



SECRETARIAT

AS/Mon (2017) CB 01

27 January 2017

## 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 Strasbourg on 23, 24, 25 and 26 January 2017

The Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), meeting in Strasbourg, on 23, 24, 25 and 26 January 2017, first with Lady Diana Eccles (United Kingdom, EC), the oldest member present and then Mr Cezar Florin Preda (Romania, EPP/CD) and Mr Philippe Mahoux (Belgium, SOC) in the Chair:

• on Monday 23 January 2017 at 2 p.m., as regards:

– **Composition of the committee's Bureau:** re-elected by acclamation:

- Mr Cezar Florin Preda (Romania, EPP/CD) Chairperson
- Mr Philippe Mahoux (Belgium, SOC) 1st Vice-Chairperson
- Ms Hermine Naghdalyan (Armenia, EC) 2nd Vice-Chairperson
- Mr Jean-Charles Allavena (Monaco, EPP/CD) 3rd Vice-Chairperson

– **Sub-committee on conflicts between Council of Europe member States:** decided to constitute the sub-committee for the 2017 session and asked the Chair to write to the delegations of Armenia, Azerbaijan, Cyprus, Georgia, the Republic of Moldova, Turkey and Ukraine to ask them to appoint one member to the sub-committee, who should also be a member of the Monitoring Committee (the list of the other members is attached in Appendix 1);

– **Post-monitoring dialogue with Turkey** (co-rapporteurs: Ms Ingebjørg Godskesen, Norway, EC, and Ms Marianne Mikko, Estonia, SOC): heard an oral report by the co-rapporteurs on their fact-finding visit (9-13 January 2017); held an exchange of views with Mr Nils Muižnieks, Commissioner for Human Rights of the Council of Europe; in the light of recent developments, asked the co-rapporteurs to prepare a draft declaration of the committee on the proposed constitutional reform in Turkey for consideration on Thursday 26 January 2017; decided to ask the Bureau of the Assembly to hold a debate on “the functioning of democratic institutions in Turkey” during the April 2017 part-session.

• on Tuesday 24 January 2017 at 9.15 a.m., as regards:

– **Azerbaijan** (co-rapporteurs: Mr Stefan Schennach, Austria, SOC, and Mr Cezar Florin Preda, Romania, EPP/CD): heard an oral report by the co-rapporteurs on their fact-finding visit (11-15 January 2017) and held an exchange of views;

– **Albania** (co-rapporteurs: Mr Andrej Hunko, Germany, UEL, and Mr Joseph O'Reilly, Ireland, EPP/CD): considered an information note by the co-rapporteurs on their fact-finding visit to Tirana (26-28 October 2016), held an exchange of views and agreed to declassify the information note;

• on Wednesday 25 January 2017 at 2 p.m., as regards

– **Ukraine** (co-rapporteurs: Mr Jordi Xuclà, Spain, ALDE, and Mr Axel Fischer, Germany, EPP/CD): took position on 24 amendments tabled to the draft resolution on the functioning of democratic institutions in Ukraine;

• on Thursday 26 January 2017 at 8.30 a.m., as regards:

– **Armenia** (co-rapporteurs: Mr Alan Meale, United Kingdom, SOC and Mr Giuseppe Galati, Italy, EPP/CD): considered an information note by the co-rapporteurs on their fact-finding visit to Yerevan (22-23 November 2016), held an exchange of views and agreed to declassify the amended information note;

– **Republic of Moldova** (co-rapporteurs: Ms Valentina Leskaj, Albania, SOC, and...): agreed to postpone the appointment of a co-rapporteur to replace of Mr Ögmundur Jónasson (Iceland, UEL) to its next meeting;

– **Serbia** (co-rapporteurs: Mr Samad Seyidov, Azerbaijan, EC, and Ms Maria Guzenina, Finland, SOC): considered an information note by the co-rapporteurs on their fact-finding visit to Belgrade (26-28 October 2016), held an exchange of views and agreed to declassify the information note pending reception of the comments of the Serbian Delegation by 31 January 2017;

– **Authorisation of fact-finding visits**: authorised visits to Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Serbia, “the former Yugoslav Republic of Macedonia”, Turkey, Ukraine.

• on Thursday 26 January 2017 at 2 p.m., as regards:

– **The progress of the Assembly’s monitoring procedure (September 2015-December 2016) and the periodic review of the honouring of obligations by Austria, the Czech Republic, Denmark, Finland, France and Germany**: (rapporteur: Mr Cezar Florin Preda, Romania, EPP/CD): took position on 13 amendments to the draft resolution;

– **Council for Democratic Elections (of the Venice Commission)**: appointed, Mr Jordi Xuclà (Spain, ALDE) as the committee’s representative, and Mr Tiny Kox (Netherlands, UEL) as his substitute to the Council for Democratic Elections for the year 2017;

– **Other business**:

• **Post-monitoring dialogue with Turkey** (co-rapporteurs: Ms Ingebjørg Godskesen, Norway, EC, and Ms Marianne Mikko, Estonia, SOC): adopted a declaration on the proposed constitutional reform in Turkey (Appendix 2);

• **Functioning of democratic institutions in Poland** (co-rapporteurs: Mr Yves Cruchten, Luxembourg, SOC, and Mr Thierry Mariani, France, EPP/CD): authorised Mr Cruchten to select the dates for the fact finding visit and to carry it out alone if needed without explicit consent from the other rapporteur;

• **Václav Havel Human Rights Prize**: took note of the brochures and details concerning submission of candidates for the 2017 Prize;

• **Post-monitoring dialogue with Montenegro** (co-rapporteurs: Mr Ionuț Marian Stroe, Romania, EPP/CD and ....) agreed to appoint a co-rapporteur to replace Mr Terry Leyden (Ireland, ALDE) who has left the Assembly, at its next meeting;

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

Paris, 8 March 2017

Strasbourg, 24-28 April 2017 (during the Assembly part-session)

Helsinki, 15-16 May 2017 (subject to authorisation of the Assembly Bureau).

---

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 1 / ANNEXE 1**

### **Composition of the Sub-Committee on Conflicts between Council of Europe Member States *Composition de la Sous-commission sur les conflits entre les États membres du Conseil de l'Europe***

**- Co-rapporteurs on Armenia / Corapporteurs sur l'Arménie:**

MEALE Alan (SOC, United Kingdom / *Royaume-Uni*)  
GALATI Giuseppe (EPP/CD, Italy / *Italie*)

**- Co-rapporteurs on Azerbaijan / Corapporteurs sur l'Azerbaïdjan:**

SCHENNACH Stefan (SOC, Austria / *Autriche*)  
PREDA Cezar Florian (EPP/CD, Romania / *Roumanie*)

**- Co-rapporteurs on Georgia / Corapporteurs sur la Géorgie:**

CILEVIČS Boriss (SOC, Latvia / *Lettonie*)  
LUNDGREN Kerstin (ALDE, Sweden / *Suède*)

**- Co-rapporteurs on the Republic of Moldova / Corapporteurs sur la République de Moldova:**

LESKAJ Valentina (SOC, Albania / *Albanie*)

.....

**- Co-rapporteurs on the Russian Federation / Corapporteuses sur la Fédération de Russie:**

BAKOYANNIS Theodora (EPP/CD, Greece / *Grèce*)  
MAURY PASQUIER Liliane (SOC, Switzerland / *Suisse*)

**- Co-rapporteurs on Turkey / Corapporteuses sur la Turquie**

GODSKESEN Ingebjørg (EC, Norway / *Norvège*)  
MIKKO Marianne (SOC, Estonia / *Estonie*)

**- Co-rapporteurs on Ukraine / Corapporteurs sur l'Ukraine**

XUCLÀ Jordi (ALDE, Spain / *Espagne*)  
FISCHER Axel (EPP/CD, Germany / *Allemagne*)

**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 / *un membre de la commission de suivi au titre de chacun des Etats membres qui sont parties aux conflits en vertu du mandat de la sous-commission: Arménie, Azerbaïdjan, Chypre, Fédération de Russie, Géorgie, République de Moldova, Turquie et Ukraine;***

***Ex officio:***

**Chairs of political groups (not included above) / *Présidents des groupes politiques (qui ne figurent pas déjà ci-dessus):***

*Socialist Group / Groupe socialiste*  
NICOLETTI Michele

*European Conservatives Group / Groupe des conservateurs européens*  
LIDDELL-GRAINGER Ian (United Kingdom / *Royaume-Uni*)

*Group of the Unified European Left / Groupe pour la gauche unitaire européenne*  
KOX Tiny (Netherlands / *Pays-Bas*)

**Chairs of the Committee on Political Affairs and Democracy and of the Committee on Legal Affairs and Human Rights / *Président(e)s de la Commission des questions politiques et de la démocratie et de la Commission des questions juridiques et des droits de l'homme:***

JENSEN Mogens (SOC, Denmark / *Danemark*), Chair of the Committee on Political Affairs and Democracy / *Président de la Commission des questions politiques et de la démocratie*

DESTEXHE Alain (ALDE, Belgium / *Belgique*), Chair of the Committee on Legal Affairs and Human Rights / *Président de la Commission des questions juridiques et des droits de l'homme*

## **APPENDIX 2 / ANNEXE 2**

### **Statement by the PACE Monitoring Committee on the proposed constitutional reform in Turkey<sup>1</sup>**

The Monitoring Committee has followed with great attention the adoption of 18 constitutional amendments in the Turkish Parliament on 21 January 2017, thus paving the way for a referendum which is expected to take place in early April 2017. If approved by the Turkish people, the constitutional amendments will lead to a profound change in Turkey's political system, with a shift from a parliamentary to a presidential system.

The Turkish people, who have in the past shown their commitment to democracy, including by opposing a military coup attempt on 15 July 2016, will be sovereign to decide on their political future – and their decision will deserve full respect.

However, the Monitoring Committee expresses serious doubts about the desirability of holding a referendum under the state of emergency and on-going security operations in southeast Turkey:

- The committee notes with concern that the adoption procedure in parliament was speedy (6 weeks all in all) and marked by tense debates, infringement of the secrecy of votes, no continuous broadcasting of all parliamentary debates on television, and no public consultation on the proposed changes.
- The committee has deep concerns as to whether the revised constitution – which will grant extensive powers to the President of the Republic – would guarantee the separation of powers, proper checks and balances and the independence of the judiciary, which are a prerequisite for democratic societies. This constitutional revision would also deprive the parliament of a large part of its fundamental role in making laws and supervising the executive. The Monitoring Committee has thus requested the Venice Commission – the Council of Europe's independent body of legal experts – to prepare an opinion to be adopted on 10-11 March 2017 on the constitutional amendments, so as to address these fundamental issues.
- Citizens have the right to be duly informed about the issues at stake and to be provided with comprehensive information on all views, including dissenting voices, in sufficient time. In this context, the committee recalls that the shortcomings observed during past elections, notably with respect to the equal access of all political forces to the media or misuse of administrative resources, have not yet been addressed.
- The stripping of the immunity of 154 parliamentarians in May 2016, the current detention of 11 parliamentarians, all belonging to the opposition party Peoples' Democratic Party (HDP), has had a deterrent effect and will lead to serious restrictions to democratic debate in the run up to the referendum. The committee notes that the disproportionate measures taken since the declaration of the state of emergency in July 2016 (150 000 civil servants dismissed, 100 000 individuals prosecuted and 40 000 of them detained) and the consequences of the emergency decree-laws on individuals, and on their families, has created a climate of suspicion and fear despite steps recently taken by the authorities to open access to legal remedies.
- Recalling the June 2016 [PACE Resolution 2121 \(2016\)](#), the committee reiterates its deep concern about the lack of media freedom, the large number of journalists currently in detention (more than 140), significant political influence exerted on the media, insufficient editorial independence of the public radio and TV broadcaster, problematic interpretation of the penal code and the anti-terror law provisions and the chilling effect and pressure on journalists and human rights defenders, which are seriously impeding freedom of expression.
- The high number of NGOs, associations, foundations and media closed after the publication of 19 emergency decree-laws has further undermined the possibilities for debate, in a safe environment, on the complex issues raised by the constitutional amendments.  
In the light of the current restrictions on fundamental freedoms in Turkey, notably the freedoms of expression, media and assembly, the Monitoring Committee urges the Turkish authorities to ensure that the organisation and conduct of the referendum complies with Council of Europe and Venice Commission guidelines, and the principles enshrined in the European Convention on Human Rights. Should the

---

<sup>1</sup> Adopted by the committee on 26 January 2017.

authorities fail to address these issues, the committee fears that the overall legitimacy of the process – and of the new constitution itself – could be put into question. The committee hopes that the Parliamentary Assembly will be invited to observe the referendum.

Finally, the Monitoring Committee deplores that the request for an urgent debate on the situation in Turkey, which was tabled by both the Political Affairs and Monitoring Committees, failed to reach a two-thirds majority in the Assembly chamber on 23 January 2017, despite the support of nearly 60% of the PACE members who voted. The Monitoring Committee has thus requested a debate on “the functioning of democratic institutions in Turkey” during the April 2017 part-session, which will allow the Assembly to debate recent developments in the country, continue the dialogue and prompt Turkey, one of the oldest Council of Europe member states and first signatory of the European Convention on Human Rights, to comply with its obligations towards the Council of Europe and enhance its democratic stability and security.