



SECRETARIAT

AS/Mon (2016) CB 08
14 November 2016

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

Synopsis of the meeting held in Paris on 9 November 2016

The Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), meeting in Paris on 9 November 2016, with Mr Cezar Florin Preda (Romania, EPP/CD) and Mr Philippe Mahoux (Belgium, SOC) in the Chair, as regards:

- **Draft reports on countries not under the monitoring procedure stricto sensu or engaged in a post-monitoring dialogue** (*Rapporteur ex officio*: Mr Cezar Florin Preda, Romania, EPP/CD): considered and endorsed the draft periodic review reports on the Czech Republic, Denmark, and France, as revised on the basis of the comments of the national delegations and the respective authorities, for inclusion in the report on “The progress of the Assembly’s monitoring procedure (September 2015 – December 2016)”; at the request of the delegations concerned, decided to postpone the consideration of the draft periodic review reports on Finland and Germany to its next meeting;
- **Post-monitoring dialogue with Turkey** (*co-rapporteurs*: Ms Ingebjørg Godskesen, Norway, EC, Ms Marianne Mikko, Estonia, SOC): appointed Ms Marianne Mikko (Estonia, SOC) *co-rapporteur* for the post-monitoring dialogue with Turkey, in place of Ms Nataša Vučković (Serbia, SOC), subject to her declaration of non-conflict of interest; held an exchange of views on recent developments in Turkey on the basis of an up-dated information document prepared by Ms Godskesen, and agreed to declassify it; took note of the opinion by the Venice Commission on the suspension of the second paragraph of Article 83 of the Constitution (parliamentary inviolability); adopted a statement on the situation in Turkey (see Appendix I);
- **Ad hoc sub-committee on conflicts between Council of Europe Member States**: approved a report by Mr Stefan Schennach (Austria, SOC), Chair of the ad hoc sub-committee, evaluating the sub-committee’s work and adopted a decision to establish a Sub-Committee on Conflicts between Council of Europe Member States (see Appendix II);
- **Ukraine** (*co-rapporteurs*: Mr Jordi Xuclà, Spain, ALDE, and Mr Axel Fischer, Germany, EPP/CD): heard an oral report by the *co-rapporteurs* on their fact-finding visit to Kyiv (17 October 2016) and held an exchange of views; decided to ask the Bureau of the Assembly to hold a debate on “the functioning of democratic institutions in Ukraine” during the January 2017 part-session;
- **Post-monitoring dialogue with Montenegro** (*co-rapporteurs*: Mr Terry Leyden, Ireland, ALDE, and Mr Ionuț-Marian Stroe, Romania, EPP/CD): postponed this item to one of its next meetings;
- **Georgia** (*co-rapporteurs*: Mr Boriss Cilevičs, Latvia, SOC, and Ms Kerstin Lundgren, Sweden, ALDE): postponed this item to one of its next meetings;
- **Post-monitoring dialogue with Bulgaria** (*co-rapporteurs*: Mr Frank Schwabe, Germany, SOC, and Mr Zsolt Németh, Hungary, EPP/CD): heard an oral report by Mr Joseph O’Reilly (Ireland, EPP/CD),

Chairperson of the ad hoc committee to observe the presidential election in Bulgaria, and held an exchange of views on the presidential election of 6 November 2016;

– **Next meetings:** decided to hold its next meetings as follows:

Paris, 14 December 2016

Strasbourg, 23-27 January 2017 (during the Assembly part-session)

Paris, 8 March 2017 (*to be confirmed*).

Caroline Ravaud, Bas Klein, Sylvie Affholder, Delphine Freymann

cc. *Secretary General of the Assembly*

Director General, Director and all staff of the Secretariat of the Assembly

Secretaries of National Delegations and of Political Groups of the Assembly

Secretaries of observer and partner for democracy delegations

Secretary General of the Congress

Secretary to the Committee of Ministers

Directors General

Director of the Private Office of the Secretary General of the Council of Europe

Director of the Office of the Commissioner for Human Rights

Director of Communication

Permanent Representations to the Council of Europe

Appendix I – Declaration on the situation of Turkey, adopted by the PACE Monitoring Committee on 9 November 2016

The Monitoring Committee expresses its deep concern at the latest developments in Turkey in the wake of the failed coup d'état of 15 July 2016, which it firmly condemned.

The arrest of ten parliamentarians belonging to the Peoples' Democratic Party (HDP) since 4 November 2016 – including the party's co-chairs Selahattin Demirtaş and Figen Yüksekdağ - as well as the detention of the co-Mayors of Diyarbakir and several others is extremely worrisome and jeopardies the functioning of democracy. All these elected representatives should thus immediately be released. This reinforces the concerns already expressed by the Assembly in June 2016 in its [Resolution 2121](#) (2016) after the immunity of 155 Members of Parliament was lifted, jeopardising MPs' freedom of expression as guaranteed by the European Convention on Human Rights. The Committee also refers to the [last opinion adopted by the Venice Commission](#), which has criticised the timing and *rationae* of that procedure.

The Committee raises serious questions about the implementation of the state of emergency, notably the continuous and massive dismissal of civil servants and members of the judiciary and the consequences of the measures contained in the decree-laws on fundamental freedoms and fair trials, which will result in numerous complaints being lodged with the European Court of Human Rights, should Turkey fail to redress these shortcomings and ensure effective legal remedies. The arrests of leading journalists from Cumhuriyet - for their alleged support to the PKK and the Gülen Movement - the recent closure of an additional 15 Kurdish media and the restrictions imposed on the autonomy of the universities have further contributed to silencing critical voices and creating a climate of fear, suspicion and polarisation.

Finally, the Committee is dismayed by the renewed discussions about the reintroduction of the death penalty in Turkey, which is incompatible with membership of the Council of Europe.

The Monitoring Committee is fully aware of the challenges posed to the country by the continuous terrorist attacks and the adverse geopolitical context. However, it urges Turkey to refrain from taking any initiatives that could erode the country's fulfillment of its obligations toward the Council of Europe. The Committee expects the state of emergency to be lifted at the earliest possible date, and demands the full application and respect of the European Convention on Human Rights.

The Committee thus asks the PACE co-rapporteurs to closely follow the situation and visit Turkey at their earliest convenience.

Appendix II – decision to establish a Sub-Committee on Conflicts between Council of Europe Member States

- 1) The Monitoring Committee decides to set up a Sub-Committee on “Conflicts between Council of Europe member States” in line with Rule 49 of the Assembly’s Rules of Procedure.
- 2) For the competences and work of the sub-committee, the conflicts in question are understood to mean “a situation in which active armed conflict has been brought to an end, but no peace treaty or other political framework resolves the conflict to the satisfaction of the combatants. Therefore, legally the conflict can start again at any moment, creating an environment of insecurity and instability”.
- 3) The competence of the sub-committee is to explore, on the basis of the findings of the co-rapporteurs concerned, how the application of the obligations and commitments to the Council of Europe can be ensured in the areas affected by the current unresolved conflicts between Council of Europe member States and that, as a result of these conflicts, are not under the control of the authorities of the member State to which they pertain. In particular it will explore how Council of Europe principles and standards with regard to democracy, the rule of law and human rights can be safeguarded in these areas. In this context, any action undertaken by the sub-committee will be status neutral and undertaken in such a manner that it cannot be interpreted as an explicit or implicit recognition of the *de facto status quo*.
- 4) In addition, and in this context, the sub-committee aims to facilitate the co-ordination and harmonise the approaches taken by the respective teams of co-rapporteurs towards the conflict(s) that the country under their responsibility is party to. In this regard, the sub-committee will also explore how the monitoring procedure can support the work of the existing structures and mechanisms established to mediate in the unresolved conflicts in the Council of Europe’s geographical area.
- 5) It should be emphasised that the aim of this sub-committee is not to provide an alternative to the already established diplomatic and political mechanisms for the resolution of these conflicts. It does not intend and does not claim to be a conflict-resolution mechanism as such. On the contrary, the aim of this sub-committee is to explore how the Assembly, through its Monitoring Committee, can support the work of the existing conflict-resolution mechanisms that have been established for the conflicts in question. At the same time, the sub-committee shall explore and promote the possibility for a formal role, where opportune, of the Council of Europe in the relevant conflict-resolution mechanisms.
- 6) In practical terms, and within the context of its competences as described above, the sub-committee shall deal with the conflicts regarding South Ossetia/Georgia and Abkhazia/Georgia, north of Cyprus, Nagorno-Karabakh and other occupied territories, Transnistria and occupied Crimea, as well as, pending developments, eastern Ukraine.
- 7) The sub-committee’s principal aim is to make a positive contribution to the environment in which the conflict-resolution mechanisms function. Therefore the sub-committee will only develop its work with regard to a particular conflict if it has the agreement of the delegations of the member States concerned. For the same reasons, one of the key criteria for the sub-committee to decide to focus on a particular conflict should be the opportunity for establishing a constructive dialogue with all parties to the conflict, including the communities in the conflict area themselves.
- 8) Through its parent committee, the sub-committee shall co-ordinate its work with that of the other committees of the Assembly.
- 9) The sub-committee shall be composed of:
 - a) The co-rapporteurs of the Monitoring Committee for Armenia, Azerbaijan, Georgia, the Republic of Moldova, the Russian Federation, Turkey and Ukraine.
 - b) A member of the Monitoring Committee of each of the member States that are party to the conflicts under the terms of reference of the sub-committee: Armenia, Azerbaijan, Cyprus, Georgia, the Republic of Moldova, the Russian Federation, Turkey and Ukraine. In the event more than one member of these countries is a member of the Monitoring Committee the member to the subcommittee shall be designated by the national delegation in question from among its members in the Monitoring Committee.

- c) Ex-officio: the Chairpersons of the Committee on Political Affairs and Democracy and the Committee on Legal Affairs and Human Rights insofar as they are not covered under category (a)
 - d) The chairpersons of the political groups of the Assembly, insofar as they are not covered under category (a), (b) and (c)
 - e) The Chairperson of the Monitoring Committee, in line with Rule 49.6.
- 10) The members of the sub-committee cannot be substituted.
- 11) In order to foster free exchanges of views within the sub-committee, the minutes of its meetings will remain restricted to the members of the sub-committee, unless specifically decided otherwise by the sub-committee.