



SECRETARIAT

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27 April 2018

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 24, 25 and 26 April 2018

The Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), meeting in Strasbourg, on 24-26 April 2018, with Sir Roger Gale (United Kingdom, EC) and Ms Marianne Mikko (Estonia, SOC) in the Chair, as regards:

- **Turkey** (co-rapporteurs: Ms Marianne Mikko, Estonia, SOC and Mr Nigel Evans, United Kingdom, EC): heard an oral report by the co-rapporteurs on their fact finding visit to Ankara and Istanbul (28-30 March 2018) and held an exchange of views; following the proposal of the co-rapporteurs, adopted a statement, as amended, on “the organisation of early presidential and parliamentary elections in Turkey” (see appendix); and decided to seize the Venice Commission for an opinion on the amendments to the electoral legislation and related “harmonisation laws” adopted in March and April 2018;
- **Preliminary draft periodic review reports on countries not under the monitoring procedure *strico sensu* or engaged in a post-monitoring dialogue** (Rapporteur ex-officio: Sir Roger Gale, United Kingdom, EC): held an exchange of views, considered a preliminary draft periodic review report on Italy and decided to send it to the Italian authorities for their comments within three months;
- **Ukraine** (co-rapporteurs: Mr Eerik-Niiles Kross, Estonia, ALDE and Ms Dzhema Grozdanova, Bulgaria, EPP/CD): appointed Ms Dzhema Grozdanova (Bulgaria, EPP/CD) co-rapporteur to replace Mr Axel Fischer (Germany, EPP/CD) and heard a declaration of non-conflict of interest from her;
- **Republic of Moldova** (co-rapporteurs: Mr Egidijus Vareikis, Lithuania, EPP/CD, and Ms Maryvonne Blondin, France, SOC): heard an oral report by the co-rapporteurs on their fact finding visit to Chisinau and Comrat (3-5 April 2018);
- **Russian Federation** (co-rapporteurs: Ms Liliane Maury Pasquier, Switzerland, SOC and Mr Telmo Correia, Portugal, EPP/CD): appointed Mr Telmo Correia (Portugal, EPP/CD) co-rapporteur to replace Ms Theodora Bakoyannis (Greece, EPP/CD) and heard a declaration of non-conflict of interest from him;
- **Romania** : held an exchange of views on recent reforms of the judiciary, including in the context of the fight against corruption with the participation of Mr Thomas Markert, Director, Secretary of the Venice Commission, Mr Gianluca Esposito, Executive Secretary of GRECO, Judge Simona Camelia Marcu, President of the Superior Council of Magistrates and Mr Titus Corlăţean, representative of the ruling majority and Mr Ionuţ-Marian Stroe, representative of the opposition in Romania and requested the Venice Commission to prepare an opinion on the amendments to the three laws on the judiciary: on the status of judges and prosecutors; on the judicial organisation; and on the Superior Council of Magistrates;
- **Council for Democratic Elections (Venice Commission)**: appointed Mr Aleksander Pocij (Poland, EPP/CD) as the Committee’s substitute for the year 2018;

– **Authorisation of fact-finding visits:** authorised a fact-finding visit to Armenia; heard a statement by the Chair regarding the current financial situation and its impact on the work of the committee; agreed to allow the Chair, in between committee meetings, to authorise, on behalf of the committee, fact finding visits in case of urgent need and subject to availability of funds;

– **Other business:**

- **Azerbaijan** (co-rapporteurs: Mr Stefan Schennach, Austria, SOC, and ...): decided to appoint a new co-rapporteur to replace Mr Cezar Florin Preda (Romania, EPP/CD), following his resignation as co-rapporteur, at its next meeting;
- **Poland** (co-rapporteurs: Mr Yves Cruchten, Luxembourg, SOC and ...): decided to appoint a new co-rapporteur to replace Ms Elisabeth Schneider-Schneiter (Switzerland, EPP/CD), following her resignation as co-rapporteur for the report on “The functioning of democratic institutions in Poland”, at its next meeting;
- **Serbia** (co-rapporteurs: Mr Samad Seyidov, Azerbaijan, EC and Ms Maria Guzenina, Finland, SOC): further to the request of the co-rapporteurs, agreed to postpone the adoption of the report on the Honouring of Obligations and Commitments by Serbia with a view to its presentation at the October 2018 part-session;

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

Paris, 29 May 2018 (Council of Europe Office)

Strasbourg, 25-29 June 2018 (during the Assembly part-session)

Tbilissi, Georgia, 17-18 September 2018 (*subject to approval by the Bureau and the availability of funds*)

Strasbourg, 8-12 October 2018 (during the Assembly part-session)

Paris, 14 November 2018 (Council of Europe Office) (TBC)

Paris, 12 December 2018 (Council of Europe Office) (TBC).

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Bas Klein, Sylvie Affholder

Copy to:

Secretary General of the Assembly

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

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Appendix - Statement on the organisation of early presidential and parliamentary elections in Turkey adopted by the Monitoring Committee of the Parliamentary Assembly on 24 April 2018

The Monitoring Committee expresses its deepest concern at the announcement, on 18 April 2018, of the holding of early presidential and parliamentary elections in Turkey on 24 June 2018, one and a half years ahead of schedule.

- The Committee notes that the amendments to the electoral law were adopted by the parliament only one month prior to calling these snap elections. These amendments substantially change the rules for elections and the election campaign. They include the possibility to form pre-election alliances which was not possible until now. The extremely short period between the adoption of these new rules and the upcoming elections leaves too little time for political parties to adjust and complete their preparations for the elections. Changing the election rules three months before Election Day is contrary to the recommendations of the Venice Commission. At the same time, the Assembly notes, with regret, that the 10% electoral threshold – the highest in Europe - was not lowered in the amended law, as called for by the international community, including the Assembly. This very high threshold will further undermine political pluralism by side-lining single political parties.
- The Committee deplores that, on the same day the elections were announced, the parliament approved the 7th extension of the state of emergency put in place after the failed July 2016 coup. Echoing the Venice Commission concerns, the Committee reiterates that it is impossible to hold genuinely democratic elections under the state of emergency and on-going security operations in southeast Turkey.
- The state of emergency has, since July 2016, led to disproportional measures and unacceptable restrictions of fundamental freedoms - in particular freedom of expression, media, and assembly. It has affected negatively and disproportionately oppositional and critical voices, as highlighted by the Assembly in its Resolution 2156 (2017). The Committee regrets that no progress was achieved since then. A significant number of parliamentarians from the opposition (10), journalists (about 150) and human rights defenders remain in detention, while many others face legal cases on terror-related charges. Many NGOs were closed down. Numerous media have also been closed down or bought up by pro-government businessmen. A newly adopted law has tightened the control of online broadcasting. This has further narrowed down the space for democratic debate necessary in election times which requires access to full and accurate information so as to ensure the voters' ability to make informed choices between candidates.
- In addition, several provisions of the new electoral system raise serious questions about election security and transparency and possible interference of the executive in the election administration. The Committee is notably worried by the possible presence of police forces in polling stations, which could have a deterrent effect on voters. It is also concerned that the decision to accept non-stamped ballot papers invalidates the use of stamped ballot papers as a major security measure. In addition, the Committee also regrets that previous and repeated recommendations made by the Parliamentary Assembly, the Group of States against Corruption (GRECO) and the OSCE/ODIHR related to media coverage and funding of electoral campaigns and political parties have remained unaddressed. The Monitoring Committee has therefore decided to seize the Venice Commission for an opinion on the electoral law, as revised in March 2018, and connected legislation.

The Monitoring Committee is deeply concerned that this adverse context will impede the conduct and organisation of genuinely democratic elections, and confirms that, at the end of the process, the overall legitimacy of these elections is at stake. The Monitoring Committee recalls that Turkey should abide by the fundamental values of the Council of Europe, including the holding of free and fair elections. It also recalls that these elections will be crucial; this will be the final step for the shift to an executive presidential system, which will grant extensive powers to the President of the Republic while limiting checks and balances. All these factors combined seriously challenge the democratic nature of the elections. The Committee thus recommends the Turkish authorities to postpone the elections.