on the Special State Prosecutor's Office and the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity.

109. In all its aforementioned opinions, the Venice Commission expressed its understanding of the reasons for the urgency but deeply regretted that a more thorough consultation and preparation process had not taken place. In the words of the Venice Commission: "when adopting legislation on issues of major importance for society, such as criminal justice and the fight against corruption, wide and substantive consultations are a key condition for adopting a legal framework which is practicable and acceptable for those working in the field" noting that "a transparent, accountable, inclusive and democratic law-making process" is paramount to the thriving of the rule of law.[43]

110. In June 2024, the European Union agreed that, overall, Montenegro had met the interim benchmarks. The European Union has therefore set the closing benchmarks for accession regarding the judiciary, anti-corruption and fundamental rights. Montenegro is required to implement a comprehensive justice reform; to put in place robust and effective systems to prevent and counter corruption and to ensure the effective implementation and enforcement of the European Convention on Human Rights. According to the European Union: "it will be essential that Montenegro establishes a solid and convincing track record of implementation across the board, demonstrating that the reforms deliver concrete results, with tangible and irreversible impacts on the sectors concerned."[44]

111. The willingness of the authorities to carry out the reforms is undisputed and should be praised. The adopted reforms go in the right direction and bring Montenegro closer to the fulfilment of its membership obligations and accession commitments, and thus the end of the post-monitoring dialogue. The co-

42. Statement by the co-rapporteurs [9 December 2022].
43. Venice Commission, CDL-AD(2016)007, "Rule of Law Checklist", II.A.5.iii-iv; see also CDL-AD(2019)015, "Parameters on the relationship between the parliamentary majority and the opposition in a democracy: a checklist", § 79.
44. Conference on accession to the European Union – Montenegro – European Union common position, chapter 23: Judiciary and fundamental rights.

rapporteurs of the Monitoring Committee will carry out their assessment of the reforms and the implementation thereof, and intend to organise a country-visit to this end, once their implementation has been completed.

2.3.4. North Macedonia

112. In 2024, the co-rapporteurs Ms Sibel Arslan (Switzerland, SOC) and Mr Joseph O'Reilly (Ireland, EPP/CD) followed closely the developments in North Macedonia. A visit to the country has been postponed due to the spring elections and then due to the rapporteurs' unavailability.

113. 2024 was an electoral year in North Macedonia. The presidential election took place in two rounds on 25 April and 8 May 2024. They led to a victory of the right-wing VMRO DPME (Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity) candidate, Ms Gordana Siljanovska-Davkova, who has been elected as first female Head of State.

114. Parliamentary elections took place on 8 May 2024. They were won by the VMRO DPMNE party, which had been in opposition for seven years. They won over 43% of votes. The previous ruling Social Democrats (SDSM) received just over 15%; followed by the junior ruling party, the ethnic Albanian Democratic Union for Integration (DUI) with 13,8%; and the united Albanian opposition Vlen with 10,7% of votes. The elections took place against a backdrop of voter dissatisfaction with the political establishment, and a general sense that both the government and the opposition lacked the will to address long-standing calls for comprehensive reforms and to speed up the European integration process.

115. Both elections were observed by the Assembly together with the OSCE/ODIHR. In its election observation report, the Assembly found them competitive and well run, given the challenge of organising two different elections simultaneously, and despite allegations of vote buying and negative rhetoric in the election campaign. Fundamental freedoms, including media freedom, were respected.

116. On 23 June 2024, the parliament approved the new government of Prime Minister Hristijan Mickoski, by a majority of 77 votes for, and 22 against in the 120-seat parliament. The ruling coalition is composed of the VMRO-DPMNE party, the Albanian alliance VLEN/VREDI and ZNAM, an ethnic Macedonian splinter from the Social Democrats. Mr Mickoski announced that the government would remain committed to European integration and would continue to support Ukraine from the Russian Federation's war of aggression.

117. As regards the country's accession to the European Union, it is still delayed by a dispute with Bulgaria over Balkan history, language and culture. The previous government had accepted a Bulgarian demand to insert in North Macedonia's constitution a reference to a Bulgarian ethnic minority, but it lacked the parliamentary majority to effectuate the change. The new Prime Minister has said that his government would only amend the constitution if Bulgaria first approved North Macedonia's EU membership. Mr Mickoski also invoked the fact that Bulgaria had not yet implemented the judgments of the European Court of Human Rights concerning the registration of associations of Macedonians living in that country. The relations with Bulgaria and also with the European Union have become even more strained after the EU ambassadors meeting in Brussels on 25 September 2024 decided to push ahead with Albania's EU accession process, independently of North Macedonia's (both countries started accession talks at the same time, on 19 July 2022).

118. The Committee of Ministers is currently supervising the execution of 40 judgments of the European Court of Human Rights concerning North Macedonia, including 18 "leading" cases.[45] Three judgments/groups of judgments are under the enhanced supervision procedure: cases concerning ill-treatment by police and lack of effective investigation in this respect (*Kitanovski* group),[46] the *X.* judgment[47] concerning the lack of legislation on conditions and procedures for changing the sex of transgender people on birth certificates, and cases concerning refusal to register certain associations as religious entities (*Orthodox Ohrid Archdiocese*[48] group). In 2024, the Committee of Ministers noted progress in the implementation of the *Kitanovski* group of cases and, as regards the *X.* judgment, it urged the authorities to complete the legislative process to adopt a new civil status registration act.

119. In May 2024, the CPT published the report of its October 2023 periodic visit to the country, in which it concluded that there had been no improvement since 2019 in the treatment of persons deprived of their liberty by the police. Although the CPT found some improvements at the Skopje, Štip and Prilep Prisons, the

45. As of 20 September 2024.
46. Application No. 15191/12, judgment of 22 January 2015.
47. Application No. 29683/16, judgment of 17 January 2019.
48. Application No. 3532/07, judgment of 16 November 2017.

situation at Idrizovo Prison remained alarming due to physical ill-treatment by staff and prolonged isolation of challenging prisoners, high levels of inter-prisoner violence, unhygienic and unsafe conditions and pervasive staff corruption and favouritism. The CPT concluded that health care provision was inadequate and that a strategic reform of the prison system should focus on eradicating corruption among staff and professionalising the prison management through transparent, merit-based and depoliticised appointments. On 8 October 2024, the President of the CPT, Alan Mitchell, and the Vice-Governor of the Council of Europe Development Bank (CEB), Tomáš Boček, held a constructive exchange with the Prime Minister, Hristijan Mickoski, on increasing efforts to implement prison reform in the country. Mr Mickoski was briefed about the dire situation in Idrizovo Prison. In response, the Prime Minister stated that his government recognised the importance of prison reform as a key component in the criminal justice system and that the country would abide by its international commitments. He acknowledged that the prison system needed greater investment.

120. On 15 January 2024, the former Council of Europe Commissioner for Human Rights, Dunja Mijatović, sent letters to the Prime Ministers of the Council of Europe member States in the region of the former Yugoslavia,[49] in order to recommend specific steps to be taken to deal with the violent past and move more resolutely toward social cohesion, justice and reconciliation. In her letter to the Prime Minister of North Macedonia, while recognising that the conflict in this country was of a much smaller scale than in some of the other countries in the region, she nevertheless invited the authorities to take concrete steps to enhance respect for victims' rights, dealing with past grievances and social cohesion (such as repealing the 2012 authentic interpretation of the 2002 Amnesty Law; investigating the files that were transferred by the International Criminal Tribunal for the Former Yugoslavia to domestic courts; and reforming the education system).

2.4. Periodic monitoring reports

2.4.1. Greece

121. The committee selected Greece for periodic review of its membership obligations to the Council of Europe in December 2023 and was seized for the preparation of this report in January 2024. Due to the prolonged vacancy in the post of one co-rapporteur, the proper work on the elaboration of a report has not started yet.

2.4.2. The Netherlands

122. The committee selected the Netherlands for its periodic review in January 2021 and was seized for the preparation of a report in March 2021. Due to multiply changes in rapporteurs, the validity of the reference has been extended by the Bureau until March 2025.

123. The rapporteurs presented the preliminary draft report to the committee on 30 May 2023. It was sent to the Dutch authorities for comments and the committee's intention was to submit it for debate in the Assembly in October 2023.

124. However, on 7 July 2023, the Government headed by Mr Rutte collapsed due to disagreements on immigration policies. Early general elections took place on 22 November 2023. In accordance with the Monitoring Committee's practice, no country's report can be debated during the electoral campaign, in order to prevent its possible political abuse.

125. Following a prolonged formation period, a new coalition agreement was signed on 16 May 2024 and a new government led by Mr Dick Schoof, a former head of the Dutch Intelligence Service of no party alignment, was established in July 2024. It is composed of the Party for Freedom (PVV), the People's Party for Freedom and Democracy (VVD), the New Social Contract and the Farmers Movement (BBB).

126. Until the third Tuesday in September when, in accordance with tradition, the King Willem-Alexander outlined in the Parliament policy plans as elaborated by the Government, the new Cabinet was busy turning the main points of the coalition agreement into actual policy targets. It will now seek to implement these policies.

49. "Commissioner highlights key steps to better respect the rights of victims and deal with the past in the region of the former Yugoslavia" – Commissioner for Human Rights.

127. On 3 October 2024, the Monitoring Committee held an exchange of views on the procedure to follow. The rapporteur pointed out that the result of the elections had made the original preliminary draft report largely out of date.

128. In consequence, the rapporteurs have decided to revise their report following a visit and discussions with the new authorities. They hope that these discussions will confirm the authorities' commitment to address the concerns identified by the Venice Commission and the Directorate General of Human Rights and Rule of Law of the Council of Europe in their joint opinion on the legal safeguards of the independence of the judiciary from the executive power prepared at the request of the Monitoring Committee in 2023.

129. In order to allow the rapporteurs to meet deadlines required by the monitoring procedure, the committee agreed to request the Bureau to extend the validity of the reference until March 2026.

2.4.3. Spain

130. The committee selected Spain for periodic review of its membership obligations to the Council of Europe in December 2023 and was seized for the preparation of this report in January 2024. On 6 March 2024, Ms Elvira Kovács (Serbia, EPP/CD) and Mr Caspar van den Berg (Netherlands, ALDE) were appointed co-rapporteurs. Due to domestic political developments in the rapporteurs' countries and the resignation of one of the rapporteurs, the elaboration of the report has not started yet. On 3 December 2024, Ms Valentina Grippo (Italy, ALDE) was appointed rapporteur in replacement of Mr Caspar van den Berg.

2.4.4. Sweden

131. The committee selected Sweden for periodic review of its membership obligations to the Council of Europe in December 2023 and was seized for the preparation of this report in January 2024. On 6 March 2024, Ms Yelizaveta Yasko (Ukraine, EPP/CD) and Ms Anne Stambach-Terrenoir (France, UEL) were appointed co-rapporteurs. Due to domestic political developments in the rapporteurs' countries, the elaboration of a report has not started yet.

3. Some thoughts concerning the efficiency and impact of the committee's work

132. In order to ensure the Assembly's capacity to carry out systematic and effective monitoring, to ensure continuity in the political dialogue with the country concerned, and to produce high-quality, pertinent and timely resolutions, it is important to have rapporteurs that have the required availability to execute their important and often time-consuming tasks.

133. A significant rotation in rapporteurs took place in 2024. During the 2024 October session, calls for candidatures to fill seven vacant posts of monitoring co-rapporteurs for Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Greece, Spain and Türkiye, respectively, were made.

134. The preparation of the periodic monitoring reports on Greece, Spain and Sweden, which were selected by the Monitoring Committee in December 2023, has not yet started, due to the absence or unavailability of co-rapporteurs. The monitoring reports on Serbia and North Macedonia have been similarly suspended for a long time.

135. The specific requirements of the monitoring procedure put the committee in a tense situation. For each country, two co-rapporteurs are needed in order to ensure political balance, and in the case of one missing co-rapporteur, the other one has only limited possibilities for action. For example, they cannot carry out a visit to the country under their responsibility (with a few exceptions). Yet, direct political dialogue with different stakeholders is a crucial element of the preparation of monitoring reports and without a visit, the work on the report cannot advance. It goes without saying that both co-rapporteurs are needed to validate and submit a draft for consideration by the committee.

136. This year proved to be very intense for the committee and its mandate. Several events on our continent underscored the continued relevance and need for the work of the committee.

137. Following the Reykjavik Summit, the committee has highlighted the role of the reports of the Monitoring Committee as an early warning mechanism to detect and address situations and developments in the Council of Europe member States that risk posing a threat to the rule of law, democratic security, as well as good neighbourly relations. Therefore, in Resolution 2534 (2024), the Assembly invited the Monitoring Committee to continue its reflections on mechanisms to strengthen its reactivity and ability to quickly respond to

developments in the Council of Europe member States that are not under a full monitoring procedure, engaged in a post-monitoring dialogue or subject to periodic review of their obligations to the Council of Europe.

138. To do so, the committee, in the reference period, has held a number of internal reflections on this subject and organised a joint hearing with the Committee on Political Affairs and Democracy entitled "Strengthening mechanisms for early warning on challenges to democratic security". A key objective of this meeting was to ensure a clear coherence and complementarity of the work of these two committees that have both a key role to play in this matter. In that respect, it is clear that the Monitoring Committee has an essential role to play in detecting, at an early stage, developments in our member States with respect to the possible malfunctioning of the democratic and rule of law institutions that could affect the internal, social and political stability of these countries and their democratic security. The outcome of this joint hearing will be subject to further consultations in the committee during the next year, including with regard to the structural integration of this subject in the work of the committee, as well as with regard to the selection of countries for periodic review.

139. An important instrument in the context of both detecting and addressing possible malfunctioning democratic and rule of law institutions in a country has been the ability of the committee to request Venice Commission opinions. This is a mechanism that is of increasing interest and demand by committee members and should be further developed in the context of the strengthening of the above-described early warning capabilities of the committee, including with regard to proposals for request of opinions on countries that are not subject to the preparation of a report under one of the monitoring procedures of the Assembly. It is, in this context, important to note that its terms of reference explicitly mandate the committee to monitor the honouring of membership obligations in all Council of Europe member States that the committee has committed itself to strengthening.

140. With regard to other possible measures aimed at increasing the efficiency and impact of the parliamentary monitoring procedure, I would also like to propose to introduce a new practice which would entail some budgetary consequences, but at the same time would significantly contribute to our objective. I suggest that all our adopted monitoring texts are systematically translated into the language of the country to which they relate. Indeed, this would make them much better known to local stakeholders and the general public including the authorities and civil society, who would no longer have to rely on the local media as intermediaries. Needless to stress that particularly in the countries where media freedom is a concern, the message may not exactly reflect the context of our texts. I am confident that the cost of translation would be compensated by the visibility this would entail.