



NATO PARLIAMENTARY ASSEMBLY

# COMMITTEE ON THE CIVIL DIMENSION OF SECURITY (CDS)

## FOSTERING DEMOCRACY AND HUMAN RIGHTS IN THE BLACK SEA REGION

Revised Draft General Report

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*Until this document has been adopted by the Committee on the Civil Dimension of Security, it only represents the views of the General Rapporteur.*

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## I. INTRODUCTION

1. In its most recent annual report, Freedom House provided worrying figures that show democracy is in crisis globally. The watchdog claims that democracy around the world has deteriorated to the lowest point in more than a decade. Democratic values, such as the right to choose leaders in free and fair elections, freedom of the press and the rule of law, are under assault and in retreat. According to the Economist Intelligence Unit's Democracy Index, less than 5% of the world's population currently lives in a "full democracy", and 89 of the 167 countries assessed in 2017 received lower scores than they had the year before. Even among some members of the Euro-Atlantic community, which has been traditionally seen as the champion of the global liberal democratic order, officials see these disquieting trends. Anti-establishment sentiment, political polarisation and disenchantment with mainstream political parties and media are growing.

2. The global order that seemingly triumphed with the end of the Cold War, prompting some to announce the "end of history", is eroding. For the Alliance, an organisation underpinned by liberal democratic values, this erosion has severe consequences. The General Rapporteur is convinced there is a need for a genuine discussion among the Allies on ways to strengthen democratic values and further believes that the NATO Parliamentary Assembly (NATO PA) provides an appropriate forum for such discussion.

3. As the issue of democratic values is too broad to be covered in one report, the General Rapporteur chose to focus on the Black Sea area due to the following reasons. First, the region's strategic importance for NATO and global security in general has grown considerably. Russia's revisionist behaviour, including its violation of Ukraine and Georgia's territorial integrity, and the region's proximity to the ongoing conflicts in the Middle East have prompted NATO to reinvest in the Black Sea region. Second, the area represents a diverse microcosm of actors important to NATO. These actors include three NATO Allies, Turkey, Bulgaria, and Romania; two NATO aspirants, Ukraine and Georgia; one NATO partner, the Republic of Moldova<sup>1</sup>; and one country that considers NATO its adversary, Russia. Adherence to democratic values and the rule of law varies greatly across these states. Even leading democracies—Romania and Bulgaria—stand out in the European Union's context as the only member states subjected to the Cooperation and Verification Mechanism, an agreement designed to assist the two countries in the fields of judicial reform and fighting corruption.

4. This draft general report will provide an overview of political developments in the Black Sea states, including the efforts (where appropriate) to consolidate democratic institutions, challenges in protecting human rights and civil liberties and the fight against corruption as well as the implementation of reform agendas. The General Rapporteur will argue that the Euro-Atlantic community needs to strengthen its focus on democracy, the rule of law and human rights indicators in its approaches to the Black Sea region. These improvements are vital for the cohesion of the Alliance; the Euro-Atlantic prospects of Georgia, the Republic of Moldova and Ukraine; the normalisation of relations with Russia; and, more generally, the de-escalation of tensions and the prevention of conflicts in the Black Sea area.

## II. UKRAINE

5. More than four years after the Revolution of Dignity, a return to autocracy and censorship in Ukraine seems implausible. Ukraine's record of holding free and fair elections is solid, its media environment is diverse and its civil society scene independent and vibrant.

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<sup>1</sup> The General Rapporteur chose to include a chapter on the Republic of Moldova because of its immediate proximity to the Black Sea. The Republic of Moldova's port of Giurgiulești on the Danube River *de facto* makes it a Black Sea littoral state.

6. While Ukraine has adopted more reform initiatives in the last four years than in the 23 years preceding the second Maidan revolution, it is now struggling to maintain its reform agenda. The Ukrainian President, Petro Poroshenko, faces increasing criticism. Reforms have slowed down and the actual implementation of the adopted reform bills is unsatisfactory. Public administration remains largely inefficient and lacks the proper administrative culture. The level of trust in the political system is alarmingly low—support for political leaders or parties rarely exceeds single digits. Most disconcerting is the apathy among the youth. According to one poll, about two-thirds of young people are disinterested in politics and only a third of the respondents say that accepting or giving a bribe is never justifiable (Sasse, 2018).

7. Economically, Ukraine's situation is slowly improving. Through a mix of spending cuts, tax code simplifications and reforms to boost economic transparency, the country's GDP grew over 2% in 2016 and 2017. In the World Bank's annual Doing Business Survey, Ukraine greatly improved its business environment, jumping from 142<sup>nd</sup> out of 183 countries in 2010 to 76<sup>th</sup> in 2018. Following major restructuring, Ukraine substantially reduced its dependence on Russian energy imports. In April 2018, the EU announced a new assistance package of EUR 1 billion, conditioned on Ukraine's ability to conduct deep structural reforms. In the framework of the Deep and Comprehensive Trade Agreement with the EU, Ukraine-EU bilateral trade grew rapidly between 2016-2018 (with a 27% increase in the first quarter of 2018 alone). The EU has replaced Russia as Ukraine's main trading partner (European Parliament, June 2018). Ukraine's economic transformation is supported by the International Monetary Fund (IMF) (with USD 17.5 billion in 2015-2019), the EU (a new assistance package of EUR 1 billion in loans was adopted in May 2018 for a period of 2.5 years), the World Bank (through an IBRD guarantee expected to help Ukraine raise about USD 800 million in the lending market) as well as bilateral assistance.

8. Despite entrenched obstacles, Ukraine has taken some steps to address corruption. The National Anti-Corruption Bureau of Ukraine (NABU) has spearheaded the fight against high-level corruption. NABU is aided by a new law requiring public officials to electronically declare their income and assets as well as those in the name of their family members. After long hesitations and much political resistance, the law establishing the High Anti-Corruption Court was adopted in June 2018. The Court will tackle the cases of top-level corruption. The implementation and widespread adoption of an e-procurement system, ProZorro, is further credited with reducing political favouritism in public procurement, tripling the number of bidders and suppliers and substantially reducing government expenses. In April 2018, an electronic healthcare system, eHealth, was launched, sparking hopes that this might lead to a reduction of corruption in Ukraine's healthcare sector. The Parliament recently approved key constitutional and political reforms to curb political influence within the court system and boost professionalism among judicial appointees. Parliamentarians also approved several decentralising measures, empowering citizens and activists to take ownership of issues that affect their communities.

9. However, additional steps must be taken to deepen anticorruption efforts and prevent democratic backsliding. In 2016, the head of NABU resigned after accusing high-ranking officials of obstructing the agency's work. In May 2017, the governor of Ukraine's central bank quit after "three years of sustained harassment" for her efforts to regulate the country's private banks (Mufson, 2017). By early 2018, out of the 107 cases brought by NABU to the court, only 19 convictions were issued (European Parliament, June 2018). Moreover, cases against powerful figures remain rare and activists can face retribution for investigating corruption. Members of the judiciary still lack significant independence. Over half of the 113 recent Supreme Court appointees have had their professional records questioned by a public watchdog group (UCMC, 2017). Further, observers have expressed concern over new laws on NGOs that require them and their employees to publicly declare their assets like public officials (Freedom House, 2018).

10. Security sector reform remains slow. Observers consider the Ukrainian Security Service (SBU) to be too powerful and unaccountable (European Parliament, DG for External Policies, 2018). NATO is reportedly dissatisfied – and has been for several years now – with the way Kyiv is fulfilling its

obligations under the Annual National Programme (ANP), a document that defines the range and pace of reform for Ukraine's further rapprochement with NATO. Experts note that as spending in the defence sector has increased, so have avenues for corruption (Higgins, 2018). For instance, the ambitious project to build a defensive line along the border with Russia has been marred by an embezzlement scandal.

11. A recent education law, mandating that Ukrainian be used as the primary language of instruction in secondary schools by 2020, has earned significant criticism both domestically and internationally, particularly from Hungary, Romania, Poland and Russia, for its potential to undermine minority rights and freedoms. Budapest insists that progress on Ukraine's Euro-Atlantic integration will not be possible until Kyiv changes the law and that no meetings of the NATO-Ukraine Commission will be scheduled in the meantime. Ukrainian officials argue that children need to understand the state's majority language to fully participate in society and point out that the law does not prohibit education in minority languages as separate classes.

12. According to official sources, in 2016–2017, there were 581 schools with Russian as the language of instruction, 78 schools with Romanian, 71 schools with Hungarian and 5 schools with Polish. The Venice Commission has presented its opinion, in which it stressed that "it is a legitimate and commendable aim for states to promote the strengthening of the state language." However, the Venice Commission expressed concern about the scope and pace of the reform, which could "amount to a disproportionate interference with the existing rights of persons belonging to national minorities." The Commission recommended Ukraine make amendments to the law to guarantee a sufficient proportion of education in minority languages at the primary and secondary levels as well as to provide more time for a gradual reform. The General Rapporteur urges the Ukrainian authorities to take due account of the Venice Commission's recommendations.

13. Observers continue to fear that Ukrainian authorities are not engaging sufficiently in the prevention of hate crimes (Sturrock and Summers, 2018). Since the beginning of the year there have been at least two dozen attacks on the Roma and LGBT+ (Lesbian, Gay, Bisexual, Transgender/Transsexual and related) communities as well as on civil rights activists by ultranationalist groups such as C14 (HRW, 2018; Millier, 2018).

14. Overall, the Rapporteur shares the conclusion of a study commissioned by the European Parliament, that *"the real Ukrainian 'reform saga' revolves around 4D's: decentralization, debureaucratization, deregulation and 'de-oligarchization'. Whereas in the realm of reregulation an unequivocally significant progress is recorded, decentralization showcases significant but not politically uncontroversial progress, with de-bureaucratization proceeding at a slower pace. 'Deoligarchization' manifests cosmetic and legislative changes, with limited implementation of the much-needed reform."* Ukraine's leaders have a choice: their legacy can either be to take Ukraine down their chosen European path or to take the path of their predecessors. Having come so far and achieved so much, it would be deeply disappointing if Ukraine were to revert to past mistakes.

#### **A. SITUATION IN REBEL-CONTROLLED EASTERN UKRAINE**

15. On-going high levels of casualties in eastern Ukraine continue to cause concern. Since the outbreak of the conflict, over 10,300 people were killed and almost 25,000 injured while about 1 million internally displaced people are residing in the government-controlled areas of Ukraine. In January 2018, the Ukrainian Parliament passed a bill that redefined Ukraine's actions in the Donetsk and Luhansk *oblasts* from anti-terrorist operations to "measures to ensure national security and defence, [and the] deterrence and repression of Russian armed aggression." The bill gives Ukraine's armed forces a legal basis to be in the region and shifts the responsibility of the conflict from the SBU to all troops and law enforcement groups in the region.

16. Meanwhile, governance in pro-Russian rebel-occupied territories continues to disregard human rights and liberties. The Office of the United Nations High Commissioner for Human Rights

notes “cases of summary executions, enforced disappearances, arbitrary detention, torture and ill-treatment, and conflict-related sexual violence”. Individuals suspected of pro-Ukrainian sympathies, which includes people belonging to the Ukrainian Orthodox Church or with a history of government work, suffer detention or other forms of oppression. Amnesty International reports show trials are being held against individuals suspected of opposing rebel forces. Most recently, there have been reports of minors being arrested and detained illegally in Makiyivka, a militant-held town in the Donetsk region, on the account of “working for Ukraine’s intelligence” (Kyiv Post, 2018). While these and other abuses appear rife, international observers and humanitarian organisations are often unable to secure access to prisoners detained by rebels and other groups. Ukraine and rebel leaders carried out their largest prisoner exchange in December 2017, with Ukraine handing over 246 prisoners for 74 rebel-held prisoners. However, over 60 Ukrainian citizens, considered by Kyiv as political prisoners, continue to be kept in Russian jails. The most prominent case is that of Ukrainian film director Oleg Sentsov who, at the time of writing, was on hunger strike in a prison in the far north of Russia.

17. Politically, Russia continues to strengthen its control of the territories by gradually replacing rebel leadership. In a notable case, Russian and the so-called Donetsk People’s Republic’s forces interfered in power struggles within the self-proclaimed Luhansk People’s Republic, facilitating the removal of the leader of the “republic”, Igor Plotnitsky. More recently, the leader of the so-called Donetsk People’s Republic, Alexander Zakharchenko, was murdered. Both the Ukrainian and the Russian government issued statements accusing the other of the assassination.

18. In addition to the ongoing hostilities in Ukraine’s east, a number of recent developments, including the assassination of Mr Zakharchenko, Moscow’s refusal to accept its responsibility for the downing of MH17 airliner – despite the findings of the Dutch investigation – and plans to hold so-called “elections” on 11 November in Luhansk and Donetsk “republics”, make the prospect of further negotiations under the Minsk II format increasingly difficult. Nevertheless, the Rapporteur continues to call on all stakeholders – and particularly Russia, which has created the conflict – to remain committed to Minsk II as the most viable avenue to de-escalate the conflict and to seek a political resolution.

## **B. SITUATION IN CRIMEA**

19. Following the invasion and illegal annexation of Crimea by Russian forces in 2014, dissent has been ruthlessly suppressed. Throughout the occupied territory, authorities have prosecuted public criticism of Russian policies (HRW, 2018). The right to public assembly has diminished and protests against the occupation have been outlawed. Ukrainian television stations and newspapers, meanwhile, have closed, while property and assets are confiscated without compensation, violating international laws protecting civilians from forced seizures. Cases of enforced disappearances, murders and torture are common. The lack of reporting or redress mechanisms for victims allows the authorities to continue these actions with little fear of consequences. Citizens continue to face harassment and interrogation for allegedly extremist views (European Parliament, DG for External Policies, 2018). Non-Russian nationals in Crimea also face pressure to renounce their Ukrainian citizenship in favour of Russian citizenship. Failure to do so has resulted in Ukrainians being denied access to basic services, contrary to international humanitarian law. The UN has reported several deaths linked to Ukrainians being refused medical treatment. The international community has deplored Moscow violating international law by illegally conducting Russia’s *Duma* (2016) and presidential (2018) elections on the territory of Crimea.

20. While Crimea is a diverse region with significant minority populations, Crimean Tatars and other groups face law enforcement raids, arrests, abductions and attacks by state authorities (UNHCR, 2017). In 2016, the Russian government outlawed the representative body of the Crimean Tatar people, the *Mejlis*, for “the use of propaganda and hatred toward Russia [and] inciting ethnic nationalism”. Several of the *Mejlis*’ leaders were later arrested and sentenced on separatism and extremism charges, while other *Mejlis* leaders were banned from entering Crimea. While some

minority organisations remain, these groups face attacks and prosecution if they fail to support the Russian government's official position on local issues. Most recent cases have involved forced searches and the detainment of human rights activists and their relatives (RFE/RL, 4 September 2018). The protection of the Crimean Tatars' cultural heritage in the peninsula is yet another important issue. The claims of misconduct during the ongoing restoration of the "Khan's Palace" are a cause for concern in this regard. According to Mustafa Dzhemilev, the long-time leader of the Crimean Tatars and President Petro Poroshenko's envoy for Crimean Tatar affairs, Russia is trying to change the ethnic balance on the peninsula by relocating hundreds of thousands of people from various regions of Russia to Crimea.

21. Freedom of religion is severely limited in Crimea, as the Russian authorities clamp down on the Orthodox Christians that are not under the Moscow Patriarchate (Freedom House, 2018). Following the annexation of Crimea, Russian authorities requested that all religious institutions re-register, and the Ukrainian Orthodox Church under the Kyiv Patriarchate was raided by the Russian authorities in 2017. The most recent bid for the Ukrainian Orthodox Church's independence from Moscow raises concerns that the already poor state of religious freedom in Crimea could deteriorate further.

### III. GEORGIA

22. Georgia is one of the Black Sea's freest countries; it has transformed remarkably since the "Rose Revolution" in 2003 and the first electoral transfer of power in 2012. According to Freedom House's Nations in Transit ratings, Georgia's "democracy score" improved from 4.93 in 2010 to 4.64 in 2018, with one representing the most democratic and seven the least. Reforms have enabled democratic elections, modernised and digitalised state services, a mostly free press and lower corruption than in several EU member states. Civil society in Georgia is vibrant and largely committed to European values. The country has a clear sense of direction, pursuing membership in NATO and the EU. Through its contributions to NATO-led and other international missions, Georgia has turned into a provider of regional and global security. However, Georgia still faces significant challenges in terms of socio-economic development, improving the rule of law and overcoming political polarisation.

23. Judicial reform has been a matter of urgency for Georgians, given reports of abuse of power by the pre-2012 government as well as allegations of political retribution in the wake of the government change in 2012. Consequently, the government has committed itself to promoting judicial independence and building public confidence in the courts through reform. These judicial reforms focused on making the key judicial institution, the High Council of Justice, more democratic and transparent through the recommendations of the Venice Commission. Georgia also embarked upon prosecutorial reform, aiming for the full de-politicisation and independence of the state prosecution service from the executive branch. The Venice Commission's recommendations *vis-à-vis* the judicial sector are reflected in the new constitution. The authorities have made efforts to ensure the transparency of the court cases against Saakashvili-era officials, including the invitation of international (from the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights – OSCE/ODIHR) and domestic observers.

24. However, two leading Georgian NGOs—the Georgian Young Lawyers' Association and Transparency International Georgia—argue that the implementation of the judicial reform is flawed in practice. They claim that the reins of the judiciary are concentrated in the hands of a single group that ensures the prevalence of old-school, incompetent judges who often lack professional integrity in senior judicial positions. In their joint letter to the visiting US Vice President, Mike Pence, 22 Georgian NGOs noted that the judicial system "remains prone to undue influences coming from the government as well as vested corporate interests within the judiciary."

25. When it comes to indictments of Saakashvili-era high-ranking officials, in November 2017, the European Court of Human Rights (ECHR) ruled that the pretrial detention of Georgia's former Prime Minister, Vano Merabishvili, was based on a reasonable suspicion and justified in the beginning but not in later stages, when, according to the ECHR, the predominant purpose of detention became to obtain information on unrelated cases, including the one against the former President, Mikheil Saakashvili. In January 2018, Georgian authorities sentenced Mr Saakashvili *in absentia* for abuses of power.

26. The political scene on the national and municipal levels is characterised by the overwhelming dominance of the ruling Georgian Dream-Democratic Georgia Party (GD-DG). The opposition is divided and thinly represented in the Parliament. The GD-DG supermajority in the Parliament is somewhat balanced by the centrist President, Giorgi Margvelashvili. His term in office expires in late 2018. The opposition claims that businessman Bidzina Ivanishvili, the founder of the Georgian Dream coalition, exercises a disproportionate degree of influence over Georgian politics while not occupying any public office.

27. There are signs of growing public discontent in Georgia, manifested by the eruption of weeks-long mass anti-government protests in Tbilisi over the summer of 2018. The protests were sparked by a Tbilisi court's decision to acquit the suspects of the killing of two teens in a brawl in December 2017. In the wake of the protests, the Georgian Prime Minister, Giorgi Kvirikashvili, resigned and was replaced by the former Finance Minister, Mamuka Bakhtadze.

28. Georgia largely conforms with international electoral standards. Despite "the entire context of the elections [being] shaped by the dominance of the ruling party" and "cases of pressure on voters and candidates," the OSCE found the 2017 local elections to be fair. Although polarised and perceived as partisan, media outlets provided voters with an understanding of the candidates and issues. At the same time, the "winner-takes-all" mentality is reflected in the fact that the ruling party received approximately 90% of all campaign donations (NDI, 2017). The General Rapporteur shares the view of those who stress the need for state officials to foster an environment that promotes inclusive and pluralistic governance with strong opposition as an integral part of a healthy democracy.

29. More recently, MPs under the Georgian Dream used their supermajority to change the Georgian Constitution. The original amendments were criticised by the opposition, the presidency and several NGOs, who alleged that many of the changes weaken checks on the majority party. Eventually, the ruling party agreed to make certain revisions, incorporating many of the recommendations of the Venice Commission. The new Constitution entrenches the status of Georgia as a parliamentary democracy while abandoning direct elections for the President. It provides for a greater independence of Supreme Court judges. It also envisages the switch to a fully proportional parliamentary election system, albeit by 2024 only.

30. The Venice Commission issued a generally positive assessment of the new Constitution but criticised the postponed switch to the proportional system, noting that it was "the most important aspect of the reform." It is expected, however, that the negative aspects of the postponement will be somewhat alleviated by the government's promises to allow party blocks in the 2020 elections and reduce the election threshold to 3%. The Commission also disapproved of the adoption of a complex system for the distribution of unallocated mandates, which favours the strongest party in the country. This bonus system will be repealed by 2024.

31. According to Freedom House, freedom of the press in Georgia has slightly improved when compared to the pre-2012 era but still remains in the "partly free" category. In fact, the World Press Freedom Index 2018 ranked Georgia 61<sup>st</sup> out of 180 countries, up from the 104<sup>th</sup> place in 2012. The internet is free in Georgia. Rustavi-2, the country's most watched television broadcaster and a frequent critic of the government, has been consumed by an ownership controversy after a court ruled that its ownership be transferred to its previous owner, who alleged that he had been pressured



to sell it by Mr Saakashvili. The European Court of Human Rights ordered that this decision be suspended *sine die* to preserve freedom of the media. In their letter to the US Vice President, Mike Pence, 22 Georgian NGOs noted that “[r]ecent developments on Georgia’s media landscape pose a threat to media pluralism in Georgia. Three broadcasting companies are owned by the individuals closely affiliated with the ruling party. Georgian Public Broadcaster, which enjoys significant public funding, has a new management politically affiliated with GD-DG. The only nationwide broadcaster providing alternative critical views – Rustavi 2 – is struggling for survival in a legal battle for its ownership.”

32. Though economic reforms have strengthened the economy, these changes were unevenly felt across society. The real GDP growth rate dropped from 12.3% in 2007 to 2.7% in 2016. However, economic performance was better than expected in 2017 as GDP growth increased to 5% (World Bank, 2018). The World Bank identified the “stronger external environment, higher private consumption and the consistent macro-fiscal policy framework” as the key contributors to the improved GDP growth in 2017. According to the United Nations Development Programme (UNDP), today, 21% of the population lives below the poverty line. Unemployment, underemployment and economic inequality are pervasive.

33. Consequently, the government announced a reform plan to improve its economic development. This plan included liberalising the income tax code as well as governance and educational reform. The educational reforms will try to address employment-related concerns by funding professionals who seek education in understaffed fields. The country has also built on its 2016 Association Agreement with the EU. In line with past commitments, the government adopted a monitoring system for asset declarations by public officials in September 2017 as well as a revised anticorruption action plan. Reflecting these successes, observers noted an improvement in the business environment and the country jumped from 24<sup>th</sup> in 2016 to 9<sup>th</sup> in 2018 in the World Bank’s Doing Business survey.

### ***Occupied Territories of Abkhazia and the South Ossetia/Tskhinvali Region***

34. Years of *de facto* Russian control of the Georgian territories of Abkhazia and the South Ossetia/Tskhinvali region have led to state-sponsored persecutions and expulsions, displacing ethnic Georgians and dramatically changing the region’s demographics. The regions are increasingly dependent on Russia, which maintains more than 9,000 troops, some 2,600 Federal Security Service (FSB) border guards and heavy offensive armament in the territories. Russia has erected fences and other obstacles along the administrative border line, referred to as the “occupation line” by Tbilisi, displacing residents and disrupting people-to-people contacts. The leaders of these territories, particularly in the South Ossetia/Tskhinvali region, have lobbied for unification with Russia.

35. Life in Abkhazia and the South Ossetia/Tskhinvali region is defined by weak institutions, pervasive poverty, strong control over the press and discrimination against ethnic Georgians. Patronage systems are reportedly common and law enforcement bodies often lack the necessary oversight. Reports suggest that local media are heavily controlled and that there are few opportunities for civil society activity. International observers have struggled to assess the human rights situation in both regions because the *de facto* authorities have persistently denied them access since 2008. Both elections and the judiciary are thought to be heavily controlled by Russian officials.

36. The illegal arrest, torture and murder of a Georgian citizen, Archil Tatunashvili, in the South Ossetia/Tskhinvali region in February 2018 caused a public outcry in the Georgian society as well as strong reactions from the United States and the EU. In response, the government of Georgia approved the so-called Otkhozoria-Tatunashvili list – a black list consisting of 33 persons, mostly Abkhaz and South Ossetian militants, convicted or charged with grave crimes committed against ethnic Georgians in the territories of Abkhazia and the South Ossetia/Tskhinvali region since the

early 1990s. These persons will face visa restrictions as well as bans on their financial and property transactions.

37. Despite these tensions, Tbilisi continues to seek ways of promoting contact with people residing in these two territories. The Georgian government's recently-announced peace initiative "A Step to a Better Future" aims at fostering trade, education and other links between divided communities. This initiative is likely to face opposition from Russia and the local *de facto* authorities. Support from Georgia's key NATO and EU partners is important if this initiative is to have any chance of success.

#### IV. THE REPUBLIC OF MOLDOVA

38. While the Republic of Moldova was once thought of as a beacon among the EU's Eastern Partnership states, it has struggled to keep its European integration prospects alive in recent years. The country plunged into a deep crisis in 2014, when USD 1 billion, about 12.5% of the country's annual GDP, vanished from three Moldovan banks, leading to a sharp fall in the national currency's value and a freeze in international assistance by the EU, the IMF, and the World Bank. Following the scandal, the nominally pro-European government suffered a crushing loss of trust, discrediting European integration among much of the population. In 2016, the country elected a pro-Russian candidate, Igor Dodon, as President.

39. As a parliamentary republic, the Republic of Moldova retained its nominally pro-European government, but it remains to be seen if the pro-European coalition will survive the parliamentary elections scheduled for early 2019, following a vote in Parliament to reschedule the elections that were previously to be held in November 2018<sup>2</sup>. A poll conducted by the International Republican Institute (IRI) in June 2018 found that 69% of Moldovans think that their country is moving in the "wrong direction". In the same poll, when asked what the most important problems that the country is facing are, 35% indicated low income/pensions, with 31% indicating corruption and 30% indicating unemployment (IRI, 2018).

40. These developments are symptomatic of the poverty, corruption and weak rule of law that define the state. Though there are opportunities for improvement, mainly through cooperation with the EU in the framework of the Moldova-EU Association Agreement (AA) that entered in force in July 2016, appreciable change requires political will. In an April 2018 report, the European Commission again highlighted the need for the Republic of Moldova to reform its judicial sector and increase its fight against corruption. The European Parliament, in a report from June 2018, also made special mention of the need for further investigation into the bank fraud that took place in the country in 2014 (European Parliament, 2018).

41. Chief among the Republic of Moldova's problems is growing oligarchic power consolidation. Observers suggest that the country is captured by oligarchic interests and that its systems reward the vested interests of a few politicians and oligarchs (TI Moldova, 2017). The most powerful of these officials is Vladimir Plahotniuc. In addition to running companies involved in oil, banking, hospitality and real estate, he owns about 75% of the Moldovan media, including four television channels and three radio stations (Popsoi, 2018). Observers allege that Mr Plahotniuc has exploited geopolitical tensions for his benefit. President Dodon's close relationship with the Russian President, Vladimir Putin, whom he meets with regularly, allows Mr Plahotniuc and the nominally pro-European government to present themselves to Western countries as a necessary bulwark against Russian influence and thus avoid condemnation (Calus, 2018).

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<sup>2</sup> The new President's stance towards NATO is illustrated by the fact that the opening of a NATO liaison office has been delayed for over a year due to presidential opposition.

42. Following the entry into force of the AA, the government launched a series of reforms designed to introduce European standards in governance, the economy and the judiciary. These reforms had some positive effects. The country somewhat recovered from the 2014 banking fraud and its economy is currently growing by about 4% a year. Inflation has declined, and budget deficits have reduced to 2% of GDP while the public debt has stabilised at about 40% of GDP. The flow of remittances has also stabilised. The Republic of Moldova has also established designated anticorruption institutions and adopted an anti-money laundering law.

43. However, the pace of reforms is not satisfactory by most international standards. In October 2017, the EU withheld a loan because of the Republic of Moldova's failure to implement reforms to its justice system. Moreover, the EU is concerned about the selective use of law enforcement and selective justice in the country. Transparency International Moldova has noted the use of law enforcement bodies for political aims as well as irregularities in court proceedings that favour pro-government officials.

44. According to the EU, more needs to be done to ensure the implementation of the anti-money-laundering legislation and to continue strengthening the operational capacities and independence of the anticorruption bodies. In a June 2018 poll conducted by the International Republican Institute, 82% of respondents reported that corruption was a "very big problem" for the Republic of Moldova and 42% of respondents said that the greatest cause of corruption was the "lack of government control and oversights" (IRI, 2018). In Transparency International's 2017 Corruption Perception Index, the Republic of Moldova ranked 122<sup>nd</sup> out of 180 countries, far below many of its neighbours. The Republic of Moldova has yet to implement the Venice Commission and the OSCE/ODIHR's recommendations on party and campaign financing.

45. Although the Republic of Moldova has a good record of holding relatively free and well-administered elections, its Western partners, including the Venice Commission, are very critical of the new electoral law establishing a mixed electoral system. The change largely benefits Mr Plahotniuc's Democratic Party, which was at risk of losing seats by falling below the parliamentary threshold in a purely proportional system, and Mr Dodon's Socialist Party, the Republic of Moldova's largest party. Representatives of genuinely pro-European civic movements without links to local businessmen are likely to find it more difficult to be elected in single-mandate constituencies.

46. Anti-government protests broke out in Chisinau in August 2018 over both alleged corruption and the mayoral election in the Moldovan capital. The mayoral election was ruled invalid by a Moldovan court because the winning pro-European candidate urged people to vote via a Facebook live post on election day. The EU, the United States and Canada have all condemned the nulling of the election, saying that it posed a threat to Moldovan democracy. In July 2018, the EU also withheld a EUR 100 million aid package that was to be sent to the Republic of Moldova because of the controversial mayoral election (Harris, 2018).

47. Meanwhile, observers report improvements in minority rights. The United Nations reports that anti-discrimination policies are observed in audiovisual communication and mass media and that judges are trained on how to prevent and combat discrimination. The government approved an action plan to support the Roma people from 2016 to 2020. Further, LGBTI persons can peacefully demonstrate and their rights are largely respected.

48. Despite the dominance of Mr Plahotniuc's media outlets, the media scene in the Republic of Moldova retains a certain diversity. However, according to Freedom House, the country's media is "trapped by the competing interests of political parties and affiliated business groups." The EU has urged the Republic of Moldova to speed up the implementation of the reform of the audiovisual code that would enhance transparency and competition in the sector. The Republic of Moldova has banned re-transmissions of Russian radio and television programmes as part of the country's anti-propaganda efforts – a move that could be explained by the pervasiveness of the Kremlin's disinformation in the country, although the EU had doubts about the proportionality of this decision.

49. The idea of a reunification of the Republic of Moldova with Romania has also recently received attention. In August 2018, thousands of Moldovans rallied in the capital of Chisinau to call for a reunification with Romania. Those who gathered carried Romanian and Moldovan flags and shouted “Unity” and “Bessarabia, Romanian land”, the former name of Moldova. (Washington Post, 2018). In a symbolic vote earlier this year, the Romanian parliament also voiced its support for reunification, during a special session marking the 100<sup>th</sup> anniversary of Moldova joining Romania after World War One (Ilie, 2018).

### ***Transnistria***

50. The breakaway region of Transnistria hosts about 2,000 Russian troops as a “peacekeeping” force. The authorities of the Republic of Moldova call on Russia to honour its commitment, made in 1999, to withdraw its troops from Moldovan territory. Chisinau also seeks the transformation of the current peacekeeping operation into a civilian mission under international mandate. NATO has been consistent in urging Russia to abide by its international obligations, including respecting the territorial integrity of the Republic of Moldova. The *de facto* authorities have periodically championed annexation by Russia. In the region’s so-called “2016 presidential campaign”, candidates largely competed to show their loyalty to Russia. The local economy depends on Russian aid. Since 2006, Transnistria has not paid for Russian natural gas provided by Gazprom. Rather, debt continues to build for the region, which Moscow expects Chisinau to pay. By 2017, Chisinau’s debt totalled roughly USD 6.5 billion, of which USD 5.8 billion are a result of Transnistria (Necsutu, January 2018).

51. In August 2018, for the third year in a row, Russia held a joint military exercise with Transnistria separatist troops simulating an attack on the Dniester River, the *de facto* border with the Republic of Moldova. Moldovan authorities said these exercises were unauthorised and utilised unregistered amphibious vehicles. Both Moldovan and OSCE observers were banned from inspecting the military equipment used in the exercises. In July 2018, the UN General Assembly passed a Moldovan resolution asking Russia to withdraw its troops from Transnistria (Necsutu, August 2018).

52. The democracy and human rights situation in Transnistria is unsatisfactory. As is the case in most frozen conflict zones in the Black Sea region, the government has severely reduced opportunities for political competition and maintains a justice system where arbitrary and politically motivated arrests are common. Dominating almost all aspects of life in the area is Sheriff Enterprises, a monopolistic business conglomerate owned by the region’s richest man. The region’s self-proclaimed President, Yevgeny Shevchuk, lost an election in 2016 to a candidate backed by Sheriff Enterprises. While in power, Mr Shevchuk attempted to reduce Sheriff’s economic grip on the country. After his loss, Mr Shevchuk fled to the Republic of Moldova. Though ethnic Moldovans comprise a significant minority of the region’s population, they face severe discrimination by ruling authorities, according to the Freedom House. Crime, including human trafficking, is common.

## **V. RUSSIA**

53. Despite having the formal attributes of a democratic state, such as elections, a Parliament, political parties and a liberal Constitution, Russia has slid increasingly into a full-scale autocracy under Mr Vladimir Putin, who has led the country either as President or as Prime minister since 1999. Having entered his fourth term as president in 2018, Mr Putin has already been at Russia’s helm longer than any other Russian leader since Stalin. Except for a brief period in 2011-2012, when mass protests forced the Kremlin to introduce temporary liberalisation measures, such as more flexible party registration rules, the regime has methodically tightened its grip on power and subjugated all sectors of state and society, including main media channels, the Parliament, political parties, oligarchs and federal entities.

54. On basic democracy and human rights indicators, Putin's Russia fails across the board. Freedom House identifies Russia as one of the least free countries in the world. Since 1999, all elections in Russia have failed to meet OSCE standards. The unabashed falsifications and ballot-stuffing during the 2011 parliamentary elections prompted mass protests on the streets of Moscow unseen since the early 1990s. In 2018, thousands of protesters joined Alexei Navalny, an anticorruption crusader and the country's most prominent opposition figure, in protesting Mr Putin's fourth inauguration – later Mr Navalny was one of the 1,600 detained people across the country. In September, during the regional elections, Mr Navalny inspired nation-wide protests, whilst serving his 30-day jail sentence, in response to the government's plan to raise the retirement age by five years. This resulted in over 1,000 demonstrators being (often forcefully) detained at protests across the country, in 33 towns and cities (RFE/RL, 10 September 2018).

55. To buttress the crumbling credibility of Russian electoral institutions, in 2014, the Kremlin appointed a renowned civil society activist, Ms Ella Pamfilova, as the chair of the Central Electoral Committee. Under her watch, the technical side of the voting process somewhat improved, but the overall environment of suppressing the opposition and tilting the playing field in favour of the incumbent remained intact. Most blatantly, the authorities refused to register Mr Alexey Navalny as a candidate in the 2018 presidential elections. Authorities indicted Mr Navalny on trumped-up criminal charges. His brother Oleg was given a prison sentence and was effectively held as a hostage to pressure Alexei Navalny into silence, before being released in June 2018.

56. The Presidential elections were not the only vote in 2018 to be marred by irregularities – the Kremlin-backed incumbent won the Moscow mayoral elections with 70% of the votes after two independent liberal candidates were not allowed to run against him (RFE/RL, 4 September 2018). Meanwhile, the Parliament has been turned into a rubber-stamp institution with no actual power. Real opposition parties were purged from the Parliament in 2003, while individual parliamentarians associated with the democratic opposition lost their seats in 2016 elections. The role of the opposition in the State *Duma* is performed by the far-right Liberal Democratic Party, headed by Mr Vladimir Zhirinovskiy, and the reformed Communist Party, which unites tenets of Stalinist and conservative Orthodox ideologies. The pro-Putin *United Russia* party controls more than two-thirds of the seats in the *Duma* and 77 of 85 regional governor positions.

57. Most opposition figures and journalists face constant harassment and attacks by hackers; the details of their private life are leaked on the Internet. Some regime critics are attacked physically by unknown men (*Ekho Moskvy* journalist Tatyana Felgenhauer), poisoned (opposition figure Vladimir Kara-Murza), imprisoned (Oleg Navalny and head of the Chechnya office of *Memorial*, Oyub Titiev), forced into exile (businessman Mikhail Khodorkovskiy, journalist Yulia Latynina, economist Sergei Guriev, and head of Jailed Russia—an organisation that provides assistance to inmates—Olga Romanova) or even murdered (politician Boris Nemtsov, journalist Anna Politkovskaya, civil activist Natalya Estemirova, and lawyer Sergei Magnitski). The activities of independent civil society organisations, such as *Memorial*, which is devoted to collecting information on the crimes of Stalinism, and *Golos*, an independent election monitoring NGO, are regularly obstructed, including by designating them as “foreign agents”<sup>3</sup>, a term which has extremely negative connotations in the Russian language.

58. The media, especially television, is under the heavy-handed control of the government. According to a 2016 poll by the independent Levada Center, also labelled as “foreign agent,” television remains the primary source of information for 80% of Russians. Major television channels do not permit any criticism of the regime and especially not of Mr Putin. Selected opponents are occasionally invited to primetime shows, such as that of a prominent propagandist, Vladimir Solovyov, only to be interrupted as they speak, verbally assaulted, and booed by the

<sup>3</sup> Under the 2012 Foreign Agent Law, non-profit organisations in Russia that receive foreign donations and engage in “political activities” must register and declare themselves as “foreign agents”. In 2014 and 2015 this law was further expanded to cover a larger range of institutions (Human Rights Watch, 2018).

audience. The last bastions of free speech—the *Ekho Moskvy* radio station, *Dozhd* TV, and the *Novaya Gazeta* newspaper—are kept for façade purposes, but their reach is limited. In 2016, 259 journalists were jailed (US Helsinki Commission, 2017). In 2017, two investigative journalists, Nikolay Andrushchenko and Dmitriy Popkov, were murdered, and in 2018 the investigative journalist Maksim Borodin (who earlier reported on the deaths of Russian mercenaries in Syria) died mysteriously.

59. The internet used to be relatively free in Russia, which greatly helped internet-savvy activists such as Mr Navalny, but the government has taken steps to exert greater control over this domain. These efforts include forcing a change in ownership on the popular social media platform *vKontakte* and the online news portal *Lenta.ru* and adopting a law banning anonymous web surfing software (VPNs) that allows users to hide their IP addresses. Russian social media users also face prison sentences for “liking” or reposting messages that the authorities deem inappropriate, such as ones challenging the legality of the Russian annexation of Crimea or criticising Russia’s actions in Syria.

60. There exist further concerns over privacy on the internet as, in April 2018, Russia began procedures to shut down the popular encrypted messaging application *Telegram* over alleged terrorism concerns. The blocking of Telegram, which is widely used not only by the public but also by prominent officials, is difficult to enforce due to Virtual Private Networks (VPNs) which still enable users to log in. The ban led to over 12,000 Russian citizens taking to the streets on 30 April 2018 to protest that decision. In August 2018, it was announced that the authorities were considering a reversal of the ban if Telegram agreed to provide data of terrorist suspects to the authorities. Subsequently, Telegram updated its privacy policy noting that the company might share user data with the authorities, provided there was a court decision. The conflict with Telegram is significant as the Kremlin’s efforts to curtail internet freedom might mobilise those parts of society that were hitherto uninterested in politics and had no quarrel with the regime.

61. Despite Mr Putin’s claim to have liberated Russia from the clutches of oligarchs and the criminal anarchy of the “wild 1990s”, Russia remains a profoundly—and increasingly—corrupt state. According to Transparency International, Russia is the most corrupt country in Europe and one of the most corrupt countries in the world (ranked 135<sup>th</sup> out of 180). The state sector in Russia expanded from 35% of GDP in 2005 to 70% in 2015 (Aslund, 2017). While the regime cracked down on the oligarchs of the 1990s, a new class of immensely wealthy people, often owing their wealth to their personal ties with Mr Putin, has emerged. These officials include Gennady Timchenko, Arkady and Boris Rotenberg and Yuri Kovalchuk. According to investigations by Mr Navalny, the Prime Minister, Dmitri Medvedev, has also accumulated wealth measured in billions of US dollars, while Mr Putin is believed to have created an offshore financial empire managed by a proxy, his family friend musician Sergei Roldugin. The Putin-era oligarchs lack the independence their predecessors had in the 1990s.

62. Corruption permeates all levels of the administration, and is especially visible in major infrastructure projects, such as the 2014 Winter Olympics in Sochi and the building of the Kerch Strait Bridge that will connect the Taman and Crimean peninsulas. There is no systematic approach to reducing corruption and cronyism. The sentencing of former economic minister Alexei Ulyukayev for allegedly trying to solicit a USD 2 million bribe, for example, is more a manifestation of inter-elite fights than a concerted campaign. Moscow’s inability and unwillingness to seriously tackle corruption fuels public discontent. Many thousands of Russians participated in anticorruption demonstrations across Russia between March and November 2017 and in April and May 2018.

63. The ideological grounds of Mr Putin’s regime are notoriously flexible, but they generally reflect the tenets of social conservatism, including the rejection of “decadent” Western liberalism, an emphasis on “traditional values”, the paternalistic nature of the state, ultra-patriotism, Orthodox religion and blatant militarism. In practice, this ideology leads to growing obscurantism in Russian society, the ban of non-mainstream religious movements such as Jehovah’s Witnesses, the

ensorship of the film industry and the art scene, as well as laws banning “gay propaganda”<sup>4</sup>. The Russian Parliament recently decriminalised acts of domestic violence not involving serious bodily harm.

64. It is particularly regrettable that Russia’s appalling human rights record and the absence of the rule of law have been extended to the regions of Ukraine and Georgia under *de facto* Russian control.

## VI. NATO ALLIES

65. **Romania** has done much to improve on democratic norms, the rule of law and human rights since joining the EU in 2007, and it is ahead of its neighbours in the region in many areas. It is a stable democracy with a vibrant civil society and free media. In 2017, the country’s economy is estimated to have grown by an impressive 6.9%. Nevertheless, in the EU context, Romania still lags in some areas. An EU member since 2007, Romania has not yet been able to join the Schengen area or the Eurozone. In its accession to the EU, Romania was subjected to the EU’s Cooperation and Verification Mechanism (CVM) to address shortcomings in judicial reform and the fight against corruption. During its ten years under the CVM, Romania created key institutions and enacted important legislation to address these gaps. In its latest progress report from July 2018, the European Commission (EC) reported that the “ongoing reform of the justice laws risks undoing progress achieved in the last 10 years and harming judicial independence”. However, the EC did note a “positive assessment of the judicial system and the role of the magistracy in pursuing reform” (European Commission, 2018).

66. Much has been done to stamp out high-level corruption. Since 2013, the National Anticorruption Directorate (DNA) has reportedly sent to trial 68 High Officials, one Prime Minister, two Deputy Prime Ministers, 11 Ministers and former Ministers, 39 deputies and 14 senators. Meanwhile, Romania has improved its standing in Transparency International’s Corruption Perception Index, going from 43 points in 2014 to 48 in 2017 – with 0 representing highly corrupt and 100 representing no corruption. The European Commission’s President, Jean-Claude Juncker, has announced that he expects Romania to be in a position to terminate the CVM by the end of his term in 2019.

67. Differences regarding corruption remain a large aspect of the political landscape in Romania. In July 2018, President Klaus Iohannis gave into pressure from the Social Democrat-led government to remove Romania’s chief anticorruption prosecutor, Laura Kovesi, from office after months of ignoring calls to do so. The government claims that Mrs Kovesi overstepped her mandate and that her approach to fighting corruption was selective. Since her appointment in 2013, the EU has applauded the anticorruption prosecutor’s role in raising the conviction rates for corruption among top business and political leaders in Romania (Hopkins and Peel, 2018).

68. Much of the country’s progress can be described as two steps forward, one step back. Periodically, ruling coalitions have adopted legislation that could be interpreted as attempts to create loopholes for corruption and the reduction of the independence of judiciary. These legislative initiatives are criticised by the opposition, civil society and the European institutions. On two occasions, controversial legislation prompted mass protests. Protests in early 2017 were reportedly the largest in the country’s history since the end of the Cold War. The protesters succeeded in inducing the government to repeal the legislation, exemplifying participatory democracy. More recently, tens of thousands of Romanians protested legislation adopted in

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<sup>4</sup> The most shocking case of attacks on the LGBT+ community was reported by *Novaya Gazeta* journalists in 2017. They discovered that more than 100 gay men were abducted and tortured, and some even murdered, by the authorities in Chechnya. The authorities deny all accusations and closed the investigation. *Novaya Gazeta* journalists themselves faced multiple threats for their investigation. In general, the human rights situation in Russia’s North Caucasus is dire: there are numerous reports of abductions, torture and extra-judicial killings.

December 2017. The European Commission, the US State Department, seven EU member states, thousands of Romanian justices, and the country's President, Mr Klaus Iohannis, criticised the legislation as potentially encroaching on judicial independence. In April 2018, the Group of States against Corruption of the Council of Europe (GRECO) published a report on Romania, expressing serious concerns about certain aspects of the laws on the status of judges and prosecutors and about draft amendments to the criminal legislation.

69. In August 2018, mass anti-government protests – led by members of the large Romanian diaspora<sup>5</sup> – broke out again across Romania against more legislative changes which critics claim will weaken the rule of law in the country. Protests turned violent, especially after the police used tear gas and water cannons to disperse crowds, resulting in more than 400 injuries to both protesters and security personnel. President Iohannis condemned this excessive use of force.

70. According to the Council of Europe, Romania has made progress in promoting minority cultures and education, but it noted that a coherent legal framework for the protection of minority rights is still lacking. In particular, Romania was urged to do more to combat discrimination of the Roma people.

71. While it is an entrenched and free democracy with a fast-growing economy (3.8% in 2017), **Bulgaria** has more work to do to tackle corruption. Like Romania, Bulgaria has been subject to CVM procedures since 2007. The country is making progress towards meeting the requirements for joining the Schengen area and the Eurozone. Bulgaria has received passive access to the Schengen information system and a positive assessment of its most recent application for the European Exchange Rate Mechanism (ERM 2) and the Banking Union within the EU. In the first half of 2018, Bulgaria successfully managed to accomplish its role in the rotating Presidency of the Council of the EU.

72. The European Commission's regular assessments emphasise the country's progress, particularly in terms of tackling organised crime, but the country's record in reforming its judiciary and fighting corruption is generally seen as less positive than that of neighbouring Romania. The Commission points out "a clear need to accelerate the pace of reform" and "to create an atmosphere of open debate and transparency on key decisions", while the Council stressed that "overall progress now needs to be further accelerated urgently". The abovementioned shortcomings did not prevent the EU member states from entrusting Bulgaria with the chairmanship of the Council of the EU in the first half of 2018.

73. Overall, the new Bulgarian government, which has been in place since mid-2017, appears determined to put the reform process back on track. A new anticorruption bill was recently vetoed by the President, only to be re-adopted again by the Parliament, overruling the veto. The bill establishes a new body charged with investigating top officials and allows that body to use wiretapping. The critics of the bill are concerned that it does not ensure the independence of the new body or offer full protection to whistle-blowers.

74. While these recent reforms are expected to have a positive effect, the current situation in Bulgaria is far from optimal. The Centre for the Study of Democracy in Sofia recently produced a scathing report on corruption in Bulgaria, going as far as to claim that state corruption has reached dimensions that can be described as state capture. Bulgaria still lacks a track record of final court decisions on convictions in high-level anticorruption cases. Anticorruption campaigners also point to the influence of certain business entities, such as the privately-owned Russian energy company Lukoil, and the signs of corruption surrounding the case of the collapse of the Corporate Commercial Bank (Rankin, 2017).

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<sup>5</sup> Between 3 to 5 million Romanians are working abroad.



75. Reporters Without Borders currently ranks Bulgaria lower in the World Press Freedom Index than any other EU member, mainly due to “an environment dominated by corruption and collusion between media, politicians, and oligarchs”. The watchdog also suggests that the government allocates EU funding to certain media outlets in a non-transparent manner. Human rights groups also criticise a member of Government and leader of United Patriots, the junior partner within the ruling coalition, for making insulting statements *vis-à-vis* the Roma minority, and it should be noted that this member of Government was sentenced by a first-instance court to refrain from similar infractions in the future. The Government has adopted a National Strategy for Roma Integration and adopts annual reports on specific steps in the integration of the Roma people. Nevertheless, Amnesty International criticised Bulgaria for not doing enough to address the cases of hate speech and hate crimes directed at minority groups, including Turks and Roma. In March 2017, Bulgarian nationalists attempted to block the country’s border to prevent Bulgarian Turks residing in Turkey from participating in the Bulgarian elections. Sofia accused Ankara of trying to interfere in Bulgarian elections by using Bulgaria’s sizeable (9% of the population) Turkish minority, while President Recep Tayyip Erdogan slammed Bulgaria for “putting pressure” on the Turkish minority.

76. More positively, Bulgaria has been praised for its progress in implementing GRECO’s recommendations on corruption prevention with respect to members of Parliament, judges and prosecutors. GRECO welcomed the efforts by the Parliament of Bulgaria to better involve civil society in the legislative process, tackle breaches of ethical rules by MPs and strengthen the obligation for members of the judiciary to present regular asset declarations.

77. Bulgaria was also one of the first EU Member States to adopt the working definition of antisemitism that was agreed upon by the International Holocaust Remembrance Alliance (IHRA) in 2016. The Government appointed a Deputy Minister of Foreign Affairs as National Coordinator for the fight against antisemitism. During its presidency of the Council of the EU, Bulgaria placed the topics of freedom of speech and expression, freedom of religion and belief and combating antisemitism high on the EU agenda.

78. Some members of the government as well as the opposition have vehemently opposed the plans for Bulgaria to ratify the Istanbul Convention on preventing and combating violence against women and domestic violence. In July 2018, the Bulgarian Constitutional Court ruled that the Convention does not conform to the Bulgarian constitution, thus making its ratification virtually impossible. Human rights groups have criticised the Court’s decision.

79. Faced with mounting external and internal pressures, **Turkey’s** political system has undergone substantial changes. In July 2016, Turkey was shaken by a brutal military coup attempt that claimed 251 lives and left more than 2,000 people wounded. If successful, the coup would likely have had disastrous consequences for regional security and led to a civil war. All major political parties united in their condemnation of the coup.

80. The coup was widely and firmly condemned by the Euro-Atlantic community. However, there is a prevailing view among Turkey’s Western allies and human rights groups that the government’s actions in the wake of the coup have been disproportionate. This view was expressed repeatedly by members of the NATO PA during the Assembly’s Annual Session in Istanbul in November 2016.

81. Reportedly, some 50,000 people have been detained (excluding those who later released) and 150,000 civil servants and academics have lost their jobs, while 1,500 civil society organisations, 19 labour unions, over 2,000 schools, and more than 150 media outlets have been closed. Members of Parliament from the pro-Kurdish Peoples’ Democratic Party (HDP) have been prosecuted. Following the passage of a May 2016 law that lifted the parliamentary immunity of 138 MPs, 12 HDP deputies, including those in party leadership positions, were arrested on terrorism-related charges. The state of emergency has allowed the government to replace the mayors in an estimated 82 out of 103 municipalities controlled by an affiliate of the HDP (Freedom House, 2018). The Turkish government established a so-called OHAL (State of Emergency) Commission for citizens affected

by the purges and, according to the government, some 40,000 employees have been reinstated to date.

82. For nearly two years after the coup, Turkey remained under a state of emergency, which was finally ended in July 2018. The government argued the state of emergency was necessary given the severity of the threat and claimed that the principles of necessity and proportionality were strictly observed. This view was not shared by President Erdogan's critics, both domestically and in the West. For instance, the European Parliament noted that the state of emergency has been "used to silence dissent and goes far beyond any legitimate measures to combat threats to national security".

83. European politicians and human rights watchdogs have repeatedly expressed their concern over the detention of several prominent civil society activists, including Taner Kilic, the president of Amnesty International Turkey, and the businessman Osman Kavala, an organiser of the Gezi Park protests in December 2013. Trade union organisations have expressed their protest against the arrest of Elif Cuhadar, an executive committee member of the Turkish trade union KESK. Human Rights Watch has collected information on 13 cases of torture and ill-treatment of coup-related detainees with varying degrees of severity. The Turkish authorities have also been criticised for their stance on LGBT+ initiatives. Ankara imposed an indefinite ban on any event organised by LGBT+ organisations following three consecutive bans of the Istanbul Pride march. On a positive side, in recent months, Ankara seems to have stopped hinting at the possible re-introduction of the death penalty, a move that, according to EC President Jean-Claude Juncker, would effectively block Turkey's EU accession bid.

84. By most accounts, the space for media freedom in Turkey has narrowed in recent years. According to the Turkish Journalists' Association, about 160 journalists are in jail, with most being detained after the failed coup. The detention of Deniz Yucel, a German journalist accused by Ankara of espionage activities, has strained the relations between Germany and Turkey. Mr Yucel was released in February 2018, but German officials claim that five other Germans are still in a Turkish jail on unsubstantiated charges. In March 2018, the Financial Times reported the sale of Dogan Media Group, which owned the newspapers *Hurriyet* and *Posta*, and the television stations CNN Turk and Kanal D, to Demiroren Holding (Pitel, 2018). The sale of "some of Turkey's most prominent media titles" to Erdogan Demiroren, a majority shareholder of Demiroren Holding with "ties to President Recep Tayyip Erdogan", raised concerns regarding the government's tightening grip on the Turkish press. Specifically, the sale of Dogan Media means that "over 90 per cent of [Turkish] media [in circulation] is controlled by those with close ties to [President] Erdogan" (Bucak, 2018).

85. The constitutional system became defined by super-presidentialism following the April 2017 referendum, which the government won by a narrow majority. OSCE/ODIHR monitors concluded that the referendum "took place on an unlevel playing field". The constitutional changes were designed to introduce a US-style system where the President also heads the cabinet and the Parliament is institutionally separated from the executive, with MPs being prohibited from serving as ministers. However, in practice, the new Turkish system lacks the elements of checks and balances that are inherent in the US model, including the requirement that the Parliament authorise key appointments and be able to compel executive branch officials to testify. In Turkey, the President retains the right to dissolve the Parliament and has increased powers *vis-à-vis* the judiciary. The Venice Commission concluded that, by removing necessary checks and balances, the amended Constitution "would risk degeneration into an authoritarian presidential system". Nevertheless, the Parliament retains meaningful powers and has the potential to play a role as guardian of the Turkish democracy.

86. These constitutional changes officially came into force after Turkey's recent early presidential and parliamentary elections on 24 June 2018. Turkish voters re-elected Mr Erdogan by 52.5% of votes, extending his term for the next five years as President of Turkey. Mr Erdogan's main adversary, Muharrem Ince, the candidate of the Republican People's Party (CHP), won 30.8% of the presidential polls (Guler, 2018). By winning an overall 53.6%, the electoral alliance between

Erdogan's Justice and Development (AKP) party and the Nationalist Movement Party (MHP) secured the majority of the parliamentary seats. Notably, the pro-Kurdish HDP, whose leader Selahattin Demirtas was running for presidency from jail, passed the electoral threshold and entered the parliament by securing 11.6% of the votes. The OSCE election observation mission concluded that "voters had genuine choice in Turkish elections, but incumbent president and ruling party enjoyed undue advantage, including in media".

87. Over the course of 2018, Turkish-US relations have deteriorated, mainly over the case of US pastor Andrew Brunson, detained in Turkey on alleged terrorism and espionage charges. The US administration dismisses the charges as not supported by the evidence. In August 2018, the US Department of Treasury imposed sanctions on two Turkish ministers (Justice and Interior) in relation to the detention of Brunson. The US administration followed up on these sanctions by doubling tariffs on Turkish steel and aluminium. Currently, pastor Brunson is held under house arrest until his next trial.

88. From January to September 2018, the Turkish lira lost more than 40% of its value against the US dollar. This occurred due to a combination of factors, ranging from the consequences of the credit-fuelled growth, decreased investor confidence and the worsening of relations with the United States. The government seeks to direct the monetary policy, and, at the time of writing, it is not clear if Turkey's central bank will be able to demonstrate its independence and increase the interest rates above the levels suggested by the government.

89. Developments in Turkey in 2016-2017 convinced Freedom House to change its assessment of Turkey's status from "partly free" to "not free". Consequently, Turkey became the only NATO country in this category (Albania and Montenegro ranked as "partly free"). According to Transparency International's Corruption Perception Index, Turkey ranks 81<sup>st</sup> among 180 countries, scoring 40 points—down from 50 points in 2013. Among NATO Allies, only Albania's score is lower.

90. Political polarisation in Turkish society is deep. According to a public opinion survey by the Center for American Progress (CAP), supporters of the ruling AKP differ dramatically from supporters of the opposition CHP and HDP in how they assess political and socio-economic realities in Turkey. While more than 60% of AKP supporters assess these realities favourably, only 6% of CHP supporters share that view (Makovsky, 2017).

91. On the other hand, the CAP poll suggests that the alarmist warnings of growing religious fundamentalism in Turkey are unsubstantiated. The overwhelming majority of Turks continue to support the secular model. Atatürk, the father of secular Turkey, is viewed positively by more than 80% of the population. The support base of the ruling AKP is also mostly pro-secular: only a quarter of its supporters support a "Sharia state", and younger Turks—including AKP voters—are even less supportive of the centrality of religion in state affairs (Makovsky, 2017).

92. According to Article 2 of the Constitution, Turkey is a democratic, secular and social state governed by the rule of law. Since the establishment of the Republic of Turkey, there has been a considerable increase in the rate of women's participation in areas including education, employment and decision-making mechanisms. A Strategy Paper and Action Plan on Women's Empowerment has been prepared to cover the period of 2018-2023. Nevertheless, initiatives that seem to contradict the Western secular model are occasionally announced, such as the proposal by President Erdogan to criminalise adultery. According to the President, "[Turkish] society holds a different status in terms of its moral values. This is an issue where Turkey is different from most Western countries" (Rezaian, 2018). According to the gender gap index of the World Economic Forum, which assesses access to health services, educational attainment, economic participation and political empowerment, Turkey ranks 130 out of 144 countries surveyed. Just 34% of women in Turkey work, by far the lowest proportion within the OECD, where the average is 63% (Lowen, 2018).

## VII. CONCLUSIONS: ENHANCING THE EURO-ATLANTIC COMMUNITY'S APPROACH TO THE BLACK SEA REGION

93. Many countries in the Black Sea region face substantial obstacles to achieving international standards pertaining to human rights, the rule of law and democratic governance. Parts of the region have deteriorated alarmingly, particularly in territories under *de facto* Russian control, where authorities use the difficult security situation and/or the threat of terrorism to justify breaches of civil liberties. This situation creates a vicious cycle and distorts the balance between liberties and security. The General Rapporteur believes that democratic backsliding in parts of the region contributes significantly to the current levels of tension and undermines the efforts towards reconciliation and dialogue among Black Sea states.

94. As an intergovernmental political-military alliance, NATO has been mainly involved in the Black Sea region through: introducing reassurance measures for NATO Black Sea Allies (Tailored Forward Presence) and assisting partner countries – Georgia, the Republic of Moldova and Ukraine – in the fields of defence and security sector reform and public diplomacy. While the NATO Membership Action Plan states that aspirants must demonstrate commitment to human rights and the rule of law, NATO lacks a clear mandate and the capacities to carry out comprehensive assessments of democratic progress in aspirant countries, let alone in its own member states. Political dialogue within the framework of the NATO partnership policy has mainly focused on practical cooperation in a military context.

95. However, the General Rapporteur is convinced that democratic governance, the rule of law and human rights should be more prioritised in the Alliance's partnership strategy. Similarly, an open discussion on ways of promoting the liberal democratic world order within and outside the Alliance should become a legitimate subject of NATO's institutional agenda. As the then US State Secretary, John Kerry, said after the coup attempt in Turkey: "NATO also has a requirement with respect to democracy, and NATO will indeed measure very carefully what is happening" (Sloat, 2018).

96. The EU, with its immense soft power and institutional and financial capacities, has far greater tools to promote reforms and democratic standards across the Black Sea, as it has previously done in Central and Eastern Europe. The EU's Black Sea Synergy Initiative, launched back in 2007, needs to become more ambitious and better funded. The General Rapporteur supports the calls that the EU's involvement and support be strictly conditional on partners' progress in improving human rights, democracy and the rule of law. To improve the quality of reforms and to ensure their implementation, efforts to strengthen administrative capacities and culture as well as to involve civil society and the expert community in consultation processes should be prioritised. European leaders should react swiftly and resolutely whenever concerns arise regarding the persecution of human rights activists, infringements on media freedom, selective justice, cases of torture, the oppression of national minorities, election fraud and other violations of human rights and liberties. There can be no excuses for delaying the adoption and implementation of rigorous anticorruption policies.

97. Ultimately, the Black Sea states themselves need to do more to promote democratic standards across their region. Strengthening people-to-people contacts as well as regional organisations such as the Black Sea Economic Cooperation (BSEC) is key to achieving durable reconciliation and stability in the region. The international community should continue to be united in calling on Russia to revisit its revisionist policies in the region and to end the violation of territorial integrity of Georgia, Ukraine and the Republic of Moldova. The General Rapporteur is also convinced that faster progress in introducing European standards of democracy and the rule of law by Georgia, Ukraine and the Republic of Moldova will serve as a powerful pull factor for the populations of their regions under *de facto* foreign control.

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