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## **The progress of the Assembly's monitoring procedure (January – December 2019)**

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

Rapporteur: Sir Roger Gale, United Kingdom, European Conservatives Group and Democratic Alliance

*Summary*

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<sup>1</sup> Reference to Committee: [Resolution 1115 \(1997\)](#).

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

1. The Parliamentary Assembly acknowledges the work carried out by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) in fulfilling its mandate as defined in Resolution 1115 (1997) on the setting up of an Assembly committee on the honouring of obligations and commitments by member States of the Council of Europe (monitoring committee) (as modified by Resolution 1431 (2005), Resolution 1515 (2006), Resolution 1689 (2009), Resolution 1710 (2010), Resolution 1936 (2013) Resolution 2018 (2014) and Resolution 2261 (2019)). It commends the committee on its work in accompanying the 10 countries under a full monitoring procedure (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Republic of Moldova, the Russian Federation, Serbia, Turkey and Ukraine), and the three countries engaged in a post-monitoring dialogue (Bulgaria, Montenegro and North Macedonia) in their efforts to fully comply with the obligations and commitments they entered into upon accession to the Council of Europe, as well as the monitoring of the membership obligations of all other member States through its periodic review process.

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

2.1. Albania: the continuing commitment to the reform of the judiciary and justice system, especially through the vetting of all judges and prosecutors;

2.2. Armenia: the organisation of legislative elections in line with international standards. Its commitment to combat corruption and to reform of the judiciary with a view to strengthening its independence;

2.3. Azerbaijan: the presidential pardon and subsequent release of over 400 prisoners, including 50 persons considered to be prisoners of conscience. The introduction of legal reforms that allow for a reduction in terms of punishment, the introduction of alternatives to detention and the full decriminalisation of about 15 offences, which will help addressing the long-standing concerns about over-population of penitentiary institutions;

2.4. Bulgaria: the significant reforms of the judiciary and the ongoing efforts to combat corruption, including by establishment of a new unified anti-corruption agency;

2.5. Georgia: the adoption of a new set of rules of procedure for the Georgian Parliament with a view to reinforce parliamentary oversight and political accountability of the executive; the broad agreement with all stakeholders about the forth wave of judicial reforms with the aim of further strengthening the independence of the judiciary and efficiency of the administration of justice;

2.6. The Republic of Moldova: the peaceful transfer of power and efforts undertaken to de-oligarchise the country and strengthen its State institutions; the willingness of the Moldovan authorities to continue the 5+2 discussions to achieve a peaceful resolution of the Transnistrian conflict;

2.7. Montenegro: the progress made with regard to ensuring LGBTI and minority rights; the inclusive manner in which the new legal framework for media was adopted and the increase in efforts made to investigate attacks on journalists and bring perpetrators to justice;

2.8. North Macedonia: the resolving through peaceful negotiations of the political crisis in the country and the ratification of the historical Prespa Agreement by North Macedonia and Greece which resolved the so-called "name issue" after 27 years;

2.9. The Russian Federation: its stated commitment to now fully engage in the ongoing Monitoring Procedure by the Assembly;

2.10. Turkey: the adoption of a first package of legal reforms and the expected action plan for human rights that could address long standing concerns of the Assembly;

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<sup>2</sup> Draft resolution adopted unanimously by the Committee on 11 December 2019.

2.11. Ukraine: the establishment of the High Anti-Corruption Court and the clear priority given, and new initiatives to fighting the wide spread corruption in the country;

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

3.1. Albania: the ongoing polarisation of the political environment evolving into a systemic political crisis that impedes the proper functioning of democratic institutions, including parliament and local self-government institutions, in the country. The still widespread and entrenched corruption and limited results in the fight against organised crime;

3.2. Armenia: the challenges faced by the judiciary from all sides in ensuring its independence and impartiality; continuing prevalence in the Armenian society of intolerance and negative stereotypes regarding LGBTI persons and other minorities; the obstacles placed by some groups in society in the way of the still outstanding ratification of the Istanbul Convention on Preventing and Combating Violence Against Women and Domestic Violence;

3.3. Azerbaijan: the continuing existence of political prisoners and the ongoing use of politically motivated administrative detention, criminal charges and restrictions on movement and travel bans against government opponents, journalists and representatives of civil society organisations; the restrictive and cumbersome legal environment for NGOs to operate in;

3.4. Bosnia and Herzegovina: the continuing inability to form a government and other democratic institutions in the country following the 2018 elections, including, inter alia, the inability to appoint a new delegation to our Assembly; The worrying developments in the area of freedom of Assembly and freedom of the media. The continuous disregard by some authorities at the level of the entities for binding and final decisions of the judiciary;

3.5. Bulgaria: the systematic deterioration of media freedom over recent years. The situation of the Roma minority and the continuing use of racist and intolerant hate speech in political discourse.

3.6. Georgia: the failure to pass the required constitutional amendments to introduce a fully proportional election system by 2020. The lack of investigation and follow up given to alleged incidents and violations of the electoral code during the 2018 Presidential elections; the shortcomings in the functioning of the High Council of Justice, including the lack of a clear and uniform selection criteria, the excessive use of discretion failure to give full and reasoned decisions with regard to the selection of Supreme Court judges;

3.7. Montenegro: the ongoing polarised political climate in the country which is hindering needed reforms, including of the electoral framework. The allegations of high-level corruption and insufficient investigation into these alleged acts of corruption. The lack of transparency in the selection and the appointments of magistrates;

3.8. The Russian Federation: exacerbating negative tendencies with regard to democracy, the rule of law and human rights which are hindering the fulfilment of key accession commitments and membership obligations; the arbitrary use of extremist legislation to silence opposition and critical civil society organisations; the deterioration of religious freedom in the country as witnessed by the ban of Jehovah Witnesses; the continuing borderisation and creeping annexation of the Georgian regions of South Ossetia and Abkhazia by the Russian Federation; the illegal annexation of Crimea and military aggression in Eastern Ukraine;

3.9. Turkey: the worsening situation of opposition politicians and parties in Turkey; the continuing undue restrictions on the fundamental rights of freedom of expression and assembly; the abuse of anti-terror laws to silence those critical of the ruling authorities' policies, especially with regard to the military intervention in Syria; the continuing deterioration of the media environment;

3.10. Ukraine: the attacks on journalists and anti-corruption activists investigating local corruption and abuses of power;

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

4.1. All political forces in Albania resolve the systemic political crisis in the country on the basis of electoral reform followed by elections and to abstain from boycotting parliament and State institutions; and for the Albanian authorities to step up the fight against corruption and organised crime and to ensure that any changes to the legislative framework for the media are fully in line with European standards with regard to freedom of expression and the media;

4.2. The Armenia authorities to stem up the reform of the justice system with a view to strengthening its independence and efficiency while refraining from any actions that could be perceived as putting pressure, or interfering in the work of the judiciary and to continue strengthening the rights of women as well as LGBTI persons and other minorities;

4.3. The Azerbaijani authorities to end the harassment and intimidation of lawyers representing opposition and civil society activists against the State; to release without delay all remaining political prisoners and to fully implement the European Court of Human Rights judgment in the case of Ilgar Mammadov v Azerbaijan; to fully comply with the European Convention of Human Rights and unconditionally implement the judgements of the Court;

4.4. All political forces in Bosnia and Herzegovina to appoint a new government and representatives in the country's democratic institutions and adopt the necessary changes to both the constitution and the electoral law, in accordance with the judgments of the European Court of Human Rights in the Sejdić and Finci case and the Pilav cases;

4.5. The Bulgarian authorities to adopt, in close co-operation and consultation with all stakeholders clear, objective and transparent criteria with regard to supplementary remuneration within the judiciary; to adopt the necessary legislation ensuring transparency of media ownership ; to step up the fight against high level corruption;

4.6. The Georgian ruling majority to ensure the introduction of a proportional election system that can have the support and trust of all stakeholders in time before the 2020 elections; to fully implement all Venice commission recommendations expressed in the opinion on the selection and appointment of Supreme Court judges; to promptly implement the agreement reached on the fourth wave of reform of the judiciary and for all political forces in the country to work to overcome the continuing polarisation in the political environment;

4.7. The Montenegrin authorities to and for all political forces in the country to agree on and implement a comprehensive electoral reform; to refrain from boycotting the country's parliament and democratic institutions and for the Montenegrin authorities to fully and transparently investigate all allegation of high-level corruption in the country and to ensure the freedom of the media and protection of journalists;

4.8. For all political forces in North Macedonia to agree to a reform of the legislative framework for elections, in particular with regard to campaign financing and election complaints and appeals; for the authorities of North Macedonia to implement outstanding recommendations by GRECO and the CPT; to further consolidate and ensure the sustainability of the functioning democratic institution in the country and to strengthen the independence and accountability of judges and prosecutors;

4.9. The Russian authorities to authorities to implement a series of concrete measures aimed at addressing the concerns with regard to the continuing deterioration of Human Rights and the rule of law; to remove any legal obstacles to the unconditional execution of the decisions of the European Court of Human Rights; to unconditionally and fully co-operate with the joint investigation team and the Dutch prosecution service in bringing these responsible for the downing of Malaysia Airlines Flight MH 17 to justice; taking effective measures aimed at preventing violations of the human rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, in particular in the Chechen Republic, to co-operating fully with the international community in the investigation of the murder of Mr Boris Nemtsov; to end and reverse the ongoing borderisation and creeping annexations of the Georgian regions of South Ossetia and Abkhazia; to fully implement the Minks agreements and to end its military intervention in, and support for, illegally armed formations in Eastern Ukraine; to reverse its illegal annexation of Crimea; to fully comply with the European Convention of Human Rights and unconditionally implement the judgements of the Court;

4.10. The Turkish authorities to respect fully the rights and fundamental freedoms of opposition politicians, in particular to guarantee parliamentary immunity and to release MPs and former MPs who were unduly imprisoned and stripped of their immunity; to end the use of anti-terror laws against opposition parties, journalists, activists and civil society organisations that hold diverging views to those of the ruling party; to fully comply with the European Convention of Human Rights and unconditionally implement the judgements of the Court;

4.11. The Ukrainian authorities to ensure full and transparent investigations into attacks on journalist and anti -corruption activists to ensure that no perception of impunity for such crimes is allowed to exist; perception of impunity and to ensure that the reform of the legal framework governing the Supreme Court and judicial self-governing bodies is carried out fully in line with European standards;

5. The Assembly reaffirms the importance of the parliamentary monitoring procedure, and the work of the Monitoring Committee in the democratisation and institution-building processes in all Council of Europe member States. It welcomes the effort taken to ensure the monitoring of membership obligations of all Council of Europe member States which precludes any possibility for double standards and decides to strengthen the periodic review procedure as a complementary mechanism to the existing monitoring procedure and post-monitoring dialogue. To that purpose the Assembly decides to amend the terms of reference of the Assembly's Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), appended to Resolution 1115 (1997) (modified), as follows:

5.1. At the end of paragraph 8 add the following text: "The Monitoring Committee is seized to prepare regular periodic reviews on all Council of Europe member States that are not under a full monitoring procedure or engaged in a post-monitoring dialogue. The order and frequency of these reports would be decided upon by the Monitoring Committee in accordance with its internal working methods based on substantive grounds, with the objective of producing, over time, periodic review reports on all member States";

5.2. Replace paragraph 14 by the following one: "In the case of reports on the honouring of obligations and commitments; periodic review reports on the honouring of membership obligations; and reports on the post-monitoring dialogue, the authorities of the country in question will be given a six week period to provide their comments on the preliminary draft report agreed to be transmitted to them by the Committee. These comments will be discussed as part of the consideration of the draft report by the Committee. No comments by the authorities are required for the consideration of a draft report on the functioning of democratic institutions. Draft reports remain confidential until the authorities have been able to give their comments within the before mentioned deadlines and the report has been discussed by the Monitoring Committee. All other memoranda and working documents of the Committee remain confidential unless declassified by the Committee".

6. Furthermore, also in order to strengthen the efficiency and internal coherence of the work of the Monitoring Committee, the Assembly decides to amend Resolution 1115 (1997) (as modified by Resolution 1431 (2005), Resolution 1515 (2006), Resolution 1689 (2009), Resolution 1710 (2010), Resolution 1936 (2013), Resolution 2018 (2014) and 2261 (2019) as follows:

6.1. Insert a new paragraph before paragraph 9 with the following text " In line with rule 50.1, unless otherwise specified, the monitoring committee shall appoint two rapporteurs from different countries and political groups, for country specific reports on the honouring of obligations and commitments, reports on the functioning of democratic institutions, reports on the post-monitoring dialogue and reports on periodic reviews."

7. The Assembly invites the Committee to pursue its reflections on ways to strengthen its work including with regard to the manner in which the committee is composed.

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

### **1. Introduction**

1. The basis for the Assembly's monitoring procedure is Resolution 1115 (1997) on the setting up of the Monitoring Committee, as modified by Resolutions 1431 (2005), 1515 (2006), 1698 (2009), 1710 (2010), 1936 (2013), 2018 (2014) and 2261 (2019). This resolution defines the mandate of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), and entrusts it with the task of ensuring "the fulfilment of the obligations assumed by member States under the terms of the Statute of the Council of Europe (ETS No. 1), the European Convention on Human Rights (ETS No. 5, "the Convention") and all other Council of Europe conventions to which they are parties." as well as ensuring the "honouring of commitments entered into by the authorities of member States upon their accession to the Council of Europe".

2. In accordance with Resolution 1115 (1997), as amended, the Monitoring Committee is obliged to report to the Assembly, on a yearly basis, on the general progress of the monitoring procedures. Since 2016, the reports on the progress of the Assembly's monitoring procedure have been discussed during the January part-session of the Assembly and cover the previous calendar year. In line with established practice, the committee entrusted me, as its – at the time of writing – Chairman, with the task of being the rapporteur on the committee's activities.

3. In line with its mandate, the Monitoring Committee monitors all Council of Europe member States with regards to the honouring of their membership obligations and, if relevant, specific accession commitments. Currently, ten countries are subject to a full monitoring procedure and three countries are engaged in a post-monitoring dialogue with the Assembly. Since 2014, all – currently 34 – countries that are not subject to a full monitoring procedure or engaged in a post-monitoring dialogue, have been subject to a periodical review with regards to the honouring of their membership obligations towards the Council of Europe. Following the successful completion of the first 16 periodic review reports, which were presented in the framework of the progress report, the Assembly agreed in Resolution 2261 (2019) that, from then onwards, the periodic review reports would be submitted for debate independently from the committee's progress report, and that they would be accompanied by specific resolutions for each country. In addition, the selection of countries for periodic review would be made by the Monitoring Committee based on substitutive grounds, and no longer by alphabetical order, while maintaining the objective of producing, over time, periodic reviews on all member States. The Committee intends to present these reports within two years after a country has been selected for periodic review. In March 2019, the Monitoring Committee decided to select France, Hungary, Malta and Romania for periodic review. However, at its meeting on 12 April 2019, the Bureau de facto decided to remove France from this list. Concerned that this could lead to the application of double standards for the three other countries that were selected, the Monitoring Committee decided to suspend the preparation of these three reports until the Committee of Rules of Procedure had expressed itself on this issue. I will return to this issue, in more detail, in the third part of this report.

4. The progress in the monitoring procedure for the countries that are subject to a full monitoring procedure of the Assembly, or engaged in a post-monitoring dialogue, will be discussed in the next section of this report. Following customary practice, I have limited myself to the findings in the relevant texts adopted by the Assembly, as well as the reports, statements and other public documents prepared by the co-rapporteurs for the respective countries. In addition, where appropriate, I have made reference to the reports of the ad hoc committees for the observation of the elections in the countries in question.

5. The combined framework of the full monitoring procedure, the post monitoring dialogue and the periodic review reports, together with possibility for the monitoring committee to prepare a report on the functioning of democratic institutions on any member State of the Council of Europe, guarantee the comprehensive monitoring by the Assembly of the membership obligations and commitments of all member States of the Council of Europe. The updated framework for the preparation of the periodic review reports brought to light a number of unclarities and inconsistencies in the rules of procedure that govern the work of the Committee, and specifically Resolution 1115 (1997) as amended. I will make a number of suggestions to address these issues in the third and last part of this report.

## 2. Overview of the committee's activities.

### 2.1 General remarks

6. During the period covered by this report, ten countries<sup>3</sup> were subject to a full monitoring procedure and an additional three<sup>4</sup> were engaged in a post-monitoring dialogue with the Assembly dialogue.

7. During the reporting period, the committee prepared a report on the functioning of democratic institutions in the Republic of Moldova, as well as reports on the post monitoring dialogue with Bulgaria and North Macedonia, all of which were debated in the Assembly. In addition, on 25 June 2019, the Monitoring Committee was seized, in line with the Rules of Procedure of the Assembly, for a report on the "Challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation". The report was debated by the Assembly on 26 June 2019 and Resolution 2292 (2019) was adopted.

8. Over the same period, the committee met nine times: four times in Strasbourg during the plenary sessions of the Assembly; four times in Paris; and once in London, upon the kind invitation of the British parliament, whose courteous hospitality was much appreciated.

9. During this period, the respective co-rapporteurs carried out fact-finding visits to Albania, Armenia, Azerbaijan, Georgia, the Republic of Moldova, Montenegro and North Macedonia. For the preparation of their report, the co-rapporteurs for postmonitoring dialogue with Bulgaria made a visit to Brussels for meetings with the European Commission. In addition, the co-rapporteurs for the Republic of Moldova, Ukraine, and North Macedonia participated in the pre-electoral and election observation missions to those countries.

10. Both the Committee itself and its various rapporteurs adopted a number of statements with regards to developments in Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Republic of Moldova, the Russian Federation, Turkey, Ukraine, Montenegro, North Macedonia and Poland.

11. With regards to the report on "The functioning of Democratic Institutions in Poland" on 6 March, Ms Azadeh Rojhan Gustafsson (Sweden, SOC) and Mr Pieter Omtzigt (Netherlands, EPP/CD) were appointed to replace co-rapporteurs Mr Yves Cruchten (Luxembourg, SOC) who had left the Assembly and Ms Dora Bakoyannis (Greece, EPP/CD), who had resigned. Taking into account the parliamentary elections in Poland that were planned for October 2019, the committee agreed to present the report on the functioning of democratic institutions in Poland at its January 2020 part session. On 16 May 2019, the monitoring committee organised an exchange of views on the reform of the Justice system in Poland and the developments under the European Union Rule of Law mechanism in this regard, with the participation of representatives of the European Commission, the Ministry of Justice of Poland, the Supreme Court of Poland, the Venice Commission, as well as the civil society organisations Polish Helsinki Foundation for Human Rights and Ordo Iuris. The co-rapporteurs made a fact finding visit to Warsaw on 5 and 6 September 2019 in the framework of the preparation of their report. On 11 December 2019, the Committee adopted the report and draft resolution on the functioning of Democratic Institutions in Poland, with a view to its presentation during the January 2020 part-session.

12. In the framework of its meeting in London, the Committee organised a seminar, which was open to the public, on "*Media freedom and the functioning of the democratic institutions*" with the participation Mr Alastair King-Smith, Co-ordinator for Global Campaign on Media Freedom, Deputy Director, Foreign and Commonwealth Office; Mr Jamie Angus, Director, BBC World Service Group ; Ms Rebecca Vincent, UK Bureau Director, Reporters Without Borders (RSF); and Lord George Foulkes, General Rapporteur on media freedom and safety of journalists, Committee on Culture, Science, Education and Media, Parliamentary Assembly of the Council of Europe

13. The Committee re-constituted the Sub-Committee on Conflicts between Council of Europe member States. The committee met in Strasbourg on 24 January 2019 and elected Mr Egidijus Vareikis (Lithuania, EPP/CD) as its Chair and Ms Tamar Chugosgvili as its Vice-Chair. Regrettably, following contacts with the Cypriot delegation, it became clear that a foreseen exchange of views on the Cyprus question would not be opportune in 2019. In addition, the Sub-Committee agreed to postpone, pending the elections in the Republic of Moldova, the seminar on "The Council of Europe contribution to the Human Rights aspects of the Transnistrian Settlement Process". On 13 November 2019, the Secretariat was informed by the Moldovan delegation that they agreed to the continuation by the sub-committee of its work in the framework on the

<sup>3</sup> Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Republic of Moldova, Russian Federation, Serbia, Turkey and Ukraine.

<sup>4</sup> Bulgaria, Montenegro and North Macedonia.

Transnistrian settlement process. The programme and modalities for the seminar will be discussed by the sub-committee at its next meeting in January 2020.

14. The outstanding co-operation with the Venice Commission also continued this year. Exchanges of views were organised with the Venice Commission on a number of issues including: the reform of the justice system in Poland (London, 16 May 2019); the work and priorities of the Venice Commission and the laws governing the functioning of the High Council of Justice and the High Prosecutorial Council in Georgia (London, 17 May 2019); the opinion of the Commission on the scope of the President [of Albania]'s power to set the dates of elections and the challenges and responses to the independence of the judiciary in Armenia (Paris, 13 November 2019). On 6 March 2019, the Committee requested an opinion from the Venice Commission Emergency Ordinance (EGO 7(2019) on amendments to "the laws of justice," in Romania. On 10 April 2019, it requested an opinion on the draft law on public gathering in the Republika Srpska and on 16 May 2019, it asked the Venice Commission to enlarge this opinion to an assessment of the legal framework governing freedom of peaceful assembly in Bosnia and Herzegovina, its two entities and in the Brčko district in general. On 17 May 2019, the Committee agreed to request the Venice Commission for opinions on "The provisions on the prosecutorial council in the draft organic law on the prosecutor's office and on the provisions on the high council of justice in the existing organic law on general courts of Georgia" and the Ukrainian law on "Ensuring the functioning of the Ukrainian language as a State language". On September 2019, the Committee agreed to request a Venice Commission opinion on the recent amendments to the legal framework in Ukraine governing the Supreme Court and judicial self-governing bodies. As usual, I would like to express again my great appreciation for the cordial working relations and generally prompt replies by the Venice Commission to the Committee's requests.

15. Regrettably, the Committee also experienced, for various reasons, great fluctuations among its rapporteurs this year, while other rapporteurs had to reduce their time available for the committee work due to developments in their national parliaments. Despite all efforts of the rapporteurs in question, as well as the Secretariat of the Committee, these developments impacted the work of the committee and regrettably delayed some of its reports. I intend to outline a number of possible solutions to address this problem in the third section of this report. On a positive note, the internal guidelines for the appointment of rapporteurs, according to which the appointment of a rapporteur can only be postponed once, which were adopted in 2017, considerably reduced the period that rapporteurs' positions were left vacant.

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

### 2.2.1 *Albania*

16. The Committee followed the deteriorating political environment in the country with concern. The opposition initially continued to boycott most of the work of the parliament, especially its plenary sessions. As a result, only 8 pieces of legislation were adopted on the basis of a cross party consensus. The political crisis sharply escalated in February 2019, when the Democratic Party decided to call upon its MPs to rescind their parliamentary mandates. A similar call was made soon after by LSI. Most, but not all of opposition members in the parliament heeded this call and gave up their mandates. A number of them were replaced by the next members on the party list for the last legislative elections. However, these, members were de facto disowned by the DP and the LSI. These developments affected the oversight function of the legislator, with many mechanisms available to the parliament, such as Committees of Inquiry, becoming underutilised. The rapporteurs issued a statement on 26 February, expressing concern at the prevailing situation and calling upon opposition parliamentarians to return to Parliament. At the same time, the rapporteurs highlighted the need for the ruling majority to ensure a proper space for the opposition to function and to engage in a genuine and meaningful dialogue with the opposition on key reforms<sup>5</sup>.

17. Following their decision to rescind their parliamentary mandates, the opposition parties announced that they would boycott the local elections. The local elections on 30 June 2019 therefore took place without the participation of opposition candidates. The elections were originally supposed to be observed by an international election observation mission containing delegates from both the OSCE and the Congress of Local and Regional Authorities of the Council of Europe. However, the Congress eventually decided to cancel its election observation mission due to security concerns. In its preliminary conclusions, the OSCE noted that the elections: "*were held with little regard for the interests of the electorate. The opposition decided not to participate, and the government determined to hold the elections without it. In the climate of a political standoff and polarisation, voters did not have a meaningful choice between political options. In 31 of the 61 municipalities mayoral candidates ran unopposed. There were credible allegations of citizens being pressured*

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<sup>5</sup> [Statement](#) by the co-rapporteurs.

*by both sides. Political confrontation led to legal uncertainty, and many decisions of the election administration were taken with the political objective of ensuring the conduct of elections. Voting was conducted in a generally peaceful and orderly manner and counting was assessed positively overall, although several procedures were not always followed correctly<sup>6</sup>.*"

18. In light of these events, the rapporteurs conducted a fact-finding visit to Tirana from 28-30 October 2019. In addition to the current political crisis, the rapporteurs focused on matters such as the reform of the judiciary, the follow-up to local elections, the fight against corruption and media freedom. To this end, the rapporteurs met the Prime Minister, the Speaker of the Parliament, members of the private office of the President of the Republic, leaders of political parties, the judicial authorities, and representatives of the Central Election Commission, the international community and civil society<sup>7</sup>.

19. Following their visit, the rapporteurs once again expressed their concerns about the ongoing parliamentary boycott and reiterated their view that the burning of political mandates had no place in a democracy. Nevertheless, they highlighted the need for ruling majority to pay more than just lip-service to the role of the opposition in a pluralist democracy, and to engage in genuine dialogue and consultation with the opposition<sup>8</sup>. Electoral reform followed by elections will be key to overcoming the political crisis. All political forces, including the parliamentary and extra-parliamentary opposition, should be fully engaged in the electoral reform process in order to address shortcomings noted during previous elections, and – once and for all – to decide on a framework for genuinely democratic elections that has the agreement and trust of all political stakeholders.

20. The visit provided an opportune moment to discuss the judicial reform process that is currently underway. This process has resulted in a high number of resignations and dismissals, illustrating the need for the vetting process to take place in the first place. At the same time, the impact that the resulting vacancies have had on the efficient functioning of justice in Albania cannot be underestimated. In their statement, the rapporteurs expressed their concern that, years after the process has started, key judicial institutions such as the High and Constitutional Courts, as well as the Special Anti-Corruption Prosecutors and Courts, have still to become operational due to a lack of vetted candidates.

21. With regard to media freedom, the rapporteurs were concerned to hear from many interlocutors that the media environment was deteriorating. This makes it all the more important that the authorities consider all recommendations made by the OSCE Representative on the Freedom of the Media concerning the draft law on media and services. The rapporteurs called on the Albanian government to publish this draft law as soon as possible, in order to dispel any concerns that it would limit freedom of expression in the country.

22. Following his attempts to postpone the local elections to a later date, impeachment proceedings were started against the President of Albania. The speaker of the parliament of Albania requested an opinion of the Venice Commission on the scope of the President's power to set the dates of elections. On 13 November 2019, the Committee organised an exchange of views with the Venice Commission. In this opinion, the Venice Commission noted that, although the President might have exceeded his constitutional competences by cancelling and postponing the local elections without a specific legal basis, this would not warrant the impeachment of the President. The co-rapporteurs urged all political forces to refrain from any action that would increase tension even further and to take this opinion, and its conclusions, into account in this respect.

### 2.2.2. Armenia

23. The rapporteurs visited Yerevan on 12 March 2019 to take stock of the reform process in the judiciary that is currently underway and to discuss reforms in other areas such as anti-discrimination and domestic violence.

24. Early parliamentary elections took place on 9 December 2018. An ad-hoc committee of the Bureau of PACE visited the country from 7-10 December 2018 as part of an International Election Observation Mission<sup>9</sup>. According to the ad hoc committee, the elections were held with due regard for fundamental freedoms. Candidates were able to campaign freely, and fundamental freedoms of association, assembly, expression and movement were fully respected during the campaign. Many of the issues that had tainted previous elections—vote buying, pressure on voters, electoral malfeasance—were absent on this occasion. This constitutes a serious change from the April 2017 parliamentary elections, which were marked by vote buying

<sup>6</sup> <https://www.osce.org/odihr/elections/albania/424433?download=true>.

<sup>7</sup> [Announcement](#) of the fact-finding visit.

<sup>8</sup> [Statement](#) by the co-rapporteurs following the fact-finding visit.

<sup>9</sup> [Doc. 14801](#) Observation of the early parliamentary elections in Armenia (9 December 2018).

and allegations of abuse of administrative resources. The ad hoc committee further commended the transparent and professional work of the Central Election Commission, as well as the calm and peaceful way the election was administered. That being said, the framework for campaign financing was characterised by a lack of accountability and transparency that need to be improved.

25. Prime Minister Pashinyan's My Step Alliance won the election by a landslide, gaining 70% of the votes and 88 out of the 132 seats in the new parliament. Prosperous Armenia became the second largest party with 8% of the votes (26 seats), followed by Bright Armenia, who obtained 6% of the votes (18 seats).

26. At the time of the co-rapporteurs visit, Armenia was making significant headway in a number of reforms. Draft provisions of a new criminal Code of Procedure received a favourable opinion from the Human Rights Defender and were said to be very progressive. The Code of Procedure is to be accompanied by a new Code of Administrative Offences, a New Criminal Code and a new Penitentiary Code.

27. On 19 May 2019 Prime Minister Pashinyan's called on citizens to block the entrances and exits of courts<sup>10</sup>. This call followed the release from pre-trial detention of former President Kocharyan, who had been charged for his role in the events of 1<sup>st</sup> March 2008 that led to the death of 10 people. The rapporteurs issued a press release calling on all actors to refrain from actions and statements that could be perceived as exerting pressure on the judiciary. The reaction to the judgment nevertheless illustrates the low level of trust that the public have in the judicial system<sup>11</sup>. On 30 and 31 May 2019, a high-level delegation of the Council of Europe met Prime Minister Pashinyan, the Minister of Justice and the President of the National Assembly in Yerevan and discussed ways and means of strengthening the assistance provided by the Council on the issue of judicial reform. The Council of Europe further helped the drafting of the "judicial package" on which the Armenian Government requested the opinion of Venice Commission. On 14 October 2019, the Venice Commission and the directorate of Human Rights of the directorate general of Rights and Rule of Law of the Council of Europe issued a joint opinion on this package. They stated that the judicial package "generally deserves praise. In the process of the preparation of the Package, the Government of Armenia acted in a responsible and thoughtful manner and demonstrated openness to dialogue with all interlocutors, within and outside the country."

28. Progress is being made in the fight against corruption, as illustrated by figures provided to the rapporteurs by the Special Investigation Service. In the 12 months prior to the rapporteurs' visit, some 3,2 million USD of public money had been refunded and 7 million dollars' worth of money linked to corruption had been frozen in bank accounts. According to the co-rapporteurs' interlocutors, the anti-corruption apparatus will soon be complimented by a "special anti-corruption body," which would either be set up as a single entity or be separated into several entities, each with their own sphere of specialisation.

29. The positive attitude towards fight against corruption, is echoed in the authorities desire to tackle societal issues such as gender inequality and LGBTI persons' rights. This desire is illustrated by the fact that civil society groups are regularly consulted on draft laws concerning Human rights issues. Another welcome development is the formulation of an action plan and Strategy on Equal Opportunities, which will apparently address gender inequality. Whilst this new attitude is to be welcomed, it must also be reflected by concrete actions on the ground. Despite slight improvements in certain areas—the number of women represented in Parliament increased from 17% to 24%--women are still under represented in the public sector. According to the PACE election observation report: "women candidates only occasionally campaigned on their own and rarely appeared as speakers in campaign rallies." Women in Armenia earn on average 35.9% less than men.

30. On the very sensitive issue in Armenia of the ratification of the Istanbul Convention on Preventing and Combating Violence Against Women, signed by the Armenian authorities in January 2018, the opinion of the Venice Commission on the constitutional implications of the ratification of the Convention was requested by the Government. On 14 October 2019, the Venice Commission issued its opinion and concluded that it did not identify any incompatibility between the provisions of the Convention and the Armenian Constitution.

### 2.2.3. Azerbaijan

31. Mr Stefan Schennach (Austria, SOC) paid a visit to Baku from 4-6 July 2019. The aim of the visit was to discuss a number of concerns outlined in [Resolution 2184 \(2017\)](#). These included: the independence of the judiciary; media freedom and freedom of expression; freedom of association; and allegations of torture, ill treatment and poor conditions of detention. To this end, Mr Schennach met with the Ministry of Justice, the Prosecutor General's Office, representatives from the Supreme Court, the Ministry of Interior, the Presidential administration and the Milli Mejlis. It is highly regrettable that, despite numerous requests to do so, Mr

<sup>10</sup> [Statement](#) by the co-rapporteurs.

<sup>11</sup> [Statement](#) by the co-rapporteurs following their fact-finding visit.

Schennach did not have the opportunity to meet four political prisoners: namely, Mr Taleh Bagirzade, Mr Abbas Huseynov, Mr Afgan Mukhtarli and Mr Said Dadashbayili.

32. The year began on a positive note with the presidential pardon and subsequent release of over 400 prisoners, including 50 persons considered to be prisoners of conscience.<sup>12</sup> However, this positive step was not followed by further measures and Azerbaijan remains a country where administrative detention, restrictions on movement and politically motivated travel bans are commonly used tools against government opponents.

33. During his visit, Mr Schennach was informed that out of 1700 advocates in the country, only 8 were prepared to defend government critics. Those who do undertake such work are frequently subjected to harassment, intimidation and disciplinary proceedings, which often result in either suspension or expulsion from the Bar Association. According to numerous sources, the number of political prisoners, at the time of the rapporteur's visit, stood at 127. The ongoing presence of political prisoners, which is detailed extensively in an information note declassified by the Committee on 30 September 2019<sup>13</sup>, is an illustration of the lack of independence in the judiciary in Azerbaijan.

34. On 29 May 2019, the European Court of Human Rights issued its judgment: Ilgar Mammadov v Azerbaijan<sup>14</sup>. The case marked the first time that infringement proceedings had been opened by the Committee of Ministers against a member State of the Council of Europe. After reporting on riots in the town of Ismayilli, Mr Mammadov had been arrested and sentenced to seven years in prison on charges of "resistance or violence against public officials, posing a threat to their life." The Court held that the measures taken by Azerbaijani authorities to implement its previous judgment, in which it ruled that the real purpose of Mammadov's trial was to "silence or punish him for criticising the Government<sup>15</sup>," were limited and failed to eliminate the negative consequences of the criminal charges<sup>16</sup>. Accordingly, Azerbaijan had failed to comply with its article 46 obligations to abide by Strasbourg-Court judgments. To this day, Mr Mammadov cannot stand for elections and the criminal conviction against him remains in place.

35. However, Mr Mammadov is not the only one against whom criminal legislation is routinely applied in order to limit freedom of expression. Azerbaijan is ranked 166th out of 180 countries in the 2019 World Press Freedom Index published by Reporters without Borders. In recent years, there have been a number of criminal investigations against journalists from independent platforms including Mr Ikram Rahimov and Mr Polad Aslanov, both of whom were arrested and prosecuted after their news-outlets reported allegations of corruption. Administrative detention and travel bans are also used against leaders of opposition parties, and the restrictive framework governing freedom of association frustrates the work of both NGOs and ordinary political parties alike. NGOs, in particular, report severe curtailments on their activities as result of a cumbersome legislative environment that allows for wide government discretion and far-reaching restrictions on foreign funding.

36. The situation regarding ill treatment by law enforcement agencies, and in particular in detention centres, is equally concerning. Despite some improvements, such as the publication of six CPT reports and the renovation of 42 police stations, reports of ill-treatment and the impunity of perpetrators remain frequent—a situation that is no doubt worsened by the absence of an independent anti-torture mechanism. Ill-treatment is also handed out to minority groups. Since the adoption of the last resolution in October 2017, there have been reports of an alleged crackdown on LGBTI persons, who were allegedly arrested, held in detention for several days and subjected to abuse.

37. One positive development includes the signing of a presidential decree on 3 April 2019 concerning the deepening of reforms in the judicial and legal systems. This has allowed for a reduction in terms of punishment, the introduction of alternatives to detention and the full decriminalisation of about 15 offences. These new provisions will be applied to some 6000 already convicted prisoners. This is especially positive, since prison over-population and unacceptable penal conditions had been identified by the Assembly as a major concern confronting the country. It is equally encouraging to note that the authorities implemented GRECO's recommendation, formulated in its Fourth Evaluation Round Report, which sought to reduce undue interference by the executive in the investigation of criminal cases.

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<sup>12</sup> [Statement](#) by the co-rapporteurs.

<sup>13</sup> [AS/Mon \(2019\) 18](#), Information note by the co-rapporteurs on their fact-finding visit to Baku (4-6 July 2019).

<sup>14</sup> [Application no. 15172/13](#).

<sup>15</sup> *Ibid*, para.173.

<sup>16</sup> *Ibid*, para.214.

#### 2.2.4. Bosnia and Herzegovina

38. Despite over a year passing since the general elections in 2018, no progress has been made on the formation of authorities: By October 2019, the new State-level Bosnia and Herzegovina Council of Ministers, the Federation entity government and two of the 10 cantonal governments had yet to be appointed<sup>17</sup>. The cantons of the Federation of Bosnia and Herzegovina were initially unable to appoint delegates to the House of Peoples of the Federation, thus rendering it impossible for the House to appoint its own delegates to the House of Peoples at the State level, which is the High Chamber of the Bosnian Parliament. Without this Chamber, no law can be voted, and no budget adopted. Attempts to unblock this deadlock were made when the Central Electoral Committee of Bosnia and Herzegovina decided that the House of Peoples of the Federation of Bosnia and Herzegovina would be established according to the 2013 population census results and not the 2011. However, this has been challenged before the Constitutional Court, as the 2013 census reflects the demographic and geographic changes brought by the civil war. This explains why the Parliamentary Assembly of Bosnia failed to adhere to January 2019 deadline for submitting its credentials to PACE. In June, however, when a second possibility was offered to the Bosnian Parliament to present the credential of a new delegation, as the Russians did, it failed to do so, even though the House of Peoples from the Federation of Bosnia and Herzegovina had in between appointed its delegates to the State-level. This was because no government has been formed owing to infighting within the main political factions over issues such as the submission by Bosnia and Herzegovina of its first annual national programme to the North Atlantic Treaty Organization (NATO) as part of its NATO membership action plan<sup>18</sup>.

39. Therefore, following the Bosnian delegation's failure to present its credentials on two occasions, the rapporteurs issued a statement on 1 July 2019 expressing their regret. The rapporteurs further noted that the inability to form a delegation highlighted systemic flaws within the Bosnian institutions that have gone unaddressed for too long<sup>19</sup>. In light of the seriousness of the situation, the Monitoring Committee decided that the co-rapporteurs should promptly draft a report on "the functioning of democratic institutions in Bosnia and Herzegovina," supplementing the report it had already completed in January 2018.

40. The rapporteurs continued to follow a number of worrying developments in the area of freedom of Assembly. At its meeting on 10 April 2019, the committee submitted a request for an opinion of the Venice Commission on the draft law on public gathering in the Republika Srpska. A joint delegation from the Venice Commission and the OSCE/ODIHR paid a visit to Sarajevo to discuss with the authorities and other stakeholders the legal framework governing the right to freedom of assembly in Bosnia and Herzegovina, its two entities and in the Brčko district. A joint draft opinion is on the agenda for debate at the Commission's December plenary session<sup>20</sup>.

41. Beyond these immediate issues, the Committee remains concerned by a number of negative trends in the areas of human rights and the rule of law, namely: the authorities' continuous disregard for binding and final decisions of the judiciary; the repeated intimidation, threats and physical assaults of journalists; and the appearance of divisive political rhetoric that only serves to exacerbate tensions within the country. In August 2019, the Dodik led government, with support of the RS National Assembly, succeeded in its bid to repeal the RS government report from 2004 on the genocide in Srebrenica. In doing so, the government discredited the only official acknowledgement of the involvement of RS officials in what has been qualified by both the ICTY and the ICJ as a "genocide." Given the fact that the electoral is still based on ethnicity, and given the absence of an education system that has been able to deliver a common history curriculum for Bosnia children for over 20 years, the Committee strongly believes that governing authorities should not seek to challenge international courts' assessments regarding the war or contest the small steps that have been made towards reconciliation.

#### 2.2.5. Georgia

42. The rapporteurs visited the country from 17-18 September 2019. The aim of the visit was to discuss recent political developments, as well as issues such as the independence of the judiciary, judicial reform, the functioning of the High Council of Justice, and the organisation of elections.

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<sup>17</sup> 56th report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina: <http://www.ohr.int/?p=102518>.

<sup>18</sup> Ibid.

<sup>19</sup> [Statement](#) by the co-rapporteurs.

<sup>20</sup> <https://www.venice.coe.int/webforms/events/?country=50>.

43. The ODIHR Election Observation Mission released its final report on the Georgian Presidential election on 28 February 2019<sup>21</sup>. In this report, the OSCE/ODIHR reiterated its concern about: “the use of negative, harsh and at times violent rhetoric” and the incidents of disruptions to campaign events and isolated acts of violence. Concerned about the lack of follow up given to these reported violations of the electoral code and incidents, the co-rapporteurs issued a statement following the release of the ODIHR report, in which they urged all stakeholders: “to fully implement the recommendations made .... especially as regards campaign financing, the media and the abuse of administrative resources<sup>22</sup>.”

44. Progress has been made with regards to the ongoing judicial reforms that remain a priority for the Georgian authorities. In a welcome development, an agreement was reached in the Working Group established to draft the fourth wave of judicial reforms. The Georgian parliament is encouraged to ensure that these agreed reforms will now be adopted swiftly.

45. In the context of the judicial reform, the functioning of the High Council of Justice has raised some concerns. This was highlighted by the appointment process for Supreme Court judges. Following their visit to the country in September, the rapporteurs expressed concerns regarding the manner in which candidates for the supreme court were being selected by the High Council of Justice. The rapporteurs were particularly critical of the lack of a clear and uniform selection criteria, the excessive use of discretion by the High Council and the failure by the latter to give full and reasoned decisions. These shortcomings could have been avoided if the authorities had fully implemented the recommendations of the Venice Commission, in particular with regard to secret voting, uniform criteria and reasoned decisions<sup>23</sup>.” The candidate list has now been sent to parliament and the rapporteurs called upon the Georgian Parliament to rectify shortcomings made in the selection process by the High Council of Justice. To that extent, the Parliament should hold open and transparent interviews with the candidates, based on uniform criteria, and come to a well-reasoned decision on the candidates. Given the questions that have been raised over the quality of the candidate list, it is important that parliament will only appoint the minimum number of judges needed to ensure the proper functioning of the Supreme Court. The remaining positions should be filled on the basis of a new list of candidates, properly established by the High Council of Justice and preferably after the 2020 parliamentary elections, in line with Venice Commission recommendations.

46. As a result of the adoption of a new set of rules of procedure in the Georgian parliament, progress has been made with regards to strengthening parliamentary oversight. It is important that this will be matched by a change in approach on the part of all other stakeholders.

47. Following the widespread protests that ensued after the President of the Interparliamentary Assembly on Orthodoxy (IAO), a Russian MP, attempted to address the Assembly from the seat of the Speaker of the Georgian parliament, the Chairman of Georgian Dream, Mr Bidzina Ivanishvili, announced that his party would initiate a constitutional amendment to introduce a fully proportional election system with a 0% threshold, which would be operational from the 2020 general elections onwards. This initiative, that responded to a long-held demand of the opposition to bring the introduction of a fully proportional election system forward from 2024 to 2020, was welcomed by all stakeholders and the international community, including the rapporteurs for Georgia. Regrettably, on 14 November 2019, the constitutional amendment needed to introduce the proportional election system failed to gather sufficient support to be adopted, despite all opposition parties voting in favor. In their statement, the rapporteurs of the Assembly deplored the failure of the Georgian parliament to pass constitutional amendments on the proportional election system, which they considered to be long overdue. In light of the clear consensus by all stakeholders on the need to introduce this system before the 2020 parliamentary elections, the failure of the amendments to pass is incomprehensible and a step backwards.

48. Regrettably, the borderisation and creeping annexation of the Georgian regions of South Ossetia and Abkhazia by the Russian Federation has continued unabated during 2019. This should be condemned in the strongest possible terms, as it destabilises the region and inflicts an unacceptable human cost on both sides of the administrative boundary line. On 26 August, so-called presidential elections took place in Abkhazia (Georgia) and on 9 June so-called “parliamentary elections” were organised in South Ossetia (Georgia) in violation of international law. These so-called elections were therefore neither legitimate nor legal. Reiterating the full support of the Assembly for Georgia’s sovereignty and territorial integrity, the rapporteurs condemned the holding of these elections as they: “hinder the peaceful settlement of the conflict and, instead of uniting people, they only drive them further apart.”<sup>24</sup>

<sup>21</sup> OSCE Office for Democratic Institutions and Human Rights, [ODIHR Election Observation Mission: Final Report](#).

<sup>22</sup> [Statement](#) by the co-rapporteurs.

<sup>23</sup> [Statement](#) by the co-rapporteurs following their fact-finding visit.

<sup>24</sup> [Statement](#) by the co-rapporteurs.

### 2.2.6. Republic of Moldova

49. 2019 marked the beginning of a political turning point in the Republic of Moldova. Parliamentary elections were held on 24 February 2019. The elections were observed by an ad-hoc committee composed of PACE members as part of an International Election Observation Mission from 22-25 February. Additionally, the Committee conducted a pre-election mission on 28-31 January 2019. In his report, Mr Claude Kern (France, ALDE), noted that the new mixed electoral system was contrary to Venice Commission recommendations. The ad-hoc committee nevertheless concluded that the election was competitive and that fundamental freedoms were, by and large, respected. The day of the election was calm and well organised, and political candidates were able to campaign freely. Nevertheless, there were isolated cases of violence against candidates, mass misuse of administrative resources, allegations of vote buying and distribution of gifts involving charitable foundations involved with political parties.

50. The elections resulted in a hung parliament. In such situations, Article 85 of the Moldovan constitution grants political parties a 3-month deadline within which to form a government. However, the Constitutional Court took what the Venice Commission would later describe as “a novel approach to calculating the time-limit” and ruled that the deadline expired on midnight of 7<sup>th</sup> June. A day later however, two parties with diverging views, ie the Party of the socialists and the ACUM Bloc, succeeded in forming a parliamentary majority and signed a “temporary agreement for the de-oligarchising of Moldova”. On 8 and 9 June 2019, the Constitutional Court ruled that these decisions were unconstitutional and called on the President to dissolve parliament and call early elections. When he refused, the court suspended him. The political and constitutional crisis that ensued prompted the Secretary General of the Council of Europe to request an opinion from Venice Commission assessing the Court’s decision. On 14 June, the Democratic party announced it would join the opposition, resulting in a transfer of power. The co-rapporteurs praised both the resilience demonstrated by the Moldovan people and the peaceful transfer of power and called on authorities to ensure that all measures taken to de-oligarchise the system were aimed at strengthening the independence of state institutions<sup>25</sup>. The Venice Commission, for its part, held that the procedural rights of the president and the parliament had been affected by the extreme speed “and even rush,” with which the court decided on such a sensitive case. The Venice Commission concluded that the conditions for the dissolution of the parliament were not met.

51. In light of these events, the Committee asked the rapporteurs, Mr Egidijus Vareikis (Lithuania, EPP/CD) and Ms Maryvonne Blondin (France, SOC), during its meeting on 25 June 2019, to conduct a fact-finding visit to the country and to prepare a report on the Functioning of democratic institutions in the Republic of Moldova. The rapporteurs visited Chisinau from 22 to 23 July 2019 and subsequently issued a statement in which they welcomed the steps taken to free state institutions from external and business influence; at the same time, the co-rapporteurs called for the strengthening of democratic institutions<sup>26</sup>. Additionally, the rapporteurs called upon the authorities to ensure that reforms to the judicial and prosecution system were based on clear and transparent criteria, and that measures taken to “de-oligarchise,” the country complied with Council of Europe standards. On 10 September, the Committee adopted its report, which was subsequently debated by the Assembly during its October part-session. Through [Resolution 2308 \(2019\)](#), the Assembly called upon the authorities, with the assistance of the Council of Europe, to improve their electoral legislation after the abolition of the mixed electoral system, reform the judicial system and the prosecution office, fight against corruption and money laundering in line with the 2019 GRECO recommendations, shed light on the 2014 bank scandal and ratify the Istanbul Convention to prevent and combat violence against women and domestic violence. The Assembly also stressed that the legal steps taken today to “de-oligarchise” the country should ultimately contribute to consolidating state institutions.

52. With regards to the Transnistrian conflict settlement, the Assembly welcomed the willingness of the Moldovan authorities to continue the 5+2 discussions, which involve the Republic of Moldova, the de facto Transnistrian authorities, the OSCE, the Russian Federation and Ukraine, to achieve a peaceful resolution of the Transnistrian conflict. The Assembly also reiterated its full support for the territorial integrity of the Republic of Moldova and its call on the Russian Federation to withdraw its troops and equipment from the Moldovan territory<sup>27</sup>.

53. The Assembly also called on the Moldovan authorities to ensure that the local elections held on 20 October and 4 November were organised in compliance with the best practices and standards of the Council of Europe. These elections were observed by the Congress of local and regional authorities, which concluded

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<sup>25</sup> [Statement](#) by the Monitoring Committee.

<sup>26</sup> <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=7586&lang=2&cat=3>.

<sup>27</sup> [Resolution 2308 \(2019\)](#) para.16.

that the elections, despite some legislative shortcoming, were conducted in an orderly manner.<sup>28</sup> In Chisinau, Mr Ion Ceban, from the Moldovan Socialist Party (PSRM), was elected Mayor on 3 November, with 52% of the votes<sup>29</sup>.

### 2.2.7 Russian Federation

54. On 26 June 2019, the Parliamentary Assembly adopted [Resolution 2292 \(2019\)](#), thereby ratifying the credentials of the Russian Federation's delegation. In doing so, the Assembly brought an end to a four-year long boycott of its work by the Russian Federation, which had plunged the Council of Europe into an unprecedented financial and institutional crisis (the Russian Federation having suspended its payments to the Council of Europe budget in 2017). Following the adoption of [Resolution 2287 \(2019\)](#) on the strengthening of the decision-making process of the Parliamentary Assembly concerning credentials and voting on 24 June 2019, the Assembly invited the parliaments of Council of Europe member States which were not represented in the Assembly to present the credentials of their delegations at the June 2019 part-session of the Assembly. On 25 June 2019, the Parliament of the Russian Federation submitted the credentials of its delegation for ratification by the Assembly. On the same day more than 30 members of the Assembly challenged the still unratified credentials of the Russian delegation on substantive grounds (Art 8.1.a and 8.2 of the Rules of Procedure) of the Parliamentary Assembly. The Monitoring Committee was seized for report and the Committee on Rules of Procedure, Immunities and Institutional Affairs for opinion. Following established practice, I was appointed rapporteur by the Monitoring Committee.

55. Regretting the lack of co-operation by the Russian Federation in the framework of the Parliamentary Assembly's monitoring procedure, the Monitoring Committee expressed its concern over a number of exacerbating negative tendencies with regard to democracy, the rule of law and human rights, in the Russian Federation which were hindering the fulfilment of key accession commitments and membership obligations by the Russian Federation. Nevertheless, the committee reiterated that the Assembly has always been committed to political dialogue as a means of reaching compromise and lasting solutions. As noted in paragraph 7 of the resolution, the Assembly constitutes the most important platform where dialogue concerning the Russian Federation's obligations under the Statute of the Council of Europe can take place with the participation of all those concerned, and where the Russian delegation can be kept accountable on the basis of Council of Europe values and principles.

56. However, the Assembly's decision to welcome the Russian Federation back into the fold, must not be taken as complacency with regards to a number of trends that have a corrosive effect on the rule of law, and which should have no place in a Council of Europe member State. In its resolution, the Assembly called upon Russian authorities to implement a series of concrete measures aimed at addressing these concerns and reinforcing the respect for human rights and the rule of law within its territory. These included: releasing the 24 Ukrainian sailors captured in the Kerch Strait on the charge of "illegally crossing the border of the Russian Federation"; immediately paying all fees due to the Council of Europe budget; unconditionally and fully co-operating with the joint investigation team and the Dutch prosecution service in bringing these responsible for the downing of Malaysia Airlines Flight MH 17 to justice; taking effective measures aimed at preventing violations of the human rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, in particular in the Chechen Republic, and prosecuting the perpetrators for acts committed in the past; and co-operating fully with the international community in the investigation of the murder of Boris Nemtsov<sup>30</sup>.

57. The rapporteurs have been following the country's arbitrary application of "extremism law," with significant alarm. For this reason, on 7 February 2019, they issued a statement expressing their serious concern at the situation facing Dennis Christensen, who had been convicted of "organising the activity of an extremist organisation," on the grounds that he was a practising Jehovah's Witness. The rapporteurs expressed their hope that the conviction would be quashed on appeal and called upon the authorities to release Christensen whilst this appeal was pending<sup>31</sup>.

58. At its meeting on 13 November 2019, the Committee agreed to appoint Mr Axel Schäfer as co-rapporteur to replace Ms Angela Smith (United Kingdom, ALDE), who is no longer a member of the Committee. Following the return of the Russian Federation to the Assembly, the committee organized, on 10 September 2019, an exchange of views with Mr Jakob Wienen, co-rapporteur on Local and regional democracy in the Russian Federation of the Monitoring Committee of the Council of Europe Congress of Local and Regional Authorities.

<sup>28</sup>

<https://www.coe.int/en/web/congress/-/republic-of-moldova-preliminary-findings-of-the-local-election-observation-mission>.  
<sup>29</sup> <https://www.rferl.org/a/socialist-ion-ceban-elected-new-mayor-of-chisinau-in-runoff/30251599.html>.

<sup>30</sup> [Resolution 2292 \(2019\)](#), para.13.

<sup>31</sup> [Statement](#) by the co-rapporteurs.

On 30 September 2019, the Coimmittee organized a hearing on civil society and democratic participation in the Russian Federation with the participation of Mr Vladimir Kara-Murza, Chairman of the Boris Nemtsov Foundation for Freedom, Ms Emiliya Slabunova, President of the Yabloko Party, Mr Leonid Volkov, Campaign Manager of Mr Alexei Navalny and Ms Tatiana Glushkova, representative of Memorial. Furthermore, on 13 November 2019, the committee held an exchange of views with Mr Fredrik Sundberg, Head of Department for the Execution of judgments of the European Court of Human Rights, on the execution of ECtHR judgement by the Russian Federation. A first fact finding visits to the Russian Federation is tentatively foreseen for early 2020.

### 2.2.8 Serbia

59. The Committee has continued the preparation of a report on the Honouring of obligations and commitments by Serbia. On 23 January 2019, a preliminary draft report was sent for the Serbian government's comments, which the Committee subsequently considered during its meeting on 17 May 2019 in London. The Committee held on that occasion an exchange of views focusing in particular on the functioning of the parliament and the legislative and constitutional changes expected to meet the Assembly's requirements. The co-rapporteurs will continue to follow all developments relating to the areas of concern outlined by the Assembly in [Resolution 1858 \(2012\)](#)—namely, strengthening of the judicial independence, the fight against corruption, the state of media freedom and the rights of minorities<sup>32</sup>—with a view to bringing a report forward to the Parliamentary Assembly in 2020 after the holding of parliamentary elections in Spring 2020.

60. The year 2019 was also marked by a change of rapporteurs: at its meeting on 10 April 2019, the Committee appointed Mr Ian Liddell-Grainger (United Kingdom, EC/DA) to replace Mr Robert Goodwill (United Kingdom, EC/DA) as co-rapporteur for the monitoring of the commitments and obligations by Serbia. Ms Maria Guzenina (Finland, SOC) was replaced by Mr Piero Fassino (Italy, SOC) as co-rapporteur on 10 September 2019.

### 2.2.9 Turkey

61. The rapporteurs continued to follow a number of concerning developments in Turkey. On 21 January 2019, the Assembly held a debate under urgent procedure on “The worsening situation of opposition politicians in Turkey: what can be done to protect their fundamental rights in a Council of Europe member State?.” Through [Resolution 2260 \(2019\)](#), the Assembly called upon Turkish authorities to respect fully the rights and fundamental freedoms of opposition politicians, in particular to guarantee parliamentary immunity, amend the legislation and constitution in line with the Venice Commission recommendations and to implement the judgments of the European Court of Human Rights.

62. In a welcome development, the High Penal Court of Diyarbakir on 28 January decided to release Ms Leyla Guven from prison<sup>33</sup>. This decision, which was undoubtedly a step in the right direction, was followed by the Constitutional Court's ruling in October 2019 resulting in the release of former HDP deputy Mr Sirri Süreyya Önder. Having recourse to ECHR case law, the Court held that Önder's freedom of expression had been violated and that his statements: “did not incite people to use violence, did not pose a risk of crimes of terror, and could not be considered “an encouragement to use the methods of the terrorist organization [PKK] that involve force, violence or threat<sup>34</sup>.” The rapporteurs hailed the Court for taking a “landmark,” decision and expressed their expectation, in light of the ruling, that MPs and former MPs who were unduly imprisoned and stripped of their immunity would be released.

63. The rapporteurs equally took note of a number of developments in the area of freedom of speech. In particular, the rapporteurs welcomed the ruling by the Constitutional Court of Turkey on 25 July 2016 concerning “academics for peace.” To recall, “academics for peace,” were a group of some 600 professors who were prosecuted on terrorism charges for signing a petition criticizing military operations in southeast Turkey. The rapporteurs noted that the judgment gave hope for hundreds of academics who have been prosecuted, sentenced, and even jailed for signing a Declaration of Peace<sup>35</sup>. The rapporteurs nevertheless called upon Turkish authorities to swiftly hold retrials for those convicted, reverse the cases which are under appeal, acquit those still under prosecution, and reinstate academics who were forced to resign or who lost their job. The Committee remains concerned by Turkey's overuse of anti-terror laws, which were applied with alarming frequency following the military intervention in North-East Syria. This trend has notably affected a number of local opposition politicians, including co-chairs of the HDP and prominent members of the CHP.

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<sup>32</sup> Para.14.

<sup>33</sup> [Statement](#) by the co-rapporteurs.

<sup>34</sup> [Statement](#) by the co-rapporteurs.

<sup>35</sup> [Statement](#) by the co-rapporteurs.

64. The situation regarding media freedom showed no signs of improvement. In 2019, Turkey ranked 157th (out of 180 countries) in the Reporters Without Borders World Press Freedom Index. Currently, there are 105 journalists in detention, according to the Council of Europe Platform to Promote the Protection of Journalism and safety of Journalists.

65. Mayoral elections were held in Istanbul on 31 March 2019. After 25 years of control, the ruling AK party lost Istanbul to the opposition candidate, Mr Ekrem Imamoğlu, by 13 000 votes. The result was subsequently invalidated following an appeal before the Supreme Election Council by the ruling party. This led to an election re-run on 24 June, during which Mr Imamoğlu increased his lead substantially from 13 000 votes to 775,000. At its meeting in London on 16 May 2019, the Committee held an exchange of views on the local elections, with the participation of Mr Andrew W. Dawson (United Kingdom, ECR), Head of the election observation mission of the Congress of Local and Regional Authorities that was present when the vote took place.

66. The delegation from the Congress on Local and Regional Authorities observed both elections. The technical aspects of the elections were well administered, and Ballot Box Committees carried out their tasks competently and diligently. The turnout of 85% also demonstrated a healthy willingness to engage with the political process. Nevertheless, the absence of a free and fair electoral environment, in which all parties are given equal access to the media and voters are presented with a fair and balanced picture, tainted the process.

67. Despite undemocratic trends, there are some notable developments. On 17 October, the parliament recently approved a first package of judicial reforms. It remains to be seen whether this reform will increase procedural safeguards, improve legal processes and limit pre-trial detentions. This is nevertheless a step in the right direction, and the Council of Europe stands ready to offer assistance in implementing these reforms. Another welcome development includes the preparation of an “action plan for human rights.” This will present an opportune moment to address many of the concerns outlined in Parliamentary Assembly resolutions.

68. In light of these developments, the Committee, during its meeting on 13 November 2019, held a hearing on the reforms to the justice system and the future action plan on human rights, and their expected impact on freedom of expression and assembly. The exchange of views took place with the participation of representatives from the Ministry of Justice, Amnesty International and the three main political party groups in the Turkish parliament.

#### 2.2.10. Ukraine

69. The first and second rounds of the presidential elections were held, respectively, on 31 March 2019 and 21 April 2019. On the very day of his inauguration, President Volodymyr Zelenskyy announced his intention to dissolve the parliament<sup>36</sup>. Early parliamentary elections were therefore held on 21 July 2019. An ad-hoc delegation composed of PACE members was originally supposed to participate in the observation of both elections. Nevertheless, following the unconditional return of the delegation of the Russian Federation to the Assembly, Ukraine regretfully withdrew its invitation to the Assembly to observe the parliamentary elections<sup>37</sup>.

70. International observers concluded that, for the Presidential elections, both campaigns were competitive and peaceful. Fundamental freedoms of expression were respected, and candidates were able to campaign without undue hindrance. Voters were able to choose from a wide selection. Nevertheless, allegations of vote buying and misuses of administrative resources, including the “use of social assistance programmes, salary increases, and other financial incentives,” tainted both elections<sup>38</sup>. By the end of the second round of the presidential election, over 90 criminal investigations had been launched into irregularities related to the first-round election day<sup>39</sup>. Both the OSCE and the *ad hoc* PACE Delegation were critical of the lack limits on campaign spending during the presidential election, as well as the ability of parties to find funding outside the normal framework. Regulations imposing impartial news coverage of campaigns and candidates were openly flouted and poorly enforced. It remains a matter of deep regret that, due to the illegal annexation of the Crimean Peninsula by the Russian Federation and the presence of illegal armed groups, elections could not be held in Crimea and certain parts of Donetsk and Luhansk.

<sup>36</sup> [The Guardian](#), 20 May 2019.

<sup>37</sup> [Statement](#).

<sup>38</sup> International Election Observation Mission, Ukraine, Early Parliamentary Elections, 21 July 2019: Preliminary Conclusions; International Election Observation Mission, Ukraine, Presidential Election, second Round 21 April 2019; OSCE, International Election Observation Mission, Ukraine, Presidential Election 31 March 2019: Preliminary Conclusions.

<sup>39</sup> International Election Observation Mission, Ukraine, Presidential Election, second Round 21 April 2019.

71. The rapporteurs continued to follow developments in the areas of media freedom and freedom of speech. Ukraine ranks 102, out of 180 countries, in the Reporters without Borders Press Freedom Index<sup>40</sup>. The Council of Europe Platform to promote the Protection of Journalism and the Safety of journalists cites 6 cases of impunity for murder, 11 cases of harassment and intimidation of journalists and 21 cases it classifies as having a chilling effect on press freedom<sup>41</sup>. On 20 June 2019, investigative journalist, Mr Vadym Komarov, died from his injuries following a severe attack by unknown assailants on 4 May in the town of Cherkassy. That his death may have been linked to his investigations into local corruption and abuses of power, is a matter of utmost concern. Komarov's case cannot fall victim to the usual pattern, whereby investigations into attacks against journalists and anti-corruption campaigners fail to produce tangible results. The rapporteurs issued a statement on 2 July calling on authorities to ensure that a transparent and effective investigation into his murder takes place<sup>42</sup>.

72. The Committee has also taken note of certain developments in the fight against corruption. On 11 April 2019, all 38 judges for the High Anti-Corruption Court were appointed<sup>43</sup>, which is to be welcomed. This body has been operational since September. Ukrainian authorities must now ensure that this body is equipped with the resources and manpower it needs to handle some 35000 cases that potentially fall within its remit<sup>44</sup>.

73. Given the importance of the language issue in Ukraine, on 17 May 2019, the Committee asked the Venice Commission for an opinion on the Ukrainian law on "Ensuring the functioning of the Ukrainian language as a State language". The President and his party were elected on a platform that promised to end the endemic corruption in Ukraine, and to reboot the justice system for this purpose. The endemic corruption, including in the judiciary, and the inefficiency of the justice system have been one of the main concerns of the Ukrainian public. In September 2019, the Verkhovna Rada adopted a judicial reform package to initiate the reboot of the judiciary. In order to help ensuring that these reforms fully comply with European standards, the Committee, on September 2019, asked for an opinion of the Venice Commission "on the recent amendments to the legal framework in Ukraine governing the Supreme Court and judicial self-governing bodies".

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

#### 2.3.1. Bulgaria

74. At its meeting on 16 May 2019, the Monitoring Committee considered a draft report on the Post-Monitoring Dialogue with Bulgaria and unanimously adopted a draft resolution.

75. Through [Resolution 2296 \(2019\)](#), debated during the June 2019 part session, the Assembly recognised the substantial progress made by Bulgaria since the adoption of the last post-monitoring dialogue report in 2013. Most notably, the authorities ought to be commended for their continued cooperation with Council of Europe monitoring mechanisms, legal experts and the European Commission for Democracy through Law (Venice Commission).

76. The country has made significant progress in reforming the judiciary. The assembly therefore welcomed a number of notable developments in this regard, including: the 2015-2018 reforms to the Judicial System Act and the subsequent regulations concerning the functioning of the Supreme Judicial Council and the judiciary; the division of the Supreme Judicial Council into chambers of judges and prosecutors independently exercising appointment and disciplinary powers with regard to the judges, prosecutors and investigating magistrates; and the establishment of the Supreme Judicial Council Inspectorate, which is tasked with increasing accountability of the judiciary and, in particular, with preventing corruption within the judiciary, and disciplinary proceedings.

77. With regards to the fight against corruption, the Assembly commended the authorities for creating a new unified anti-corruption agency. Amongst other things, this agency is in charge of: verifying the absence of conflicts of interest and the private assets of high officials; investigating allegations of corruption, establishing safeguards for the prevention of corruption; and setting up procedures for the seizure and confiscation of illicit assets. The country has made enormous strides in adopting a number of recommendations issued by GRECO, such as amending the Parliamentary Rules of Procedure in 2016 with a view to ensuring transparency in the legislative process. Moreover, Bulgaria has invested considerable resources in the training and awareness-

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<sup>40</sup> <https://rsf.org/en/ukraine>.

<sup>41</sup> <https://www.coe.int/en/web/media-freedom/ukraine>.

<sup>42</sup> [Statement](#) by the co-rapporteurs.

<sup>43</sup> [Transparency International](#), 11 April 2019.

<sup>44</sup> [Transparency International](#), 11 April 2019.

raising of a large number of judges, prosecutors and law-enforcement officers on issues pertaining to bribery and trading in influence.

78. Finally, the Assembly recognised the significant progress made in recent years in improving prison conditions and in implementing recommendations from the CPT, such as adopting amendments to the Law on Executing Punishments and Arrests in 2017. The changes addressed material conditions, regimes, early release and judicial control over the prison administration. In a highly welcome development, the country has made headway in implementing ECtHR judgments relating to excessive judicial proceedings and the lack of effective remedies in that regard.

79. Nevertheless, the Committee remains concerned by the lack of improvement in a number of areas. Important legislative initiatives relating to the judiciary are not subject to broad public debate, and not all relevant stakeholders are sufficiently consulted. GRECO's recommendation to establish clear, objective and transparent criteria with regard to supplementary remuneration within the judiciary has not been fulfilled. The situation concerning media freedom in Bulgaria has been deteriorating systematically over recent years, with the concentration of ownership and the lack of transparency becoming major concerns. Racist and intolerant hate speech in political discourse continues to be a serious problem, as does the exclusion of Roma representatives from the democratic process. It is deeply regrettable that Bulgaria has so far neglected to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (STCE No. 210, "Istanbul Convention"), even though it signed this instrument as far back as 2016.

80. For this reason, the Assembly resolved to continue a post-monitoring dialogue with Bulgaria and to assess, in June 2020, the progress made in the following areas: the judiciary, combating high-level corruption, the media, human rights of minorities, combating hate speech and violence against women<sup>45</sup>.

81. On 2 October 2019, the Committee appointed Mr Aleksander Pocij (Poland, EPP/CD) to replace Mr Zolt Németh (Hungary, EPP/CD), who had resigned as co-rapporteur for the post-monitoring dialogue with Bulgaria.

### 2.3.2 Montenegro

82. The Committee has grown increasingly concerned by the fragmented and polarised political climate in Montenegro. The stalemate created after the general elections of October 2016, that saw a landslide victory for the Democratic Party of Socialists of Montenegro (DPS) and the refusal of the entire opposition bloc to take part in the work of the Parliament, has partly been overcome, almost all of the opposition having returned to the Parliament, even if some faction said they would only take part in the Committee tasked with the electoral reform (DCG) and others have fluctuated in their boycott (DF). This situation has been exacerbated by the so-called "envelope affair," which began in January 2019 after Mr Duško Knežević, owner of the Atlas Bank group, started to reveal details about alleged shady businesses involving the ruling party's high officials, President Đukanović being said to be among them. The most prominent revelation, supported by a video material dating back from 2016, showed Duško Knežević appearing to hand the then mayor of Podgorica, Mr Slavoljub Stijepović, an envelope containing what Mr Knežević later said was 97 000 \$, to fund a DPS election campaign. This donation does not appear in the party's financial records. On 17 February 2019, these revelations triggered massive protests in several cities throughout Montenegro such as Podgorica, Budva and Herceg-Novi. Protests organisers initiated a dialogue with opposition leaders that resulted in the "Agreement for the future", a political platform signed by all the 39 MPs from oppositions in April. Among the priorities listed, there is a demand for a government of civic unity and the boycott of all elections until requests are satisfied. So far, no inquiry committee has been created in the Parliament to investigate the 'Envelope affair'.

83. On 31 July 2019, the Parliament decided to widen the mandate of the Committee on electoral reform and turned it into a Committee on Comprehensive Reform of electoral and other legislation. The aim of this Committee was to address several serious issues for which action was required by both the European Union and the Council of Europe before the next general election, which is due to take place no later than 20 October 2020. Apart from the DF political group, all factions of the parliamentary opposition were represented in this temporary Committee.

84. It was in this context that the co-rapporteurs conducted their fact-finding visit to Podgorica, which took place from 11-13 September. The aim of the visit was to discuss the independence of the judiciary, electoral reforms, the fight against corruption and the situation of the media. To further their understanding of these issues, the rapporteurs met with a variety of interlocutors including: members of the international community; the Deputy President of the Commission for monitoring actions of the competent authorities in the investigation

<sup>45</sup> [Resolution 2296 \(2019\)](#), para.22.

of cases of threats and violence against journalists, murders of journalists and attacks on media property; the Director of the Agency for Prevention of Corruption; representatives from the various political factions represented in parliament; representatives from the judiciary; and the Ministry of Culture.

85. In a statement issued following their visit, the rapporteurs called upon all political stakeholders to overcome their differences in order to reform the electoral code, for which opposition's votes are still needed<sup>46</sup>. This has been a key recommendation from both the European Union and the Council of Europe for some time. The rapporteurs welcomed the indisputable progress made in several areas, including LGBTI rights and minority rights, which has set an example for the whole region to follow. An equally welcome development has been the progress made by the Special Public Prosecutor and the Ministry of Justice in obtaining initial convictions in cases of corruption. However, this track record needs to be reinforced. The rapporteurs further commended the courage of various judicial bodies, such as the Constitutional Court, which annulled arrest warrants issued against two MPs, whose immunity had not been lifted beforehand. That being said, there is still much progress to be made, particularly in areas such as the independence of the media. Although the legal framework governing the media was strengthened in an inclusive manner, and police forces are making efforts to arrest the perpetrators and suspects of attacks on journalists, those who command the attacks are often not found. Investigative journalists may still be subjected to intimidation attempts or, in some rare cases, to judicial procedures and detention.

86. Bearing these issues in mind, the Committee agreed to hold an exchange of views on the Montenegrin "Commission for monitoring actions of the competent authorities in the investigation of cases of threats and violence against journalists, murders of journalists and attacks on media property," on 11 December 2019.. The rapporteurs aim to present a draft report on the post-monitoring dialogue with Montenegro, with a view to putting forward for debate by the Assembly at the April 2020 part-session.

### 2.3.3. North Macedonia

87. In the year since the last progress report, North Macedonia has undergone several major changes. The country held a referendum on 30 September 2018 which resulted in the ratification of the historical Prespa Agreement by North Macedonia and Greece in January 2019, solving the "name issue" after 27 years. As a result, North Macedonia was invited to join NATO. The recommendation issued on 29 May 2019 by the European Commission to open accession negotiations to join the EU was another step echoing the aspiration of the vast majority of the population for Euro-Atlantic integration.

88. The first and second rounds of the presidential election were held, respectively, on 21 April and 5 May 2019 and observed by a PACE *ad hoc* delegation. It concluded that voters were able to make their choice freely in a calm atmosphere. Candidates campaigned without obstacles and fundamental freedoms were respected<sup>47</sup>. In a welcome development, the election was untainted by the abuse of administrative resources, and public employees maintained a clear distinction between their official and political activities and did not use State resources during the campaign. The delegation was equally complimentary of the media, which provided impartial coverage and presented a variety of information about the candidates and the political parties that supported them, allowing voters to make an informed choice. Nevertheless, some recurrent problems in the electoral process remain unaddressed, in particular the need to reform the electoral code and, in general, the political system, to re-engage citizens and to ensure their active participation, regardless of ethnic origin. Many previous recommendations of the Venice Commission and ODIHR concerning the legal framework had still not been implemented, including those relating to election financing and election complaints and appeals.

89. It was in the context of these events that the co-rapporteurs Ms Lise Christoffersen (Norway, SOC), and Mr Valeriu Ghiletschi (Republic of Moldova, EPP/CD) conducted a fact-finding visit from 28-31 May 2019. In a statement issued upon the conclusion of their mission to Skopje, the rapporteurs commended the various positive developments that have taken place in North Macedonia<sup>48</sup>. These included the setting-up of a new State Commission for the prevention of corruption and conflict of interest, which has already begun to deal with alleged cases of nepotism. The rapporteurs further welcomed the willingness expressed by the authorities to work with the Council of Europe and to take due account of recommendations issued by the Venice Commission and GRECO. At the same time, the rapporteurs called upon the authorities to address online hate speech and to ensure that the various positive trends are confirmed by the full implementation of the newly adopted laws and by the delivery of tangible results.

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<sup>46</sup> [Statement](#) by the co-rapporteurs following their fact-finding visit.

<sup>47</sup> *Ad hoc* Committee of the Bureau, Election Observation Report: Observation of the presidential election in North Macedonia (21 April and 5 May 2019) ([Doc. 14897](#)) p.7.

<sup>48</sup> [Statement](#) by the co-rapporteurs following their fact-finding visit.

90. A draft report was subsequently presented by the co-rapporteurs and approved on 10 September 2019 by the Monitoring Committee. The Committee also appointed Mr Aleksander Pocij (Poland, EPP/CD) as co-rapporteur in order to replace Mr Ghilechi, who had left the Assembly.

91. Through [Resolution 2304 \(2019\)](#) debated on 2 October 2019, the Assembly commended the main political parties for reaching the Pržino Agreements and solving, through negotiations, the political crisis. To recall, the two yearlong crisis began following the release of illegally wire-taped conversations, which revealed direct involvement of senior government officials in electoral fraud and other corrupt activities. The crisis then ended with resignation of Prime Minister Gruevski, the signing of the accords, the establishment of a technocratic government and the holding of early parliamentary elections. The resolution further welcomed the constructive attitude of the main opposition parties, who participated actively in the work of the parliament and enabled the adoption of important pieces of legislation required to fulfil the country's EU accession aspiration. Regarding the fight against corruption, the assembly welcomed the outstanding progress shown by the "Special Prosecutor for Crimes Related to and Arising from the Content of the Illegal Interception of Communications," which has pressed charges in 20 high level cases and indicted more than 100 people in at least 18 high cases of serious criminal offenses. Another noteworthy development included the government's ambitious plan of reform (the so-called 3-6-9 Plan and Plan 18), which is based on the urgent priorities and recommendations identified by the European Commission Senior Expert Group (so-called Priebe Report) in four key areas: reforms of the judicial system, the security services, public administration and anti-corruption policies. This led to the adoption of the laws on the courts and the judicial council, in line with Venice Commission recommendations. The institution of the ombudsman was strengthened, as was oversight over police forces. A new Law on the intelligence was also passed in an attempt to address problems arising from the illegal interception of wire-taped conversations,

92. That being said, the Assembly made calls for improvement in a number of areas, including the implementation of recommendations by GRECO and the CPT. With these issues in mind, the Assembly resolved to maintain the post-monitoring dialogue with North Macedonia, and to assess, in its next report, the progress made in the following areas: the further consolidation of the sustainability and functioning of democratic institution; the independence of the judiciary, notably the strengthening of the independence and accountability of judges and prosecutors; the fight against corruption; the consolidation of its electoral framework, in line with recommendations from the Venice Commission and the Parliamentary Assembly election observation mission reports; and the pursuance of inclusive policies aimed at securing the rights of the minorities, including for the Roma community<sup>49</sup>. Since then, following the decision of the European Union to postpone the decision related to the opening of the accession negotiations, the Prime minister decided to call early parliamentary elections, which are to be held on 12 April 2020.

#### *2.4. Report on the functioning of Democratic Institutions in Poland*

93. As mentioned, the co-rapporteurs made a fact finding visit to Warsaw on 5 and 6 September 2019. On 11 December 2019, the Committee adopted the report and draft resolution on the functioning of Democratic Institutions in Poland, with a view to putting it forward for presentation during the January 2020 part-session.

94. In their report, the co-rapporteurs outline the political and constitutional crisis that evolved in Poland following the 2015 parliamentary elections and the establishment of a new governing majority. In the view of the ruling party, its overwhelming election victory gave it a clear popular mandate for profound reforms to the political and social system in the country. The judiciary was the priority subject for reforms for two reasons. Firstly, there was an increasing dissatisfaction among the Polish population towards the judiciary and the efficient and impartial administration of justice. Secondly, in the view of the new authorities, the justice system and the judiciary were key areas of the entrenchment of the previous ruling elites that undermined its impartiality, and that was affecting both the reform programme of the new authorities and the effective administration of justice in Poland.

95. While the Polish authorities not only have the right, but indeed the obligation, to address shortcomings in the justice system with a view to increasing its independence and the impartial administration of justice, it is important that these reforms are fully in line with European norms and standards. It is equally important that such reforms strengthen judicial independence and the rule of law, and that they do not weaken or undermine them. In addition, it would be unacceptable if such reforms would amount to bringing the judiciary under the control of the executive or legislature, or even worse, political control of the ruling majority. Regrettably and contrary to these principles, the reforms of the Polish justice system in numerous aspects run counter to

<sup>49</sup> [Resolution 2304 \(2019\)](#) para.13.

European norms and standards. They cumulatively undermine and severely damage the independence of the judiciary and the rule of law in Poland. Moreover, the reforms have made the judicial system vulnerable to political interference and attempts to bring it under political control of the executive, which challenges the very principles of a democratic State governed by the rule of law.

96. The concerns about the independence of the Polish judiciary and justice system, and adherence to the rule of law directly affects Europe as a whole. The questions about the independence of the justice system and the respect for the rule of law are therefore not be considered as internal issues for Poland.

97. Two aspects of the reform are especially worrisome and of concern: namely, the vulnerability of the newly reformed justice system to political abuse and manipulation; and the centralisation of excessive powers over the judiciary in the hands of the Minister of Justice and, to a lesser extent, the President of Poland. The reported abuse of disciplinary proceedings against judges and prosecutors, and the smear campaigns organised against them show that this vulnerability to abuse and politicisation is unfortunately not a hypothetical question. The concentration of excessive powers with regards to the judiciary undermines its independence and discredits the rule of law in Poland and needs to be addressed without delay.

98. While focussing on judicial reform, the rapporteurs also expressed their concern about the fact that the harsh and intolerant political discourse in the Polish political environment has created an increasingly permissive climate, and fostered a perception of impunity for, hate speech and intolerant behaviour against minorities and other vulnerable groups. This is unacceptable and should be addressed by the authorities.

99. On 24 October 2019, following the challenges to the results of the elections for the Polish Senate by both ruling party and opposition, the co-rapporteurs issued a statement in which they expressed their serious concern about the vulnerability of the Chamber on Extraordinary Control and Public Affairs of the Supreme Court, which is responsible for hearing election related complaints. They noted that it was important for the democratic process that any election complaints are adjudicated, and perceived as being adjudicated, impartially and in line with European norms and standards. Noting the questions raised about the perceived independence and impartiality of the Chamber on Extraordinary Control and Public Affairs, they urged the Supreme Court to ensure the utmost transparency and impartiality in handling these appeals. It should be noted that all 6 appeals launched by the governing party were declared inadmissible by the Chamber on Extraordinary Control and Public Affairs of the Supreme Court. At the time of writing, a decision on the 3 appeals launched by the opposition is still pending

### **3. Proposals to improve the efficiency of the work of the Committee and to clarify unclarities and inconsistencies in the rules of procedure that govern the work of the Committee.**

100. As mentioned, the updated framework for the preparation of the periodic review reports brought to light a number of unclarities and inconsistencies in the rules of procedure that govern the work of the Committee, and specifically Resolution 1115 (1997) as amended. I will make a number of suggestions to address these issues in the third and last part of this report.

101. A key question has been the authority of the Committee to decide which countries will be selected for a periodic review. The terms of reference of the Committee are perfectly clear in this respect, the Committee is tasked with ensuring and assessing the fulfilment of obligations assumed by all member States under the Council of Europe Statute, the European Convention on Human Rights and all other Council of Europe to which they are party. In other words, the committee is permanently seized to monitor the membership obligations, and where relevant the accession commitments, of all Council of Europe member States. In addition, with regards to the preparation of the periodic review reports, Resolution 1115(1997) as amended, specifies that the committee will carry out periodic reviews of countries, on a country per country basis. In Resolution 2261(2019), the Assembly agreed that the selection of countries for periodic review would be made by the Monitoring Committee, according to its internal working methods. In particular, the resolution stipulated that the selection would be based on: "substitutive grounds, and no longer by alphabetical order, while maintaining the objective of producing, over time, periodic reviews on all member States."

102. However, Resolution 1115 (1997), was not amended to reflect this new procedure, regrettably allowing for some confusion and misunderstanding. When the Committee presented its first list of countries selected for periodic review, the Bureau of the Assembly interpreted this as a request by the Monitoring Committee to be seized for periodic review reports on the countries selected, and not as a simple act of declaration as it was meant. As a result, the Bureau removed one country from the list of countries for periodic review established by the Committee.

103. *This decision was unanimously deplored by the Committee, which felt that this ran counter to the terms of reference of the Committee and the rules of procedure and would entrench a disproportionate arbitrariness in the selection of countries for periodic review that would undermine the objectivity and impartiality of the procedure as a whole. The Committee therefore decided to ask the Bureau to request an opinion from the Committee on Rules of Procedure, Immunities and Institutional Affairs on the rights of the Committee in this matter, including with regards to the need to be explicitly seized for individual periodic review reports.*

104. In order to avoid any perception of double standards being applied, the Committee decided to suspend the preparation of the other three periodic review reports until this issue has been resolved. To avoid any repetition of this situation as a result of unclarity of the rules, Resolution 1125(119) should be amended to explicitly state that *"The Monitoring Committee is seized to prepare regular periodic reviews on all Council of Europe member States that are not under a full monitoring procedure or engaged in a post-monitoring dialogue. The order and frequency of these reports would be decided upon by the Monitoring Committee in accordance with its internal working methods based on substantive grounds, with the objective of producing, over time, periodic review reports on all member States."* At the same time, the internal working methods referred to should be further strengthened to exclude any vulnerability to partiality, perceived or real.

105. It is further important to clarify which reports the authorities of the country in question are requested to provide comments on, and the period given to them to do so. In the case of a report on the honouring of obligations and commitments of a country under a full monitoring procedure, the authorities and delegation of the country in question are asked to provide comments on the preliminary draft report within a period of no longer than three months. Although not explicitly provided for in the rules, a similar practice has been established for periodic review reports and reports on the post monitoring dialogue. Only in the case of reports on the functioning of democratic institutions - which are meant to allow the Committee to respond quickly, and to a narrower scope, of developments in a country - are the comments of the authorities not required. It would be important to codify this practice clearly in the rules governing the committee.

106. At the same time, the three-month period given to the authorities to provide their comments has proven to be too long and is hindering the effectiveness of the reporting procedure. I therefore propose that this period be reduced to six weeks for all the reports where comments are required. In order to ensure that equal time is given to all countries concerned, all national banking holidays falling within the 6 week period should be compensated for by adding a similar number of days to the deadline for providing comments. I therefore propose to replace paragraph 14 of the terms of reference with the following text: *"In the case of reports on the honouring of obligations and commitments; periodic review reports on the honouring of membership obligations; and reports on the post-monitoring dialogue, the authorities of the country in question will be given a six week period to provide their comments on the preliminary draft report agreed to be transmitted to them by the Committee. These comments will be discussed as part of the consideration of the draft report by the Committee. No comments by the authorities are required for the consideration of a draft report on the functioning of democratic institutions."*

107. The rules regarding the number of rapporteurs for a report are inconsistent. According to rule 50.1, the monitoring committee shall appoint two rapporteurs for each subject. Resolution 1115 (1997) and the terms of reference specifically mention that the committee shall appoint two rapporteurs for the following reports: opinions on the request for the opening of a monitoring procedure; reports on the honouring of obligations and commitments; reports on the functioning of democratic institutions; and reports on the post monitoring dialogue. These two texts are silent on the number of rapporteurs the committee should appoint for other reports. As a result, the committee has appointed one rapporteur for reports that are not specifically mentioned in Res1115 (1997) and the Terms of Reference of the Committee. Until now, these were progress reports and reports on examination of credentials.

108. A new situation arises with the periodic review reports which are not specifically mentioned in the above-mentioned rules. It would go against the spirit of the rules, if the committee were to appoint only one rapporteur for the periodic review reports. This should be clarified in the rules. I therefore propose that a new paragraph will be added to Resolution 1115 (1997) that states: *"In line with rule 50.1, unless otherwise specified, the monitoring committee shall appoint two rapporteurs, from different countries and political groups, for country specific reports on the honouring of obligations and commitments, reports on the functioning of democratic institutions, reports on the post-monitoring dialogue and reports on periodic reviews."*

109. In this context, it is important to note that the committee has found it increasingly more difficult to find rapporteurs with sufficient time available to execute their tasks as country rapporteur, especially with regard to the regular country visits. Therefore, the decision to appoint two rapporteurs for each country report should be accompanied by an agreement that, in the event the co-rapporteurs cannot come to a joint date for a visit, they can agree that a fact-finding visit would be conducted by a single rapporteur. It should be emphasised that this

should take place in exceptional circumstances only, and not become the rule. Moreover, any statement or information note produced after the visit should still have the agreement of both rapporteurs. Such an agreement can be dealt with within the framework of the internal working methods of the Committee and does not require amending Resolution 1115(97) or the Terms of Reference of the Committee.

110. The composition of the Monitoring Committee, which is one of the safeguards for its neutrality and impartiality, is another important issue that deserves reflection. It is regulated by Resolution 1115 (see articles 6 -8), which empowers political groups to nominate candidates who are appointed by the Bureau and validated by the Assembly. The political groups are invited by the Resolution to submit more candidates than they are entitled to in order to enable the Bureau to arrive at the desired geographical balance. Despite this provision, the actual membership of the Committee does not systematically reflect the Assembly's membership. For example, as of 21 November 2019, while 11 seats are vacant, the following countries were not represented in the Committee: Andorra, Azerbaijan, Bosnia and Herzegovina<sup>50</sup>, Liechtenstein, Luxembourg, Malta, Monaco, Montenegro, the Russian Federation, San Marino and Ukraine. Given that the committee is tasked with monitoring all Council of Europe Member States, it is essential that all member States are represented, by both the ruling majorities and opposition parties within the countries concerned. Even if Resolution 1115 (1997) obliges us to systematically invite a representative of a majority and opposition in the country which is discussed in the Committee (if they are not represented by members), this cannot offer advantages of permanent participation in discussions, exchanges of experience and good practices.

111. Therefore, it could be more beneficial for the Committee, if its members were nominated by national delegations and not by political groups. In such a scenario each delegation would be entitled to designate two members, one representing the governing majority and another one representing the opposition. In order to ensure the proper representation of the Political Groups in such a scenario, it should be possible for each group to be represented by either its Chairperson or duly appointed representative. Changing the composition of the Monitoring Committee would need a change of the Rules of Procedure of the Assembly, which is the prerogative of the Committee on Rules of Procedure, Immunities and Institutional Affairs and therefore would need to be prepared in co-operation with this committee. The committee should reflect on the possibility to change its composition in the course of 2020 and return to this issue in the framework of the 2020 progress report

112. At the same time, it should be emphasised that even the presence of one member of the opposition and one member of the ruling majority does not necessarily mean that all relevant political views in a country are reflected in the debate. Following positive experiences in the past, the committee could therefore consider organising a hearing with all main political forces when the committee is considering the comments of the authorities on a preliminary draft report on the honouring of obligations and commitments, the post-monitoring dialogue or periodic reviews on the honouring of membership obligations.

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<sup>50</sup> Bosnia and Herzegovina and Ukraine have at the time of writing no delegations appointed to the Assembly. They are mentioned in this list for completeness sake.

## APPENDIX 1

## Council of Europe treaties signed and/or ratified between January and December 2019 by the 47 Member States of the Council of Europe

Countries	Treaties signed and/or ratified between January and December 2019	Signature / ratification
<b>Albania</b>	ETS No. 050 Convention on the Elaboration of a European Pharmacopoeia	Ratification : 08/11/2019
<b>Andorra</b>	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification : 16/05/2019
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature : 28/01/2019
<b>Armenia</b>	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature : 02/10/2019
<b>Austria</b>	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature : 02/10/2019
<b>Azerbaijan</b>	CETS No. 212 Fourth Additional Protocol to the European Convention on Extradition	Signature : 15/10/2019
<b>Belgium</b>	No treaty signed and/or ratified between January and December 2019	
<b>Bosnia and Herzegovina</b>	ETS No. 127 Convention on Mutual Administrative Assistance in Tax Matters	Signature : 26/11/2019
<b>Bulgaria</b>	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature : 12/06/2019
<b>Croatia</b>	CETS No. 211 Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health	Ratification : 20/09/2019
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	Signature : 16/05/2019
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	Ratification : 16/05/2019
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Signature : 16/05/2019
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature : 22/03/2019
<b>Cyprus</b>	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature : 09/01/2019
<b>Czech Republic</b>	CETS No. 203 Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes	Ratification : 16/05/2019
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Ratification : 16/05/2019
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature : 30/04/2019

<b>Countries</b>	<b>Treaties signed and/or ratified between January and December 2019</b>	<b>Signature / ratification</b>
<b>Denmark</b>	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Ratification : 25/01/2019
<b>Estonia</b>	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Signature : 14/10/2019
<b>Finland</b>	No treaty signed and/or ratified between January and December 2019	
<b>France</b>	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	Signature : 25/11/2019
<b>Georgia</b>	CETS No. 207 Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority	Signature : 27/11/2019 Ratification : 27/11/2019
	CETS No. 220 Council of Europe Convention on Cinematographic Co-Production (revised)	Ratification : 13/03/2019
<b>Germany</b>	ETS No. 086 Additional Protocol to the European Convention on Extradition	Signature : 16/05/2019
	CETS No. 212 Fourth Additional Protocol to the European Convention on Extradition	Signature : 16/05/2019
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Ratification : 30/08/2019
	CETS No. 222 Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons	Signature : 16/05/2019
<b>Greece</b>	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification : 05/04/2019
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature : 06/09/2019
<b>Hungary</b>	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature : 29/04/2019 Ratification : 10/09/2019
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature : 09/01/2019
<b>Iceland</b>	CETS No. 205 Council of Europe Convention on Access to Official Documents	Signature : 16/05/2019
<b>Ireland</b>	ETS No. 098 Second Additional Protocol to the European Convention on Extradition	Signature : 22/03/2019 Ratification : 22/03/2019
	CETS No. 210 Council of Europe Convention on preventing and combating violence against women and domestic violence	Ratification : 08/03/2019
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature : 16/05/2019 Ratification : 16/05/2019
<b>Italy</b>	ETS No. 182 Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters	Ratification : 30/08/2019
	CETS No. 209 Third Additional Protocol to the European Convention on Extradition	Ratification : 30/08/2019

<b>Countries</b>	<b>Treaties signed and/or ratified between January and December 2019</b>	<b>Signature / ratification</b>
	CETS No. 212 Fourth Additional Protocol to the European Convention on Extradition	Ratification : 30/08/2019
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	Ratification : 11/06/2019
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature : 05/03/2019
<b>Latvia</b>	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	Ratification : 09/07/2019
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Ratification : 17/04/2019
<b>Liechtenstein</b>	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	Signature : 21/11/2019
<b>Lithuania</b>	CETS No. 222 Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons	Ratification : 14/10/2019
<b>Luxembourg</b>	No treaty signed and/or ratified between January and December 2019	
<b>Malta</b>	No treaty signed and/or ratified between January and December 2019	
<b>Republic of Moldova</b>	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	Ratification : 07/03/2019
<b>Monaco</b>	CETS No. 198 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Ratification : 23/04/2019
<b>Montenegro</b>	ETS No. 127 Convention on Mutual Administrative Assistance in Tax Matters	Signature : 03/10/2019
	CETS No. 216 Council of Europe Convention against Trafficking in Human Organs	Ratification : 05/02/2019
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature : 28/06/2019 Ratification : 09/08/2019
	CETS No. 221 Council of Europe Convention on Offences relating to Cultural Property	Signature : 08/04/2019
	CETS No. 222 Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons	Signature : 28/06/2019
<b>Netherlands</b>	CETS No. 214 Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms	Ratification : 12/02/2019
	CETS No. 222 Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons	Signature : 16/07/2019
<b>North Macedonia</b>	ETS No. 127 Convention on Mutual Administrative Assistance in Tax Matters	Ratification : 30/09/2019
<b>Norway</b>	No treaty signed and/or ratified between January and December 2019	
<b>Poland</b>	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Ratification : 18/04/2019
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature : 16/05/2019

<b>Countries</b>	<b>Treaties signed and/or ratified between January and December 2019</b>	<b>Signature / ratification</b>
<b>Portugal</b>	CETS No. 209 Third Additional Protocol to the European Convention on Extradition	Ratification : 08/04/2019
<b>Romania</b>	No treaty signed and/or ratified between January and December 2019	
<b>Russian Federation</b>	ETS No. 182 Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters	Ratification : 16/09/2019
<b>San Marino</b>	ETS No. 185 Convention on Cybercrime	Ratification : 08/03/2019
	ETS No. 189 Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems	Ratification : 08/03/2019
	CETS No. 205 Council of Europe Convention on Access to Official Documents	Signature : 16/05/2019
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	Signature : 16/05/2019
	CETS No. 222 Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons	Signature : 16/05/2019
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature : 16/07/2019
<b>Serbia</b>	ETS No. 127 Convention on Mutual Administrative Assistance in Tax Matters	Signature : 13/06/2019 Ratification : 30/08/2019
	CETS No. 211 Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health	Signature : 02/10/2019
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature : 22/11/2019
<b>Slovak Republic</b>	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Ratification : 16/05/2019
<b>Slovenia</b>	CETS No. 211 Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health	Signature : 06/03/2019
	CETS No. 217 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism	Ratification : 25/11/2019
	ETS No. 219 Protocol amending the European Landscape Convention	Ratification : 06/03/2019
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature : 16/05/2019
<b>Spain</b>	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Ratification : 06/09/2019
<b>Sweden</b>	No treaty signed and/or ratified between January and December 2019	
<b>Switzerland</b>	ETS No. 094 European Convention on the Service Abroad of Documents relating to Administrative Matters	Ratification : 04/06/2019

<b>Countries</b>	<b>Treaties signed and/or ratified between January and December 2019</b>	<b>Signature / ratification</b>
	CETS No. 199 Council of Europe Framework Convention on the Value of Cultural Heritage for Society	Signature : 10/04/2019 Ratification : 07/11/2019
	CETS No. 215 Council of Europe Convention on the Manipulation of Sports Competitions	Ratification : 16/05/2019
	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Ratification : 21/11/2019
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature : 10/04/2019 Ratification : 10/04/2019
	CETS No. 222 Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons	Ratification : 21/11/2019
	CETS No. 223 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	Signature : 21/11/2019
<b>Turkey</b>	ETS No. 193 European Convention for the Protection of Animals during International Transport (Revised)	Ratification : 07/02/2019
<b>Ukraine</b>	No treaty signed and/or ratified between January and December 2019	
<b>United Kingdom</b>	CETS No. 218 Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events	Signature : 15/05/2019
	CETS No.220 Council of Europe Convention on Cinematographic Co-Production (revised)	Signature : 07/02/2019

## APPENDIX 2

### Chart of ratifications and signatures of the main Council of Europe conventions with a monitoring mechanism by the 47 Member States of the Council of Europe in December 2019

#### Table of abbreviations

R: Ratified

S: Signed but not yet ratified

–: Neither signed nor ratified

ECHR: Convention for the Protection of Human Rights and Fundamental Freedoms

Istanbul Convention: Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

ESC: European Social Charter (1961 or revised)

FCNM: Framework Convention for the Protection of National Minorities

ECRML: European Charter for Regional or Minority Languages

NB: The following conventions were ratified by all the Member States therefore they do not appear in this table:

- ETS No. 005 Convention for the Protection of Human Rights and Fundamental Freedoms
- ETS No. 122 European Charter of Local Self-Government
- ETS No. 126 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
- ETS No. 141 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990)
- ETS No.173 Criminal Law Convention on Corruption
- CETS No. 194 Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention

- Member States	Total of number of conventions ratified or signed (out of 225)	RULE OF LAW		HUMAN RIGHTS									
		Civil Law Convention on Corruption	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Protocols ECHR					Social rights		Minority rights		
				6	12	13	Istanbul Convention	Convention on Action against Trafficking in Human Beings	ESC	Protocol ESC on collective complaints	FCNM	ECRML	
<b>Albania</b>	85 R 4 S	R	R	R	R	R	R	R	R	- 1961 R rev	-	R	-
<b>Andorra</b>	53 R 5 S	S	-	R	R	R	R	R	R	- 1961 R rev	-	-	-
<b>Armenia</b>	63 R 19 S	R	R	R	R	S	S	R	R	- 1961 R rev	-	R	R
<b>Austria</b>	116 R 34 S	R	S	R	S	R	R	R	R	R 1961 R rev	S	R	R
<b>Azerbaijan</b>	64 R 8 S	R	R	R	S	-	-	R	R	- 1961 R rev	-	R	S
<b>Belgium</b>	137 R 38 S	R	R	R	S	R	R	R	R	R1961 R rev	R	S	-
<b>Bosnia and Herzegovina</b>	87 R 6 S	R	R	R	R	R	R	R	R	- 1961 R rev	-	R	R
<b>Bulgaria</b>	85 R 18 S	R	R	R	-	R	S	R	R	- 1961 R rev	-	R	-
<b>Croatia</b>	97 R 10 S	R	R	R	R	R	R	R	R	R 1961 S rev	R	R	R
<b>Cyprus</b>	137 R 19 S	R	R	R	R	R	R	R	R	R1961 R rev	R	R	R

- Member States	Total of number of conventions ratified or signed (out of 225)	RULE OF LAW		HUMAN RIGHTS								
		Civil Law Convention on Corruption	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Protocols ECHR			Istanbul Convention	Convention on Action against Trafficking in Human Beings	Social rights		Minority rights	
				6	12	13			ESC	Protocol ESC on collective complaints	FCNM	ECRML
<b>Czech Republic</b>	112 R 13 S	R	–	R	S	R	S	R	R 1961 S rev	R	R	R
<b>Denmark</b>	140 R 16 S	S	R	R	–	R	R	R	R 1961 S rev	S	R	R
<b>Estonia</b>	91 R 13 S	R	S	R	S	R	R	R	– 1961 R rev	–	R	–
<b>Finland</b>	113 R 14 S	R	S	R	R	R	R	R	R1961 R rev	R	R	R
<b>France</b>	139 R 39 S	R	R	R	–	R	R	R	R1961 R rev	R	–	S
<b>Georgia</b>	76 R 13 S	R	R	R	R	R	R	R	– 1961 R rev	–	R	–
<b>Germany</b>	135 R 41 S	S	R	R	S	R	R	R	R 1961 S rev	–	R	R
<b>Greece</b>	103 R 57 S	R	R	R	S	R	R	R	R 1961 R rev	R	S	–
<b>Hungary</b>	91 R 19 S	R	R	R	S	R	S	R	R1961 R rev	S	R	R
<b>Iceland</b>	87 R 38 S	S	S	R	S	R	R	R	R 1961 S rev	–	S	S

- Member States	Total of number of conventions ratified or signed (out of 225)	RULE OF LAW		HUMAN RIGHTS									
		Civil Law Convention on Corruption	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Protocols ECHR					Social rights		Minority rights		
				6	12	13	Istanbul Convention	Convention on Action against Trafficking in Human Beings	ESC	Protocol ESC on collective complaints	FCNM	ECRML	
<b>Ireland</b>	106 R 18 S	S	–	R	S	R	R	R	R	R1961 R rev	R	R	–
<b>Italy</b>	135 R 45 S	R	R	R	S	R	R	R	R	R1961 R rev	R	R	S
<b>Latvia</b>	100 R 8 S	R	R	R	S	R	S	R	R	R1961 R rev	–	R	–
<b>Liechtenstein</b>	88 R 9 S	–	S	R	S	R	S	R	R	S 1961 – rev	–	R	R
<b>Lithuania</b>	101 R 13 S	R	S	R	–	R	S	R	R	– 1961 R rev	–	R	–
<b>Luxembourg</b>	138 R 52 S	S	S	R	R	R	R	R	R	R 1961 S rev	–	S	R
<b>Malta</b>	99 R 15 S	R	R	R	R	R	R	R	R	R1961 R rev	–	R	S
<b>Republic of Moldova</b>	94 R 13 S	R	R	R	S	R	S	R	R	– 1961 R rev	–	R	S
<b>Monaco</b>	53 R 3 S	–	R	R	–	R	R	R	R	– 1961 S rev	–	–	–
<b>Montenegro</b>	88 R 7 S	R	R	R	R	R	R	R	R	– 1961 R rev	–	R	R

- Member States	Total of number of conventions ratified or signed (out of 225)	RULE OF LAW		HUMAN RIGHTS									
		Civil Law Convention on Corruption	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Protocols ECHR					Social rights		Minority rights		
				6	12	13	Istanbul Convention	Convention on Action against Trafficking in Human Beings	ESC	Protocol ESC on collective complaints	FCNM	ECRML	
<b>Netherlands</b>	152 R 19 S	R	R	R	R	R	R	R	R	R1961 R rev	R	R	R
<b>North Macedonia</b>	94 R 9 S	R	R	R	R	R	R	R	R	R1961 R rev	–	R	S
<b>Norway</b>	153 R 12 S	R	–	R	S	R	R	R	R	R1961 R rev	R	R	R
<b>Poland</b>	96 R 15 S	R	R	R	–	R	R	R	R	R 1961 S rev	–	R	R
<b>Portugal</b>	129 R 32 S	–	R	R	R	R	R	R	R	R1961 R rev	R	R	–
<b>Romania</b>	107 R 15 S	R	R	R	R	R	R	R	R	S 1961 R rev	–	R	R
<b>Russian Federation</b>	65 R 16 S	–	R	S	S	–	–	–	–	– 1961 R rev	–	R	S
<b>San Marino</b>	60 R 12 S	–	R	R	R	R	R	R	R	– 1961 S rev	–	R	–
<b>Serbia</b>	82 R 9 S	R	R	R	R	R	R	R	R	– 1961 R rev	–	R	R
<b>Slovak Republic</b>	101 R 7 S	R	R	R	S	R	S	R	R	R1961 R rev	S	R	R

- Member States	Total of number of conventions ratified or signed (out of 225)	RULE OF LAW		HUMAN RIGHTS									
		Civil Law Convention on Corruption	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	Protocols ECHR					Social rights		Minority rights		
				6	12	13	Istanbul Convention	Convention on Action against Trafficking in Human Beings	ESC	Protocol ESC on collective complaints	FCNM	ECRML	
<b>Slovenia</b>	111 R 14 S	R	R	R	R	R	R	R	R	S 1961 R rev	S	R	R
<b>Spain</b>	135 R 10 S	R	R	R	R	R	R	R	R	R 1961 S rev	–	R	R
<b>Sweden</b>	142 R 16 S	R	R	R	–	R	R	R	R	R1961 R rev	R	R	R
<b>Switzerland</b>	128 R 13 S	–	–	R	–	R	R	R	R	S 1961 – rev	–	R	R
<b>Turkey</b>	121 R 31 S	R	R	R	S	R	R	R	R	R1961 R rev	–	–	–
<b>Ukraine</b>	92 R 25 S	R	R	R	R	R	S	R	R	S1961 R rev	–	R	R
<b>United Kingdom</b>	122 R 26 S	S	R	R	–	R	S	R	R	R 1961 S rev	–	R	R