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CONSEIL DE L'EUROPE

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**Activities in the framework of the
Partnership for Good Governance (PGG)*
implemented by the
Parliamentary Assembly of the Council of Europe
in 2015 - 2017**

SUMMARY REPORT

Prepared by the Secretariat

* *Partnership for Good Governance (PGG), joint programme financed by the European Union and the Council of Europe and implemented by the Council of Europe*

Partnership for Good Governance



European Union



CONSEIL DE L'EUROPE

I. INTRODUCTION: the Parliamentary dimension – the added value of PACE contribution to the Partnership for Good Governance (PGG)

The three-year joint programme (2015-2017), funded by the European Union and by the Council of Europe and implemented by the Council of Europe, called the Partnership for Good Governance (previously Eastern Partnership Co-operation Framework) is aimed at providing assistance to the reinforcement of democratic reforms in Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine.

During the period of 2015-2017, the Assembly participated in co-operation activities around four themes: (i) protecting and promoting human rights; (ii) combating threats to the rule of law; (iii) addressing the challenges of the information society; and (iv) promoting democratic governance. The PACE co-operation activities were mostly implemented at regional level, aimed at organising peer-to-peer seminars for Members of Parliaments of the region on the above themes as well as information / training workshops for the staff of Parliaments. Some activities were also organised at national level, mainly on human and social rights-related issues.

The parliamentary dimension of this project focused on **peer-to-peer exchanges between partner Parliaments**. The parliamentary seminars were often organised in conjunction with PACE Committee or Sub-committee meetings, thus underpinning the peer-to-peer character of the exchanges among lawmakers. The objective was to achieve tangible results and this result-orientation remained the key criterion that has guided the design of the activities proposed.

Another added value of the PACE activities was the involvement of the staff of national parliaments in the process of reforms of national legislations. Their reinforced knowledge of Council of Europe standards help them to develop better capacities in assisting parliamentarians in law-drafting and in the verification of the compliance of national legislation with those standards.

As a result, thanks to regular activities with parliamentarians and staff members of national parliaments, **the legislative power of national parliaments in implementing CoE standards was ultimately strengthened**: parliamentarians of the partner countries were accompanied in their work to create the necessary parliamentary structures and mechanisms to control the compliance of national legislation with CoE standards in all major domains such as democracy through free elections and free media, human and social rights or the fight against corruption.

Similarly, the role of national parliaments as an organ controlling the executive power was developed as regards the need for **regular reporting by the Government before the Parliament, e.g. on the effective execution of the European Court of Human Rights (ECtHR) judgments** and pending case-law. The co-operation on a regular basis between the Government and the Parliament could, in the future, lead to the reduction of repetitive cases and of the total number of cases before the ECtHR thanks to judicial reforms and a better compliance of national legislation with the Convention. Similar control mechanisms were developed to assure free elections and anti-corruption measures.

The regional nature of activities, developed over three years, permitted the **creation of a parliamentary platform at regional level**, which helped participating countries to learn from the good practice of their neighbours and other European countries. For example, we have observed political will and concrete efforts by the Parliament of Georgia to improve the human rights' situation in their country. Georgia's very encouraging results were presented to other partner countries, present at Budapest meeting in June 2017, as an example of good practice. The three year activities also helped in moving step by step towards concrete results (*see the list of PACE activities 2015-2017 in Appendix I*).

II. The role of national parliaments in improving Human Rights standards – objectives and achievements in 2015-2017

RATIONALE

For many years now, PACE has been working on the role of national Parliaments to deal with human rights issues. **The five Eastern Partnership countries (except Belarus) have been included in these initiatives, as part of their commitments as signatory countries of the European Convention of Human Rights (ECHR): Republic of Moldova and Ukraine since 1997, Georgia since 1999 and Armenia and Azerbaijan since 2002.**

In 2011, PACE adopted its *Resolution 1823 (2011)* on “*National Parliaments: guarantors of human rights in Europe*”, which called for national parliaments to create adequate procedures to verify the compatibility of draft legislation with the European Convention on Human Rights (ECHR) standards and to monitor the implementation of the Strasbourg Court’s judgments.

As from 2012, PACE developed, in close co-operation with its Committee on Legal Affairs and Human Rights, a series of activities at parliamentary level with the Council of Europe Member States to better implement Resolution 1823 (2011) (*for more details see document PPSD (2017) 16rev*). As a follow-up to those activities a Background Memorandum, summarising the situation in different European countries, was issued in 2015 and revised in 2016 (*see document PPSD (2015) 19*). It appeared that most of the Parliaments from Eastern Partnership countries lacked adequate mechanisms and structures for ensuring compliance with the ECHR. Many of them also have a great number of cases pending before the European Court of Human Rights (ECtHR) or of the ECtHR judgments, which were not executed.

In 2015-2017, thanks to funding from the PGG programme, PACE was able to develop and follow through a specific project with the Parliaments of the five PGG partners, especially at regional level, with a view to obtain a better awareness and a serious involvement of parliamentarians and staff members of the five national Parliaments, leading to concrete results in this field.

ACTIVITIES AND EXPECTED RESULTS

Two regional seminars on the role of national parliaments in implementing the ECHR standards and effective execution of the ECtHR judgments were organised:

- on **21-22 September 2015 in Tbilisi (Georgia)**, with the participation of 20 MPs from four partner countries (except Azerbaijan and Belarus), PACE Members and representatives of the ECtHR as well as representatives of the EU, EEAS and NATO Offices in Georgia;
- on **12-13 June 2017 in Budapest (CoE EYC)**, with the participation of 21 MPs from five partner countries (except Belarus), PACE Members and experts as well as a representative of the ECtHR.

Furthermore, at the request of the Parliament of Georgia, two national round tables were organised in Strasbourg in April 2016 and in Borjomi (Georgia) in March 2017 and one seminar for the staff of national parliaments of the five partner countries in Strasbourg in September 2015 (*see the list of activities in Appendix I*).

Altogether, **these events involved more than 60 MPs and 30 members of staff from national parliaments of the five PGG countries (except Belarus).**

During the first regional seminar in Tbilisi in 2015, members of national parliaments were reminded that the Parliament plays multiple roles in the European Convention on Human Rights system:

- as a branch of the State detaining legislative power, they have an obligation to ensure compliance of national laws with the Convention;
- as a democratic body representing their voters, they should be the guarantors of the respect of human rights and democracy in their country;
- national parliaments should also exercise a supervisory control of the Government’s action, especially as regards the execution and implementation of the ECtHR judgments.

During the parliamentary seminars, participants were able to meet judges and lawyers from the European Court of Human Rights dealing with their case-law and lawyers of the Department of the Execution of Judgments of the Council of Europe but also PACE MPs from different European countries, representatives of governments, experts in human rights, representatives of NGOs and members of the academic world doing research on human rights issues.

They became fully aware that, in order to reinforce the Convention system and ensuring the full, rapid and effective execution of ECtHR judgments, especially those revealing systemic or structural problems, the Parliament should create adequate parliamentary structures and mechanisms, responsible for the constant control and effective results in this field, in order to avoid cases of violation of human rights in their country.

Parliamentary delegations were thus able to exchange on the different models of the existing parliamentary structures and mechanisms in other Parliaments of the Council of Europe member States and to take stock and report of the situation in their countries.

During the second regional seminar in Budapest in 2017, the main short-term expected results were reported by the parliamentary delegations of the five countries such as the creation of specific permanent Committees dealing with human rights issues on regular basis and/or creation of parliamentary mechanisms - with a view to engage the Government to report before the Parliament on the execution of judgments and systemic problems of human rights violations at least once a year.

Similarly, one regional seminar for staff members of the five Parliaments was organised in Strasbourg in September 2015. Twenty staff members with legal background had the possibility to learn more in depth about the convention system and meet the teams of lawyers from the Court's Registry and the Department on Execution of Judgments dealing with the case law of their country and to discuss specific problems with them in their national language.

TANGIBLE ACHIEVEMENTS IN 2015-2017

In January 2017, the Parliament of Republic of Moldova registered the "Committee for human rights and inter-ethnic relations".

In June 2017 the Parliament of Georgia created a Human Rights and Civil Integration Committee and in June 2016 adopted a change in Article 228 of its internal regulations, which foresees that the Government of Georgia has to present to the Parliament, each year before the 1 April, a report on the implemented execution of the ECtHR judgments and an Action Plan for pending cases, which is to be debated in plenary and adopted through a parliamentary resolution.

The representatives of the Parliaments of Armenia, Azerbaijan and the Republic of Moldova manifested their interest in the Georgian experience, and mentioned that they will be discussing the introduction of similar bodies in their Parliaments.

On 7 June 2017, the Foreign Affairs Committee of the Verkhovna Rada of Ukraine created a Human Rights Sub-Committee (DROI). DROI provides important expert advice and a forum for essential debate. One of its objectives is to raise MPs awareness of human rights issues and to invite them to speak about and support actions in favour of human rights. It votes on reports and resolutions and produces an Annual Report on Human Rights, which takes stock of the human rights' situation in the world and in Ukraine.

In March 2017, the National Assembly of Armenia reported that a Standing Committee on State and Legal Affairs and Protection of Human Rights will be established for the preliminary review of draft laws and other issues under the jurisdiction of the National Assembly, and presenting their conclusions thereon to the National Assembly, as well as for exercising parliamentary oversight. However, in May 2018, the newly elected Assembly merged this committee with the Legal Affairs Committee. This decision was taken despite opposition protests and human rights' activists' indignation.

In spite of the reforms of the judicial system initiated by the Azerbaijani authorities, the Legal Affairs Committee of the National Assembly of Azerbaijan was reported to be concerned about allegations of a lack of independence of the judiciary vis-à-vis the executive; the arbitrary application of criminal law; the excessive use of pre-trial detention by judges; and the problems in ensuring the rights of the defence. The committee also noted that little progress had been made regarding the execution of the judgments of the Strasbourg Court – more than 120 judgments have not yet been fully executed.

The expected long term impact, which would be visible after three years, in certain countries which introduced successfully certain measures, should be the reduction of systemic cases from those

countries before the ECtHR and the reinforced role of national parliaments which could guarantee better human rights' conditions for citizens of their countries.

PACE REFERENCE DOCUMENTS

European Convention of Human Rights

Recommendation 2079 (2015) *Implementation of judgments of the European Court of Human Rights*

Resolution 2075 (2015) *Implementation of judgments of the European Court of Human Rights*

Recommendation 2007 (2013) *Ensuring the viability of the Strasbourg Court: structural deficiencies in States Parties*

Resolution 1856 (2012) *Guaranteeing the authority and effectiveness of the European Convention on Human Rights*

Resolution 1823 (2011) *National parliaments: guarantors of human rights in Europe*

Resolution 1787 (2011) *Implementation of judgments of the European Court of Human Rights*

PPSD (2015) 19 *Summary report on the Regional Seminar on the role of national parliaments in implementing the standards of the European Convention of Human Rights*

PPSD (2016) 19 *Background memorandum on the role of parliaments in implementing ECHR standards: overview of existing structures and mechanisms*

PPSD (2017) 18 *Summary Report on the Round Table on the role of the Parliament of Georgia in implementing standards of the European Convention of Human Rights*

III. Strengthen capacities of national parliaments to prevent corruption – first steps and a follow-up

RATIONALE

This was a regional project aimed at strengthening the international co-operation among parliamentarians to surmount common challenges in countering corruption. As political financing impacts the way democracies function, it needs effective regulation to avoid unfair and illegal practices. Successful regulatory regimes require political commitment and quality legislation. Thus, the main aim of this project was to facilitate exchanges of experience among the members of national parliaments on raising awareness and implementing Council of Europe standards in national legislation of their country and on the role of parliaments in countering corruption.

ACTIVITIES

To enhance this, in 2015 PACE organised a forum where 20 parliamentarians from Eastern Partnership countries, except from Azerbaijan, exchanged views with GRECO, OSCE/ODIHR and the French National Commission for Control of Electoral Accounts and Political Finance on how to consolidate legislation and mechanisms to control the funding of electoral campaign and political parties. This enabled parliamentarians to assess their own role in preventing corruption through quality legislation.

Other PACE activities with the PGG partners treated transversal subjects, for example, the “Regional Conference on misuse of administrative resources during electoral processes: a major challenge for democratic elections” (London 9-10/11/2017), which highlighted problems of corruption of public administration, misused during the elections.

That activity was organised by the PACE with the close co-operation of the Council of Europe Venice Commission and GRECO as well as with the OSCE/ODIHR. Thanks to the presentations of the CoE experts, discussion and distribution of the reference documents, this project contributed to promoting the Council of Europe standards in the field of its fight against corruption. The discussion between the delegations of three PGG countries contributed to a better knowledge of diversity of approaches of each country to combat corruption, especially during electoral campaigns and within political parties.

PGG partners eager to advance in their anti-corruption policy, such as Georgia, the Republic of Moldova or Ukraine, were very active and interested in the presentation of the CoE standards. They sent a delegation of up to four parliamentarians, mainly members of the Legal or Budgetary Committees, specialists on the subject and who actively participated in the discussions.

RESULTS

It appears from recent reports that Georgia, Republic of Moldova and Ukraine created special bodies and adopted a number of laws in recent years, improving the anti-corruption measures in their countries:

- in April 2017, Georgia issued a Code of Ethics to regulate the conduct of civil servants, after it adopted in February 2015 a revised Anti-corruption and Strategy Action Plan;
- in July 2017, the Republic of Moldova introduced a mandatory competition for all civil servants, after the adoption of their Anti-Corruption Strategy Plan for 2017-2020
- since May 2016 Ukraine has a number of codes of conduct for civil servants and it has sought to create a politically neutral civil service. Ukraine’s first legal text: Anti-Corruption Strategy 2014-2017 adopted in 2014, was updated for 2015-2017.

As regards the financing of political parties and electoral campaigns, Georgia, which adopted a law on limitation of amounts for electoral campaigns as from 2013, has now a satisfactory regime and it could serve as a good-practice example of the region. The Republic of Moldova and Ukraine will have to implement their legislation on anti-corruption, adopted in 2015, more effectively. Armenia, Azerbaijan and Belarus have still to better develop their legislation and be more active in this field.

Reference Documents:

Code of conduct (Handbook for parliamentarians) (Compendium of provisions in force and introduction to the activities of the PACE anti-corruption platform) – see PACE **Resolution 1903 (2012)**
Code of conduct of members of the Parliamentary Assembly: good practice or a core duty?

PACE Resolution 1799 (2010) Code of conduct for rapporteurs of the Parliamentary Assembly

PACE Recommendation 1908 (2010) Lobbying in a democratic society (European Code of good conduct on lobbying)

PACE Resolution 1554 (2007) Conflict of interest

Recommendation Rec(2003)4 of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns

Guidelines on political party regulation by OSCE/ODIHR and Venice Commission adopted by the Venice Commission at its 84th Plenary Session (Venice, 15-16 October 2010)
[CDL-AD(2010)024]

Fighting corruption, Political Funding, Thematic Review of GRECO's Third Evaluation Round

IV. Challenges for national parliaments to ensure freedom, independence and pluralism of the media – further efforts need to be made

RATIONALE

Media ownership transparency is a necessary requirement for both ensuring media pluralism and offering media users the possibility to use those media intelligently. Public service broadcasters play a crucial role in a democratic society, providing unbiased information, respectful of the plurality of opinions. **National parliaments have the power and responsibility to ensure that the mission, structure and funding of their public service broadcasters ensure their independence.**

This project permitted the participation of Members of national parliaments from the countries covered by the programme in relevant PACE activities in 2015-2017, which contributed to the further development of peer-to-peer exchanges at parliamentary level with the countries concerned, in close co-operation with the PACE Sub-Committee on Media and Information Society. It ensured participation at a high political level, constituted a unique forum for dialogue at parliamentary level and provided an opportunity to share national experiences, best practices and expertise between the parliamentarians and representatives of media.

ACTIVITIES

There were **four regional meetings on media freedom and on independence and pluralism of the media**: in Kyiv (June 2015), London (April 2016), Berlin (July 2016) and Budapest (December 2017). During these meetings, parliamentary delegations from each country (majority/opposition) were able to meet representatives of the public service broadcaster and of the competent regulatory authority as well as representatives from journalists' organisations in order to better understand Council of Europe standards concerning media freedom and safety of journalists. Issues related to freedom of information and appropriate legal framework, aimed at ensuring the independence, pluralism and diversity of media, including through the appropriate national legislation, were discussed. **These initiatives also led to specific recommendations/guidelines for parliamentarians on issues related to the financing and programming of public service broadcasting as well as on legislation on media ownership transparency.**

There was also a good attendance of over 50 total participants at each event, including at least 15 parliamentarians and more than 20 representatives from the specific governmental, non-governmental or international organisations from the six PGG partner countries.

A specific component of the project was devoted to the role of parliaments in ensuring media freedom in the context of elections. This regional meeting held in Berlin in 2016 provided the opportunity for a review of, and an exchange of views on, existing national legislations and practices regarding media and elections. One of the aims of the project was also to promote dialogue between MPs and representatives of the of Central Electoral Commissions of EaP countries.

It enhanced understanding among parliamentarians of the standards and existing practices in Council of Europe member States related to media regulation in the context of elections and raised lawmakers' awareness with regard to democratic standards in that field and identified areas of reform. The project also confirmed the interest in combining the experience of PACE with the Venice Commission (VC) in electoral matters so as to strengthen their co-operation: the VC made a substantial contribution to the success of the Berlin meeting by providing high level experts/speakers.

Areas of reform to promote dialogue between MPs and public service broadcasters were identified as a result of the four regional awareness raising seminars.

RESULTS

In 2015, the discussion held within the first regional seminar had a positive impact on the Ukrainian MPs (host country), preparing new media legislation, as the proposals brought up by the media representatives from six countries could be found in the final law document.

In 2016 in London, MPs from Eastern partnership countries became acquainted with the CoE standards and policies related to media freedom & regulation and identified areas of reform in their countries. It was acknowledged that the role of parliaments in ensuring media freedom is crucial. Thus, the MPs committed to make efforts in reforming legislation related to the media, with the view to ensuring

transparency of media ownership, independence of public service media and elaborating national strategies for media freedom, transparency and diversity through national legislation.

During the four meetings, the dialogue between MPs, representatives of the CEC of the EaP countries as well as media representatives, relevant NGOs and academics was largely promoted through an excellent platform for an open dialogue; areas of needed reforms were identified

The safety of journalists is a transversal subject, which was particularly referred to at the regional seminars in Berlin in 2016 (in the context of elections) and in Kyiv in 2015 (in the context of investigative journalism and journalists in conflict zones).

Members of Parliament from five countries concerned gained a wider understanding of the role of national parliaments in controlling access to the public media during electoral campaigns, with a view to making use of the existing standards (PACE).

In 2016 in Berlin, MPs became aware of (i) standards for the media in the context of elections; (ii) media ethics and transparency regarding party political interests; (iii) the role of parliaments in ensuring media freedom in the context of elections. Raising awareness of CoE standards and policies related to media regulation in the context of elections led to identify areas of reforms to be undertaken in the countries concerned.

As a result, some new or revised legislation were adopted:

- Georgia prepared legislation on media ownership transparency in 2016, adopted in 2017 but the present media policy does not permit an effective use of the law (see the case-law before ECtHR);
- in the Republic of Moldova, 2015-16 amendments to the Broadcasting Code improved the transparency of media and in March 2017 sanction measures were voted. However, as regards the media ownership, essential progress is still needed;
- in Ukraine, the 2015 law established the transparency of media ownership and in January 2017 a first public broadcasting company was re-established but these laws are still to be implemented.

After the Conference in Berlin, the position of the CoE in electoral matters has been strengthened in the EaP countries thanks to the mutual co-operation of the PACE with the Venice Commission, which made a substantial contribution to the success of the meeting by providing five highly qualified experts. The Chairperson of the Steering Committee on Media and Information Society (CDMSI) of the Council of Europe, who also took part in the meeting, was impressed by its format and its proceedings. The CDMSI will also work on this subject in order to improve media access during elections. A closer co-operation with the CECs and intergovernmental organisations has been developed.

Reference documents and summary reports:

PPSD (2017) 30 Summary Report on the Role of national parliaments in improving independence and pluralism of media

PPSD (2016) 23 Summary Report on the Parliamentary Conference on media freedom as a cornerstone for democratic elections (15 September 2016)

Resolution 2065 (2015) Increasing transparency of media ownership

Resolution 2035 (2015) Protection of journalists and of media freedom in Europe

Resolution 1920 (2013) The state of media freedom in Europe

Recommendation 1878 (2009) Funding of public service broadcasting

Recommendation 1706 (2005) on media and terrorism

Resolution 1438 (2005) on freedom of the press and the working conditions of journalists in conflict zones

[PACE Resolution 2179 \(2017\) on Political influence over independent media and journalists](#)

[PACE Recommendation 2074 \(2015\) on Increasing transparency of media ownership](#)

[PACE Recommendation 1641 \(2004\) on Public service broadcasting](#)

[Recommendation \(2012\)1 of the Committee of Ministers to member states on public service media governance \(2012\)](#)

[Recommendation \(2007\)3 of the Committee of Ministers to member states on the remit of public service media in the information society \(2007\)](#)

[Recommendation \(2007\)2 of the Committee of Ministers to member states on media pluralism and diversity of media content \(2007\)](#)

[Recommendation CM/Rec\(2007\)15 of the Committee of Ministers to member states on measures concerning media coverage of election campaigns \(2007\)](#)

[Recommendation rec \(2000\) 23 of the Committee of Ministers to member States on the independence and functions of regulatory authorities for the broadcasting sector \(2000\)](#)

[Declaration of the Committee of Ministers on the guarantee of the independence of public service broadcasting in the member states \(2006\)](#)

[Council of Europe Publication on Standards related to media](#)

[Commissioner for Human rights' webpage on media freedom](#)

V. Reforming electoral legislation and practice – the parliamentary dimension

RATIONALE

To varying degrees, EaP countries face similar election-related challenges such as the misuse of administrative resources, opacity of election campaign funding and media impartiality. Through regional parliamentary initiatives, the Eastern Partnership countries' parliaments met Central Election Commissions and non-governmental organisations in order to share their experiences on how to remedy these challenges and bring the electoral legislation and practice into compliance with CoE standards. For example, the Republic of Moldova shared progress in setting up the electronic voting system.

During the implementation period of the programme, elections and/or constitutional reforms were held in all the countries of the regions and they were monitored by PACE, namely in Armenia (2015 referendum on constitutional reform and 2017 parliamentary elections), Azerbaijan (2015 parliamentary elections, 2016 referendum on constitutional reforms), Georgia (2016 Parliamentary elections), the Republic of Moldova (2016 Presidential elections), Ukraine (parliamentary elections in 2015) and Belarus¹ (2015 Presidential elections and 2016 Parliamentary elections), which issued their findings in election observation statements.² The systemic problems which appeared from those statements, including media impartiality or misuse of administrative resources, became the subject of discussions, respectively in Berlin in July 2016 and in London in November 2017.

ACTIVITIES

Three regional conferences were organised on electoral matters: in Paris (June 2015), Berlin (July 2016) and London (November 2017).

During the first conference on electoral matters in June 2015, **parliamentarians** from PGG partner national parliaments **were reminded about the European Convention of Human Rights (ECHR) standards and in particular the right to free elections and universal suffrage guaranteed by the ECHR.** They were also reminded about **their major role of guarantors of parliamentary democracy in their country, including in relation to democratic elections.**

They were also informed in detail about the European standards for election legislation, and especially about the PACE Guidelines for Observation of Elections and the Venice Commission's Code of Good Practice in Electoral Matters, which are not binding but which play an important advisory role. They also learned from the Central Electoral Committee (CEC) representatives about the functioning of those national committees and other management bodies available to run smooth electoral processes and campaigns.

Moreover, MPs had the possibility to enhance their understanding about the elections observation work of the PACE and its partners, such as the Council of Europe Venice Commission and the Congress of Local and Regional Authorities and learned about its recent results, especially in respect of their country. **A list of the recurring problems identified in the Parliamentary Assembly's reports was drawn up and discussed** and in particular: misuse of administrative resources; opacity of election campaign funding and other problems related to political party funding; lack of equal access to the media and of media impartiality; lack of independence and impartiality of electoral administration; threats, pressure, violence and intimidation towards candidates or voters, arbitrary detention of opposition candidates and supporters; inaccuracy of electoral registers likely to lead to electoral fraud; restrictions on the right to stand for election, including excessive registration requirements for candidates and political parties; vote buying, family voting; falsification of electoral protocols during vote counting.

¹ Belarus became a priority country for promoting awareness of the Council of Europe electoral standards, following the invitation received by PACE to observe the presidential election, for the first time after the previous invitation in 2001 <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=22252>, leading to the need for further strengthening bilateral Belarus – CoE co-operation

² Link to PACE election observation: <http://www.assembly.coe.int/nw/xml/News/News-AllList-EN.asp?catid=31&lang=2&offset=0> ; a number of the above election observation missions were financed from the Council of Europe budget.

As a result of the first conference discussions, it was agreed that two major concerns, the lack of independence of media and the misuse of financial and administrative resources during the electoral processes and campaigns, can impede a fully democratic election. It was then agreed that those two specific subjects would merit further discussion at future events.

The second event, organised in Berlin in July 2016, was then devoted to the questions of **the media during electoral campaigns**. The discussions **focused on the necessity to establish standards for the media in the context of the elections, the questions of media ethics and transparency, especially regarding political parties interests' and the role of parliaments in ensuring media freedom in the context of elections through an adequate national legislation** were the main subjects discussed. Different problems appeared from the discussions, including the lack of transparency in terms of media ownership, systematic intimidation and harassment of journalists by the government in power, existence of restrictive laws such as censorship, defamation laws and surveillance acts, weakening of public broadcasting service media, the rise of antidemocratic channels of communications and the lack of transparency of media organisations themselves. Several important indicators drawn in connection with media and elections were discussed including the pluralism and content, independence of journalists, protection of sources and independence of public service media.

The third regional seminar held in London in November 2017 was entirely devoted to **the problems of the misuse of administrative resources during electoral processes**. It was an occasion to discuss in depth some basic Council of Europe principles and standards such as: the need for clear separation between the state and political parties, the principle of civil servant's neutrality, their protection from government's political pressures during electoral campaigns. It became evident to parliamentarians that any misuse of public resources is an act of corruption, which cannot be tolerated in a democratic country. **The abuse of public administrative resources in an electoral context could have not only political consequences by its interference in the results of elections but it also could interfere in the free choice of the electorate and thus breach their rights to free and democratic elections.** Addressing the abuse of public resources during electoral processes requires political commitment from leaders and national parliaments' members who should hold up the key principles of Europe's electoral heritage as a genuine mark of democracy.

RESULTS

Thanks to these three regional conferences, representatives of national parliaments of the six partner countries became not only aware of the European electoral standards, but had the possibility to discuss two major problems directly linked to the success of a fully democratic election, e.g. independence of, and equal access to, the media of all candidates and political parties and the vigilance and fight against the misuse of administrative resources by the ruling government and/or party during the electoral processes and campaigns. They also became better aware of the importance of their role to guarantee democratic elections and of the role and work of assistance of the Council of Europe in this field.

The added value of these regional activities consisted in particular in developing peer-to-peer exchanges at parliamentary level with the expertise of the central elections management bodies and a direct contact with the NGOs from the six targeted countries and other Council of Europe member states. **These activities enhanced the capacity of national parliaments to increase their role in implementing the Council of Europe standards in election legislation and to promote changes in the overall management of the electoral process.**

They also brought a significant political result as regards the relations of the PACE with Belarus.

Thanks to this initiative, PACE was able to re-establish co-operation contacts with the Parliament of Belarus. Previously the Parliament of Belarus disposed of a status of special guest with PACE which was suspended in January 1997. The "rapprochement" was made possible thanks to the results of the election observation mission of the Presidential elections of Belarus held in October 2015. The promising results of the election observation mission led to a decision to invite elected members and staff of the Belarusian Parliament to several PCF activities since the autumn of 2015. In addition the European Union lifted its sanctions on Belarus on 15 February 2016. Therefore a national Round Table on electoral issues in Belarus was organised in May 2016 in Minsk. The seminar covered in two sessions the issues on the European electoral standards and the electoral process improvement in Belarus. The results of the round table brought forward a general agreement on the necessity to improve several points in order to harmonise the whole electoral process in Belarus with the European standards, in particular in view of the forthcoming parliamentary elections which were foreseen for September 2016.

As regards the implementation of those standards during electoral processes in their countries, it appeared that many irregularities still persist and that they should be more active to put those standards in practice. The improvement of electoral processes is still not assured and it varies according to the country and its

political situation. More positive changes are expected during the upcoming elections observation missions.

During the discussions on electoral processes, parliamentarians underlined that a better participation of women in political life and more particularly in elections were one of their political goals. As regards the participation of women in the PACE activities listed below, the average of 40% was reached, especially as regards women MPs.

NGOs from all PGG countries were also largely represented in our events (five to ten NGO representatives in each event). The need for the participation of the NGOs in election observations and processes was stressed as it increases the citizens' trust and interest in elections. In some countries NGOs dealing with electoral issues organised, in parallel, their own election observations, pointing out some irregularities. Parliamentarians also stressed that the candidates as well as government and national parliaments should be more open to the media during electoral campaigns, in order to better communicate to the public at large.

Thanks to these activities, the observations of elections by the PACE and other organisations in the partner countries were finally perceived more as a possible help to run more democratic elections than as interference in their political life.

Members of national parliaments invited the PACE to continue their efforts in elections observations and electoral assistance as the recurrent problems discussed during the events, and in particular the misuse of administrative resources during electoral process are far from being solved. They suggested that the PACE should prepare a resolution on this particular subject in order to obtain a larger political response.

Reference documents:

Article 3 of Protocol N° 1 to the ECHR – *Right to free elections, European Convention of Human Rights (ECHR)* and the ECHR case-law

PACE Resolution 1897 (2012) Ensuring greater democracy in elections

The Assembly's Guidelines for the observation of elections

The Council of Europe Venice Commission's Code of Good Practice in Electoral Matters

PACE/AS/ELECT (2015) 5 Summary of presentations and debates of the Parliamentary Conference on implementation of the right to free elections (Paris, 4-5 June 2015)

VI. CONCLUSIONS: Greater involvement of national parliaments in ensuring the compliance of national laws with Council of Europe standards – further efforts needed

During the three years of the Partnership on Good Governance, a joint programme financed by the European Union and implemented by the Council of Europe, the Parliamentary Assembly developed 18 activities at parliamentary level, mainly regional, with the participation of 402 Parliamentarians and 391 other participants, giving a total number of 793 participants (*see the list of events and statistics below*).

These activities were organised by the PACE Parliamentary Project Support Division in close co-operation with the relevant PACE Committees/Divisions on the following four major themes:

- ✓ Human rights: with the Committee on Legal Affairs and Human Rights (AS/JUR) and more specifically the Social Charter, as part of the Convention, with the Committee on Social Affairs, Health and Sustainable Development (AS/SOC);
- ✓ Media freedom with the Committee on Culture, Science, Education and Media (AS/CULT);
- ✓ Electoral matters with the Election observation and Interparliamentary Co-operation Division (ELECT);
- ✓ Fight against corruption issues with the Committee on Rules of Procedures, Immunities and Institutional Affairs (AS/PRO).

All these activities played an important role in the awareness raising of national parliaments:

- first, they became aware of the major problems encountered by their countries, especially as regards cases of non-compliance of their national legislation and practices with the standards of the Council of Europe such as the Convention of Human Rights, the Social Charter, standards on media freedom, on free elections or on the fight against corruption;
- secondly, they better understood the role and responsibility of national parliaments in striving to remedy some of the recurrent problems through the reforms of their national legislation and the restructuring of the Parliament;
- third, members of national parliaments had the opportunity to learn from the good practices of their neighbours and other European countries as how to structure their parliaments and to implement parliamentary measures which may remedy the problems of non-compliance with Council of Europe standards.

However, even if some concrete results could be obtained as regards certain reforms of legislations and restructuring of the Parliaments, it is obvious that a follow up of these parliamentary co-operation activities is essential. Parliamentary co-operation with the Parliaments of the six partner countries, Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus, should be pursued so that it may lead to the effective implementation of the reforms and have a tangible and sustained impact on the population.

Appendix: List of activities and statistics on participation

Date and Venue	Activity	MPs	Other participants
2015 (6 activities)			
19-20 March 2015 Strasbourg AS/JUR	Capacity Building Seminar on the European Convention of Human Rights (Execution of Judgments) for the staff of national parliaments	0	45
18 May 2015 Chisinau AS/SOC	Parliamentary Seminar on “Fostering social rights in the Eastern Partnership area: focus on the European Social Charter”	37	10
12 June 2015 Kyiv AS/CULT	Regional Conference on awareness raising of the safety of journalists	15	22
4-5 June 2015 Paris ELECT	Parliamentary Conference on the implementation of the right to free elections: the challenge of applying election legislation and the Council of Europe standards	22	50
21-22 Sept 2015 Tbilisi AS/JUR	1 st Regional Seminar on the role of national parliaments in implementing the standards of the European Convention of Human Rights	21	22
10-11 Dec 2015 Paris AS/PRO	Seminar on the funding of political parties and electoral campaigns: legislation and control mechanisms	22	20
Total		117	169
TOTAL 2015		286	
2016 (5 activities)			
11 April 2016 London (UK) AS/CULT	Regional Conference on national parliament’s role in improving freedom, independence, transparency and diversity of media	22	23
25-26 April 2016 Strasbourg (CoE) AS/JUR	Workshop on the European Convention of Human Rights: Parliamentary Dimension for the Parliament of Georgia	18	9
18 May 2016 Minsk (Belarus) ELECT	National Round Table on electoral standards and the electoral process improvement in Belarus	37	10
4 July 2016 Berlin (Germany) AS/CULT	Parliamentary Conference on Media freedom as a cornerstone for democratic elections	22	33
28 October 2016 Paris (France) AS/SOC	Parliamentary seminar on “The right of children and young people to social, legal and economic protection”	18	9
Total		117	84
TOTAL 2016		201	

2017 (7 activities)			
17 March 2017 Borjomi (Georgia) AS/JUR	Round Table on the role of the Georgian Parliament in implementing European Convention on Human Rights standards	12	5
2 June 2017 Baku (Azerbaijan) AS/SOC	National parliamentary seminar on "Fostering socio-economic rights in Azerbaijan from the perspective of the European Social Charter"	19	12
12-13 June 2017 Budapest (EYC) AS/JUR	2 nd Regional Seminar on the role of national parliaments in implementing the standards of the European Convention of Human Rights	22	9
7-8 Sept 2017 Lisbon AS/MIG	Launching Conference of the Parliamentary Network on Diaspora Policies	54	44
28 October 2017 Paris	Parliamentary Seminar on "Employment, training and equal opportunities: how to ensure fair treatment and inclusion for all"	21	14
9-10 November 2017 London ELECT DIV	Regional Conference ON "Misuse of administrative resources during electoral processes: a major challenge for democratic elections"	26	32
6 December 2017 Budapest AS/CULT	The role of national parliaments in improving independence and pluralism of the media	14	22
Total		168	138
TOTAL 2017		306	

Total participation (3 years)	402 MPs	391 Other
	TOTAL	793