

2009 – Birinci Genel Kurul Dönem Toplantısı

26 Ocak 2009

Konu: Access to rights for people with disabilities and their full and active participation in society

Milletvekili: Lokman AYVA

– I congratulate Mr Marquet on an excellent report. I remind colleagues that the subject of the report is access to rights for people with disabilities and their full and active participation in society. Yes, there are some problems with access to rights. Some rights are currently not accessible. There is also a problem in achieving full participation in society. For example, some in Europe cannot access education to develop and improve themselves and their capabilities. Some in Europe cannot access employment. Some cannot go anywhere in the street or access public services and institutions, and can only watch people through the windows of their houses. Those people number 200 million in Europe and more than 600 million in the world. Like everyone, those people must be able to exercise basic human rights. The United Nations, the Council of Europe and the European Union have made many rules and regulations. The UN has adopted the Convention on the Rights of Persons with Disabilities, and the Council of Europe and others have action plans. Those measures provide some facilities and rights to education, rehabilitation and access to the law. The world has seen progress and the Council of Europe may lead opinion in that context, as its values are appropriate.

Nowadays, quality of services is an important issue. We cannot measure or evaluate the efficiency and effectiveness of services for those with disabilities, which is an urgent problem. Nor can we measure the welfare of those with disabilities in different countries in the way that we can measure the inflation rate or the growth rate. We also need to consider the objectives of individuals as against those of society as a whole. The report's weakness is the lack of an equal approach to evaluating services in countries. That must be reassessed. I am grateful for the report and I hope that it will lead to improved welfare for people with disabilities.

27 Ocak 2009

Konu: The implementation by Armenia of Assembly Resolutions 1609 (2008) and 1620 (2008)

Milletvekili: Nursuna MEMECAN

– I congratulate Mr Colombier and Mr Prescott on their painstaking efforts to follow and report the developments in Armenia in the aftermath of the unfortunate events following the presidential elections. The co-rapporteurs' dedication to the values and principles of the Council of Europe, and their persistence, have been monumentally influential in recent democratic developments in Armenia. The significant contributions and guidance of the Commissioner for Human Rights, Mr Hammarberg, in his implementation of the Assembly's suggestions deserve recognition. They should all keep up the good work they have been doing towards further progress in the democratisation of Armenia.

The tragic events following the presidential elections claimed 10 lives and led to the imprisonment of many. The period since then is full of evidence of flaws in democracy in Armenia, as indicated in Resolutions 1609 and 1620. Evidence such as the existence of political prisoners, long periods without trial, the existence of laws open to misinterpretation, and the consideration of police testimony as the only proof was of serious concern to the Assembly. The detained people were judged under Articles 225 and 300, and misinterpretation of these articles caused misjudgements and deprived people of their liberty. To remedy those misjudgments, presidential intervention was necessary. The president had to pardon or declare an amnesty to set misjudged people free and to restore justice.

One part of the mistake was corrected and some of the imprisoned people were freed. However, justice will not be restored until those responsible for the deaths of the 10 people are brought to justice. There have not yet been any real results in this area. These are all indications of the shortcomings of the legal system and of the need for major legal reforms in Armenia. The police system, judges, courts and laws need to be reformed according to Council of Europe and Venice Commission principles.

The Armenian authorities had responded rather slowly to these concerns until recently, but progress has been made. Some 28 political prisoners have been pardoned so far. The newly formed special working group was given the responsibility of tabling amendments to eliminate the legal shortcomings of Articles 225 and 300. The co-operation of the Armenian authorities and the political will that they have shown in solving those problems should be welcomed. Similar improvements are expected in all democratic institutions in Armenia, including the electoral system and the media. The indispensable value of being a member of the Council of Europe once again became apparent in the case of Armenia.

Armenia's membership of the Council of Europe and commitment to its values are helping it to correct its diversion from the democratic path. Armenia is clearly benefiting from the monitoring of its democratic progress and from the Council of Europe's guidance. A democratic, stable and co-operative Armenia can solve its conflicts with its neighbours by

dialogue and become a stable country in the region. The Armenian people will benefit from peace and stability and move on to establish economic prosperity.

Konu: Nomination of candidates and election of judges to the European Court of Human Rights

Milletvekili: Haluk KOÇ

Mr KOÇ (*Turkey*) said that the European Court of Human Rights was unique among judicial bodies, and the quality of the judges was therefore paramount. The existing Convention clearly specified the procedures to be followed, and it was important to avoid an approach which focused too closely on process. Quality must come first, especially since the decisions which the judges made affected millions of people. The Assembly ought to shoulder its responsibilities in this area. It was regrettable that some candidates were rejected with no good reason, and that their reputations had thereby been undermined. That in turn might dissuade good candidates from putting themselves forward. The Assembly should think about how the process of selection was carried out, and at all costs those involved must avoid being swayed by rumour and misunderstanding. An interview lasting just 15 or 20 minutes was hardly sufficient to assess the qualities of an applicant, and so it was essential to undertake proper preparation. The new procedures embodied a formalistic approach and did not address the substantive issues. An in-depth reform was needed.

28 Ocak 2009

Konu: Current affairs debate: Situation in Gaza

Milletvekili: Mevlüt ÇAVUŞOĞLU

– I thank the Bureau and the Assembly for deciding to have this debate. Unfortunately, Europe and the West have been silent on this tragic event. My country acted promptly when the war between Russia and Georgia occurred, as did European countries. However, we did not do the same thing in respect of Gaza. Bomb attacks, including phosphorus bombs, have caused the deaths of many people. Many of those were civilians, and most of those were children and women.

Everyone is only talking about the economic cost of the conflict in the Middle East. I attended a seminar in Geneva last week where I heard that the economic cost of the conflict is approaching US\$12 trillion. We can estimate the cost of the bomb attacks on Gaza, but how can we estimate the cost of the death of children, women and other civilians? The declaration by the Council of Europe that the core values of its Assembly are not limited to the physical territories of its member states is important.

Finally, the ceasefire has been achieved, but that is not enough. Children and women are the vulnerable ones in Gaza. They are suffering because of the embargoes and restrictions. The borders are still closed. Many countries, such as my own, have tried to help, but people are still suffering. Unfortunately, the Israelis, and even Egypt, are not very helpful on that issue.

I have never thought that the bomb attacks by Hamas are right, but they cannot justify the deaths of civilians in Gaza. Let us be realistic about the peace. I do not agree with the policy of Hamas, but we cannot ignore Hamas if we are to achieve a long-lasting peace in the Middle East. Hamas was elected by the people. Like many other institutions, this Organisation observed the elections, which were fair and democratic. That does not mean that Hamas can continue its attacks, but to have peace in the Middle East, in Palestine and Israel, we must accept that Hamas is there. We have to be realistic.

Milletvekili: Ruhi AÇIKGÖZ

– I am sorry that the reaction from the international community has been too late, too little and too slow. As a result of the military operations of Israel, at least 1 400 Palestinians have died and more than 6 000 Palestinians have been injured. Casualties and damage in Gaza are very high and reliable figures are hard to obtain.

The humanitarian situation is grim and miserable and apparently will be dire for some time to come. At present, most of the population is getting intermittent electricity and power cuts continue in many parts. Hospitals that are still open are struggling to function under frequent and long power cuts, while their emergency rooms and intensive care units are overwhelmed.

Some others have already closed due to damage from shelling. In most instances, it still takes hours before the ambulances can reach the hospitals.

Around 400 000 people have no access to running water. Sewage has been flooding the streets in several locations. Although security is improving, much of the food in warehouses remains inaccessible – most mills and bakeries have stopped working. Around 100 000 people have left their homes, and over 46 000 remain in UN emergency shelters. The people of Gaza have suffered much and for so long and now it is time for healing wounds.

We must now ensure that the ceasefire is durable and fully respected, enabling the full implementation of the UN Resolution 1860. The UN resolution calls for an immediate and durable ceasefire, an end to arms trafficking into Gaza, the full withdrawal of Israeli forces from Gaza, unimpeded provision of humanitarian aid, intra-Palestinian reconciliation and comprehensive peace in the Middle East. We should all concentrate our efforts on the realisation of those objectives.

In this respect, I should like to emphasise that the countries of the region must put their differences aside and concentrate their energies on achieving our common goals. Therefore, we should convene an international donors' conference that will address both the urgent humanitarian needs of the people of Gaza and the reconstruction of Gaza.

Milletvekili: Nursuna MEMECAN

– I would like to ask the same question that my colleague, Corien Jonker, asked on the issue of Russia and Georgia this morning. Was it worth it? I would also like to ask a few questions of my own. Was it worth thousands of precious lives? Are the Israeli people safer and happier now? Is there more hope now to sustain peace in the region? Unfortunately, the answers to most of those questions are in the negative.

Israel recklessly attacked Gaza, killed civilians including innocent women and hundreds of innocent children, disabled thousands of people and destroyed their living spaces. After all that killing, life in Gaza is no better. The decisions and violent actions of the Israeli Government should be condemned. The elected government of Hamas, regardless of its reasoning and regardless of the number of lives claimed by its continued rocket attacks, should be condemned. Hamas must decide whether it wants to be in the political arena or to continue with terrorist activities. It is time that it was recognised that divided leadership is not helping the Palestinian people.

The inhuman embargo with which Gazans have had to live and still have to live is beyond comprehension. Regardless of the reasoning behind it, depriving humans of their basic needs and rights, and depriving them of dignity, is simply mean. The embargo should be condemned. I urge the international community to take immediate action to help in the delivery of humanitarian aid and in meeting the basic needs of Gazans. A comprehensive assessment of the ongoing dispute, and a simple road map for peace in the region, is a difficult task. However pessimistic it may look, however, we should all try to find sincere, objective responsible solutions for all people in the region to pursue their lives in peace. In this day and age, we should prove and insist that diplomacy can work. We should try to stop governments' leaders from resorting to violence and abusing innocent people for whatever reason they

might find. Any violation of international norms should be clarified. We should make sure that such abuse never happens again.

I invite and urge the Council of Europe's Commissioner for Human Rights, Mr Hammarberg, to be involved in the humanitarian aspects of this conflict too. I know that he makes a difference. I also want everyone to keep it in mind that the Israeli Government's decisions and actions are independent of the Jews around the world. We should be sensitive to the feelings and security of Jews living in our societies when reacting to the Israeli Government. We should not let anti-Semitic sentiment grow. We should take precautions in our societies so that Jews are not subject to such resentment.

Milletvekili: Erol Aslan CEBECİ

– I condemn the timing of this discussion. I wonder how many of our friends who voted on Monday for the discussion to be at this hour are here right now. I do not believe that it was an innocent vote.

This is a current affairs debate, and look at how many of us are here. I have also heard that the press is protesting because it does not want to work after 7 o'clock. Mike Hancock raised another issue: how many of you were following the crisis? How many of you know when the Council of Europe officially reacted to Israel's attacks on Gaza? The attacks started on 26 and 27 December and the official reaction of the Council of Europe was on 5 January. Where was the Council of Europe?

I know that Israel's attack on Gaza was timely because of the Christmas break, but do not the people of Gaza deserve a prompter and more powerful response from our body? I am not questioning Israelis or even Hamas, because everyone knows who they are and what they do. However, we should question our Organisation and our governments. The Council of Europe is the school of democracy, the rule of law and human rights. Those are its reasons for existence. I can think of no human right more sacred than the right to life. That right to life arises not just in relation to euthanasia or abortion but in the right not to be killed by shells, bombs and guns. My friends in the Group of the European People's Party, the Socialist Group, the Alliance of Liberals and Democrats for Europe and the human rights organisations value the right to life more than anything but it took 22 days to stop the aggressor. Did not children, women and civilians in Gaza have that right to life when faced with the indiscriminate use of heavy weaponry and disproportionate use of force in a densely populated area?

When civilians went to schools for shelter and the school is bombed, when ambulances and hospitals are bombed, why is the reaction so silent? Yes, there is a double standard, but it favours Israel. I have not spoken to a single person who thought that the attacks made Israel, or Israeli citizens, much safer or Hamas weaker. However, we will see the results in the February elections, and that was the only intention.

Milletvekili: Birgen KELEŞ

– The President of the Parliamentary Assembly of the Council of Europe called for an end to all violence in Gaza and rightly said that “violence, destruction and death will never solve the Middle East problem”.

The United Nations Security Council adopted Resolution 1860 (2009), which recalled all the relevant resolutions, stressed that the Gaza Strip constitutes an integral part of the territory occupied in 1967 and will be a part of the Palestinian state and called for a durable cease-fire and a two-state solution.

The Middle East had a very unfortunate experience because of the war between Israel and Gaza. It was an experience that was not at all appropriate to this century. Actually, killing civilians, including children and women, was never considered appropriate even in very early ages.

To see a country divided, to acknowledge the behaviour of other countries and to see the double standard used with regard to this war was all very unfortunate and very disappointing. I draw attention to one point. There is a public opinion that Israel attacked Palestine to end the rocket attacks by Hamas. This may be one of the reasons, but it may not be the only reason.

On 8 January 2009, in an article entitled “War and natural gas: the Israeli invasion and Gaza’s offshore gas fields”, Michel Chossudovsky, author of the book, *America’s “War on Terrorism”*, claims that the military invasion of the Gaza Strip by Israeli forces has a direct relation to the control and ownership of strategic offshore gas reserves.

The British Gas (BG) group, the international Consolidated Contractors Company (CCC) and the Investment Fund of the Palestinian Authority have oil and gas exploration rights which also include field development and the construction of a gas pipeline. The article says that the BG licence covers the entire Gazan offshore maritime area, which is on the border of several Israeli offshore gas facilities and that 60% of the gas reserves along the Gaza-Israel coastline belong to Palestine.

The article goes on to say that the amount of gas reserves is very high and from a legal standpoint the gas reserves belong to Palestine but the development that took place in recent years enabled Israel to establish de facto control of Gaza’s offshore gas reserves. It also mentions two possible alternatives about the intention of Israel with regard to Palestine’s natural gas reserves. It is an interesting article and I wanted to bring it to members’ attention, because if we want to find a solution to a problem we should first learn the real reasons for that problem to be able to find the necessary measures to solve it.

Now everybody seems to be in favour of a durable, respected cease-fire for the implementation of United Nations Security Council Resolution 1860. A cease-fire is a precondition for negotiation but it is not enough in the case of the Middle East. First of all, both sides should be willing to carry on a long negotiation to reach a stable and irreversible peace. A two-state solution seems to be the most realistic and durable solution. To do this, the other countries in the region should also commit themselves to collective responsibility for the stability and security of the Middle East.

29 Ocak 2009

Konu: Debate under urgent procedure: the consequences of the global financial crisis

Milletvekili: Ruhi AÇIKGÖZ

– I thank Mr Sasi for his comprehensive report on the latest developments and trends in the global economy. As the rapporteur said, dark clouds still loom over the global economy. The economic crisis has many dimensions, including global macroeconomic imbalances, incompatibilities between the economic policies of different countries and weaknesses in the oversight and supervision of new products in the financial system.

We believe that, when seeking a solution to the crisis, those different dimensions should be addressed. When tackling that problem, we should consider the social repercussions of the crisis and the counter-policies of governments as well as the economic dimensions. Rising unemployment, poverty and, in particular, economic inequality may damage social harmony by sharpening intolerance among people and accelerating tensions between groups.

Our governments should work to protect European people and vulnerable groups in particular from the detrimental effects of the global economic crisis. We parliamentarians have a responsibility to use this Assembly as a forum for discussion and co-operation; those issues can be handled in this Assembly and recommendations to help by providing guidance to our governments can be raised here.

My country was relatively well prepared for the global economic crisis, and our response was strong because of the serious measures that had been taken in recent years through macroeconomic policies and structural reforms. Fiscal discipline, reform of the banking system, progress in privatisation, opening major sectors of the economy to competition and a floating exchange rate regime have provided the Turkish economy with an important degree of flexibility.

The first half of 2009 in particular will be difficult. During that period, our top policy priorities must be to maintain fiscal discipline, continue a cautious monetary policy, manage liquidity effectively and ensure confidence in the markets.

In conclusion, I emphasise that, when taking into account the global nature of the crisis, it is crucial to adopt the necessary social and economic measures with a spirit of global co-operation and co-ordination.

Konu: Attitude to memorials exposed to different historical interpretations in Council of Europe member states

Milletvekili: Birgen KELEŞ

– I thank the rapporteur for producing a comprehensive and excellent report. It is about the totalitarian regimes and wars of the 20th century that left behind graves and memorials, which had different historical and political connotations afterwards. The rapporteur said that disputes relating to different interpretations of history can be resolved only with time and through a process specific to each nation. The final decision on the fate of such memorials lies within the power of the state where the monument is located. He also pointed out that the relevant norms of international conventions and bilateral agreements should be respected in the case of war graves and burial sites.

The report mentions that dealing with undesirable memorials sometimes causes new disputes among different political parties or groups within individual countries. In addition, that may even give rise to disputes between different countries. For example, a country that has destroyed all monuments, memorials, cultural assets and historical buildings in a territory might accuse another country of not protecting or restoring them in a different territory.

Sometimes, unsatisfactory performance arises not from undermining this responsibility but because of the financial difficulties faced by governments. In most countries today, there are special laws and constitutional provisions protecting memorials and war graves. There are also several international conventions relating to the protection and restoration of memorials and monuments.

It does not seem to be realistic to try to help different parties, groups and countries to have the same interpretation of memorials and monuments that belong to a particular period of history. That is also not appropriate with regard to freedom of thought and freedom of speech. More important than the opening of archives is the quality, experience and objectivity of the historians who study those archives.

According to the report, the Spanish case shows that the legacy of the past is still capable of dividing the political forces of a modern European country after 30 years of peace and stable democracy. It also states that the problem of memorials cannot be solved without taking into account the way in which the people and the political forces think about it.

According to the reports, numerous examples from western Europe show that to demolish the monuments erected by previous totalitarian regimes is not necessary because putting monuments that are symbolic of dictatorships to a different, non-political use serves the same purpose.

These evaluations are realistic and valuable. To achieve a satisfactory outcome in this regard, a special international fund could be established to help finance the protection and restoration of memorials, monuments, natural assets and historic buildings; it could also support putting them to a non-political use or their movement to another area. It may be possible to solve this problem without creating new frustrations and conflicts.

30 Ocak 2009

Konu: Electronic democracy

Milletvekili: Lokman AYVA

– I congratulate the rapporteur on an excellent report. Something interesting happened to me today. I put my card into the system and my friend said that it was not working, but it was a joke, because e-democracy is for non-blind people.

People are not interested in the electronic field, because all member states and all countries in the world must get better. Every business sector, whether banking, insurance or communications, must use electronic systems. My country, Turkey, is also changing rapidly in this field, and has comparative advantages due to its population characteristics.

I want to emphasise the social context of electronic democracy. I remind members of the Council of Europe slogan, “All different, all equal.” How can different people be equal? How can that be realised? Electronic democracy will help us to realise that slogan, especially in terms of social stratification, whether people have disabilities, are in rural areas, or are in hospitals. Electronic systems empower people through participation in the democratic, political process. We urgently need to provide people with those instruments.

I have friends who do not have hands. How can they vote? Electronic systems will help them, and I am sure that the Council of Europe will support electronic democracy in member states to realise such aims.

2009 – İkinci Genel Kurul Dönem Toplantısı

27 Nisan 2009

Konu: Progress report of the Bureau of the Assembly and the Standing Committee

Milletvekili: Mevlüt ÇAVUŞOĞLU

– On behalf of the European Democrat Group, I would like to thank Mr Hörster and the rapporteurs from other committees that observed the elections in different countries. Before I turn to election observation, I would like to thank the President for his visit to Bosnia and Herzegovina, one of the most problematic members of the Council of Europe; I believe that, as the Council of Europe and the Parliamentary Assembly, we have to give more attention to that country.

Another problematic, and forgotten, country in the middle of Europe is Moldova. Even though the election there was conducted very well, events in the aftermath of the election reminded us that we have to focus on, and give more attention to, that country.

As our rapporteur and the leader of the ad hoc committee mentioned, the election in Macedonia was much better than the one that we observed almost a year ago, which was a very bad example of an election in a member country. I observed one more thing during this election. Recently, we discussed the relationship between the Parliamentary Assembly and other committees, and ODIHR. Unfortunately, we saw that nothing had changed in the attitudes of ODIHR towards the other parliamentary committees. We found ourselves in a kind of war – a big clash – between ODIHR and the Parliamentary Assembly. Therefore, I think that that issue will be on the agenda of our Parliamentary Assembly in the future.

As Mr Gross mentioned, the election in Montenegro met most of the criteria. Regarding Azerbaijan, we mostly share the conclusions of the peace-monitoring mission. However, we do not think that the criticisms concerning one of the changes made in respect of lifetime presidency in Azerbaijan are founded. In our reading, this particular change, although allowing a person to be elected for a third term, does not guarantee anyone a seat unless he is elected through democratic elections. The elections, which will be held properly and in accordance with the relevant criteria for democratic elections, will continue to be the best guarantee for flourishing democracy in Azerbaijan. We are so happy to see progress in conducting elections in Azerbaijan as well. I thank once again the rapporteurs for their briefings. Thank you very much.

28 Nisan 2009

Konu: The situation of human rights defenders in Council of Europe member states

Milletvekili: Birgen KELEŞ

– Mr President, ladies and gentlemen, I thank the rapporteur for a well-prepared and comprehensive report on the situation of human rights defenders in Council of Europe member states. Human rights defenders contribute to human rights, democracy, rule of law and the prevention of conflicts – all of which are the main principles of the Council of Europe.

The rights of human rights defenders are important because such people cannot realise their missions if there is not enough freedom of expression, of assembly, and of association. The Assembly is right to urge member states to implement fully the relevant provisions of the European Convention on Human Rights as interpreted by the European Court of Human Rights, as well as the United Nations and Council of Europe declarations of human rights defenders.

Paragraph 16 of the report says that “Human rights defenders do not form a particular category of vulnerable persons who should have specific rights, but they do defend other persons’ human rights and are therefore more visible at the front line.” In general, this sentence is true. I also think that human rights defenders should be protected in every way possible, but I want to bring to your attention one point that I think is important.

There is no doubt that we should protect human rights defenders, but before doing that we should understand whether they are real human rights defenders or people who use human rights arguments to reach their own aims. These aims may have nothing to do with human rights. For example, a terrorist organisation may use human rights arguments, whether directly or through their supporters, but their aim may be to separate a certain part of the country from the rest of the territory. The terrorist organisation PKK is such an organisation, and most of its supporters in civil life and in politics use human rights arguments.

I fully support this report and the resolutions and recommendations that it puts forward but, while I realise this, both international organisations and related countries should investigate well whom they are protecting and supporting. Are these organisations and people really contributing to the rule of law, democracy and the protection of human rights as well as the prevention of conflicts?

I also fully agree that the responsibility of certain media and public authorities for engaging in, tolerating or supporting hate speech against particular human rights defenders and organisations should not be underestimated. I would like to add one sentence; in the case of so-called human rights defenders, the media and public authorities should feel equal responsibility for the hate speeches against the state, the nation and the respectable institutions of the country in question. This is because the aim should be the protection of human rights,

democracy and the rule of law and the prevention of conflict. It should not serve the real aim of the so-called human rights defenders.

Konu: Address by Mrs Tarja Halonen, President of Finland

Milletvekili: Mevlüt ÇAVUŞOĞLU

– Madam President, we appreciate the role played by Finland in promoting our common values in Europe; I am thinking especially of your country’s active contribution to the activities of the Council of Europe, the OSCE and the European Union. As you said, your country chaired the OSCE.

Given Finland’s experience in the EU and other organisations, how do you think the Council of Europe can play its role in the future of Europe, especially in respect of cultural dialogue?

Cevap:

Mrs HALONEN. – First, I congratulate my Turkish friends. They held an excellent meeting a while ago in Istanbul, at which were present not only we Europeans but President Obama. It was a good start for the new President of the United States of America. He saw the broad variety of opinions in Europe and how we are trying to find a way to speak with one voice. He also saw a very warm welcome from an Islamic society.

The flagship of the Council of Europe, of course, is the European Court of Human Rights and everything in jurisprudence concerning human rights. However, as we all know, it would be artificial to be limited to just this juridical side and let the other organisations do the other work. So I hope that the main expertise will be in the hands of the Council of Europe in future, so that the European Union and the Luxembourg court, for example, could use the expertise of the European Court of Human Rights in Strasbourg.

The membership of the Council of Europe is broader than that of the European Union, so in an international sense it gives rise to equal discussions with a broader European perspective. The OSCE, of course, is also involved but it does more structural work. I hope that the others will respect the work of the Council of Europe in building the architecture and structures of European democracy. It is not always in the first front on the news and on television, but it diminishes the amount of difficult news on television. I hope that this House will become stronger and stronger in that role.

Konu: Action to combat gender-based human rights violations, including abduction of women and girls

Milletvekili: Birgen KELEŞ

– I would like to congratulate the rapporteur on writing a comprehensive report on the abduction and confinement of women and girls. Of course, there are many types of gender-based human rights violations in every country, but in the report two of them are brought into focus – forced marriages and female genital mutilation. I do not quite understand why these two are grouped together, because forced marriages, for example, can be grouped better with honour crimes or with marriages where very young girls are married to old men.

Abduction and confinement are usually the beginning of forced marriages. So-called honour crimes and childhood marriages are also related subjects. But genital mutilation is something else and it has nothing to do with the Muslim religion. For example, honour crimes are seen mainly in our south-east region and among people who have migrated to other regions, but female genital mutilation is not seen in Turkey. In the explanatory memorandum by the rapporteur, at paragraph 4, there is a list of countries. The report underlines that the national delegations to the PACE have answered a questionnaire and the countries on the list replied that “they do not experience such problems”. I have never heard of female genital mutilation in Turkey, but to check my knowledge I asked the Turkish Republic Prime Ministry General Directorate on the status of women and the people in charge said that there is no female genital mutilation in Turkey. I assume there are many cases of female genital mutilation in Africa and there are many people who have migrated from Africa to Europe.

I focused on the absence of female genital mutilation in Turkey because the countries where forced marriages and female genital mutilation are seen are quoted together. When something like this takes place in a report, other people will refer to it as if it shows the reality. These two human rights violations may not be found together in other countries also.

Recently, an English politician has asked two parliamentary questions to be answered by the European Union Commission about honour crimes and female genital mutilation in Turkey. He asked the Commission whether Turkey is reminded of the fact that a country which has not solved the problem of honour crimes and female genital mutilation cannot be a member of the European Union. I hope that he will learn the names of the countries on the list in reading the report of the rapporteur and in the discussions about it. Maybe then he will ask even the EU Commission to throw those countries out of the European Union.

The items of the resolution and the recommendation are very well prepared and cover the necessary measures to prevent abduction and confinement of women and girls. It also covers some measures that can be used to save the victims in case of failure. Preventing abduction and confinement, informing the people about human rights and the rules and regulations in the host country, strengthening co-operation with the authorities of the countries of origin speeding up the granting of a return visa to any woman or girl victim of human rights violations and giving technical and financial support to the countries in question are all very important measures and they will help the solution of certain problems.

Konu: Women in prison

Milletvekili: Ertuğrul KUMCUOĞLU

– I would first like to congratulate Mrs Cliveti on her comprehensive report on women in prison and also thank her and her colleagues who helped her in her excellent work for making us better understand and appreciate the complicated situation of the unlucky women in prison.

As is known, women in prison are still only a certain minority of the people sentenced. Therefore, prisons in general are designed according to the needs of male prisoners. This brings in the idea of developing prisons designed and provided only for women. As a matter of fact, some member states, like mine, have already done so. And there are already three closed and one open prison for women in Turkey. But, since the number of the women in prison is a small fraction of the people sentenced, it inevitably forces women prisoners to live in places far from their homes, which naturally makes it very difficult to reach their close relatives and maintain family ties. Therefore, I ask the Assembly not only to urge but to help member states to develop special projects and build prisons which would serve both men and women in the same surroundings but naturally in separate quarters.

Furthermore, the rapporteur supports the idea that member states should ensure that crèches are made available to mothers with babies or children living in prison with them. However, in order to prevent the negative effects of the prison environment on children, we should also take into account the practice of allowing those children to be able to attend regular crèches outside the prison.

In this way, the unfortunate children of women in prison would have an opportunity to get familiar with regular life outside prison. An amendment to the draft resolution in this respect is already submitted by myself and by some of my colleagues. I would surely appreciate it if this amendment is supported by your august Assembly.

Milletvekili: Birgen KELEŞ

– I congratulate Mrs Cliveti for writing an excellent report. The explanation of the rapporteur shows clearly how important the subject is, not only for the prisoners but for their children, for their families and for society.

The report says that women are a minority of the prison population. Nevertheless, sending them to a far-away prison, to hold them in prison while waiting for trial even when their crimes are not very serious and to have prisons or rules and regulations that are not in conformity with the needs of women are the problems that should be solved. In fact, other options and other native forms of sentencing should be considered before putting women in prison, especially when they have children that they should take care of. Suspension of sentence during pregnancy should be considered in every case.

The rapporteur puts forward a well-prepared list of resolutions and recommendations that highlight what should be done before the trial, during the prison period and after release.

Paragraph 60 says that “most of the women prisoners are charged with minor and non-violent offences and they do not pose a risk to the public. Many are imprisoned due to poverty and inability to pay fines”. Therefore, there is no reason why we should not prevent the pre-trial detention of women and let them avoid that unpleasant experience both for them and for their children. This is important because, according to some research, the children of imprisoned parents are more likely to show antisocial behaviour, drop out of school, become delinquent and enter the criminal justice system themselves. When the mother is in prison, it is very important that children are taken care of by the public authorities and at the same time have enough contact with their mothers. This is also very important for the psychology of the mother in prison.

The fact that women in prison suffer mental health problems at high rates is important. The report points out that the mental health problems may be the result of using drugs and the fact that many of them have sexual, physical and mental abuse in their past. Usually, the things that a woman has confronted at the early stages of her life are not her own fault but the fault of her environment and her family. These women should have special care so that their health problems do not get worse.

The stage after release is also very important because when women are in prison they usually lose their jobs, homes and the custody of their children. I agree with the statement of the rapporteur that agencies and organisations should also help released women to adjust themselves to life outside. It is very striking to learn that only half of the prisoners who had no contact with their families while in prison can complete a year without being re-arrested.

It is very important that the rapporteurs be objective in their evaluations because otherwise they distort the realities, accusing a country with no base at all, as Mrs Papadopoulos did in the previous report. Then, when something like this takes place, other people refer to it as if the report shows the reality. Of course it is something very unfortunate and unpleasant but I am sure it does not bring prestige to the person that does it.

29 Nisan 2009

Konu:

Follow-up given by Georgia and Russia to Resolution 1647 (2009)

The humanitarian consequences of the war between Georgia and Russia: follow-up given to Resolution 1648 (2009)

Milletvekili Birgen KELEŞ

– I thank the rapporteurs, Mr Luc Van den Brande and Mr Mátyás Eörsi, for writing a comprehensive report on the follow-up given by Georgia and Russia to [Resolution 1647](#) (2009).

The report points out that security along the administrative borders is quite stable, and the outbreak of clashes and hostilities seem remote. On the other hand, military troops within an undisputed territory of Georgia, regular violations by Russian helicopters of Georgia's airspace, the building of military bases and increased militarisation of the breakaway regions by Russia are all issues that should be monitored carefully. It is clear that restrictions, placed by either side, on the entry of humanitarian aid into the two breakaway regions are not in conformity both with the Assembly resolutions and with the customary international law.

The report says that, to avoid deterioration in the security and the stability of the region and to ensure minimum conditions for a meaningful dialogue between Russia and Georgia, certain steps should be taken. It lists the items that should be implemented. Out of seven items, five start with the word "immediate". No state would be enthusiastic about taking such sharp orders from an international organisation, no matter how respectable that organisation is and how meaningful are the measures recommended. I think it is better to try to bring the two countries together for a dialogue first and then to propose the steps that should be taken if they want security and stability in their countries.

European countries are dependent, to a great extent, on Russia for energy. Therefore, both the conflict between Georgia and Russia and the conflicts in the Caucasus should be handled keeping the energy situation in mind.

I would also like to congratulate the rapporteur, Mrs Corien W. A. Jonker, for writing a detailed report that enlightens us about the humanitarian consequences and the follow-up given to [Resolution 1648](#) (2009).

The report points out that, although some of the urgent humanitarian needs have been met, the repair of homes and the infrastructure to providing income to people are two of the many real problems that still exist. Family reunification and the removal of mines are also important and they should be given priority. To start a dialogue with all parties concerned, to ensure that certain administrative borders stay open between the parties of the conflict, the voluntary return of displaced persons in accordance with international law, the uncertainty of the

education system, problems of access to health care are other problems that should be handled soon.

All of these are problems that are related to human rights, democracy and the rule of law. I am sure that the Council of Europe can play an important role by bringing together some international organisations such as the European Union, the United Nations, the Organization for Security and Co-operation in Europe to protect and develop human rights, democracy and the rule of law.

Turkey is trying to ease the humanitarian consequences by housing projects and others, We are also following with great attention the international talks being held in Geneva. United Nations Security Council [Resolution 1866](#) mentions the creation of a new security regime for Georgia and this will also contribute to the improvement of the humanitarian situation.

Konu: Address by Mr José Luis Rodríguez Zapatero

Milletvekili: Mevlüt ÇAVUŞOĞLU

– We welcome the signing of a memorandum of understanding between the Council of Europe and the Alliance of Civilizations on 29 September 2008. The Council of Europe participated at the highest level – with the Secretary General, Terry Davis – in the second forum of the alliance, organised in Istanbul three weeks ago. What concrete co-operation do you foresee between the alliance and the Council of Europe to further improve the intercultural dialogue?

Cevap:

Mr ZAPATERO said that the whole idea behind the Alliance of Civilizations was that it was a forum to prevent intercultural and inter-religious conflict. It would be a good thing if the alliance's secretariat – which was UN run – established links with the Council of Europe. The alliance was, essentially, an exhortation to understanding. His suggestion was that the UN representatives of the alliance – appointed by the Secretary General of the UN – held a meeting with representatives of the Council of Europe in order to learn from one another. The alliance was planning national activities, and training for young people. The alliance would benefit from Council of Europe involvement, especially in the area that the Council had responsibility. He thought that the alliance was exactly what the Council should stand for.

30 Nisan 2009

Konu: Statement by Thomas Hammarberg, Council of Europe Commissioner for Human Rights

Milletvekili: Özlem TÜRKÖNE

– Mr Commissioner, in your report you refer to your visit to Greece in December 2008. During that visit you raised, among other issues, the situation of minority members affected by the application of former article 19 of the Greek nationality code. How do you evaluate the effectiveness of the measures taken so far by the Greek Government to remedy the situation in which almost 60 000 minority members – mostly ethnic Turks – have been deprived of Greek nationality because of the application of article 19?

Cevap:

Mr HAMMARBERG. – I would describe it as a work in progress. I have had discussions with representatives of the Greek Government, and there is now recognition that there is a problem with those who were deprived of their citizenship because of the changes to the law. So far I have not seen full implementation of our recommendation on restoring the citizenship rights of those people who were discriminated against by these illegal moves. I hope that there will be progress very soon on this issue.

Konu: Draft Protocol No. 14 bis to the Convention for the Protection of Human Rights and Fundamental Freedoms

Milletvekili: Nursuna MEMECAN

– I thank the rapporteur for producing an effective report in such a short time. For half a century, the people of the member states of the Council of Europe trusted the protection of their fundamental human rights and freedoms to the Convention on Human Rights and its protocols. The European Court of Human Rights not only provides protection of fundamental rights but ensures that member states comply with their obligations under the convention. For many people, the European Court of Human Rights provides the security to live in freedom. The Court deals with new challenges, new issues arising from technological advancements, social changes and security concerns, and contributes to the promotion and institution of the rule of law and democracy in Europe. Its binding judgments have been instrumental in upgrading national legislation and legal practices in member states.

Over the past half-century, the Court has delivered more than 10 000 judgments. The number of annual applications exceeds 30 000 and increases every year. The Court's effectiveness is being seriously threatened by the flow of new applications and a growing

backlog of cases. The overwhelming flow of new applications remains one of the main reasons for the present crisis in the Court. However, there are other reasons that should be taken into account.

Protocol No. 14, which addresses the urgent need to boost the Court's case-processing capacity, was agreed in 2004. The case-handling procedures have been modified for best use of the judges' time in order to speed up the process. However, the protocol is still not in effect; it is awaiting the ratification of one last member state – Russia. Protocol No. 14 bis has been produced to address this urgent problem and brings into force procedural measures to speed up the process.

Draft Protocol No. 14 bis, which covers the provisional application of the two new procedures foreseen in Protocol No. 14 – the single-judge formation and the new competence of three-judge committees – is one of those interim steps. Until Protocol No. 14 is ratified by the last member state and put into effect – we should hope and insist that that happens sooner, rather than later – Protocol No. 14 bis will be functional and will help to ease the Court's work load.

The efficiency and objectivity of its judgments and the speedy handling of its cases will guarantee the long-term effectiveness of the European Court of Human Rights and ensure its major role in protecting the human rights of the European people.

2009 – Üçüncü Genel Kurul Dönem Toplantısı

22 Haziran 2009

Konu: Communication by Mr Samuel Žbogar, Chairperson of the Committee of Ministers

Milletvekili: Mevlüt ÇAVUŞOĞLU

– I should like to change the topic. This Assembly is the common house of 800 million Europeans from 47 states. It can be strongly argued that under the newly elected European Parliament, there are many more people who are not European and do not belong to Europe. Could you expand on how to further European integration, taking into account the new composition of the European Parliament?

Cevap:

Mr ŽBOGAR. – We have a new European Parliament which still has to sit. I believe that it will start work in mid-July, so we will have to wait and see what kind of positions are presented at its meetings. It would be too simple to say that the majority of the European Parliament speaks against further enlargement of the European Union. Enlargement continues to be the policy of the Union with several countries now in negotiations and others waiting in line having been promised membership, especially the western Balkan countries. There is even a rumour that Iceland may apply for EU membership, so the enlargement process is very much alive and will continue to be so in the future.

One cannot step away from the fact that the big enlargements of 2004 and 2007 have been a burden for the European Union. To enlarge the Union by 10 less-developed member states has been a burden on structures; it takes time to adjust to and absorb such a big enlargement. One cannot ignore that fact, but it does not mean that enlargement of the Union is off the table. The Union has a responsibility to provide hope for the prospect that one day countries from the western Balkans will join. However, given the composition of the European Parliament, it is too early to conclude that that will dramatically affect the enlargement process.

23 Haziran 2009

Konu: Situation in Belarus

Milletvekili: Mevlüt ÇAVUŞOĞLU

– The report presents an accurate account of recent developments in Belarus. It follows a constructive and balanced approach, for which I thank our rapporteur, Mr Rigoni. The European Democrat Group supports his recommendations.

We also welcome the invitation to our colleague from the Belarusian Parliament and a representative of the extra-parliamentary opposition to participate in the debate. One reason for re-initiating dialogue with the country is to hear the voice of the opposition.

We welcome the recent steps that Belarus has taken on the path of democratisation. We conclude that the achievements in democratisation are indications of the willingness of the Belarusian authorities to work more closely with European institutions. The Assembly is living proof that constructive criticism is always helpful in improving human rights and overall democratisation. The creation of consultative councils for constructive dialogue with representatives of Belarusian civil society and the registration of the opposition movement For Freedom are important steps towards that end.

We also perceive the possible creation of two independent media outlets in Belarus and distribution through the state network as further steps towards improving the freedom of the media in Belarus. The increased co-operation of the Belarusian authorities with the Office for Democratic Institutions and Human Rights from the Organization for Security and Co-operation in Europe, particularly with the opening of the Council of Europe information point in Minsk early this month, is a most welcome development.

The most appropriate approach to Belarus is engagement and encouragement rather than isolation. That is what we believe. That requires keeping communication channels open to convey the necessary messages. We believe that the information point will serve that purpose, forge a new relationship and foster co-operation between Belarus and the Council of Europe. It will also contribute to the process of democratisation by better informing people of our shared values.

The agreement signed with the Belarusian authorities is valid for only one year. It is therefore important to start negotiations for continuing it immediately. The recent developments in the human rights situation and the overall democratisation process have led to the call for the restoration of special guest status, which was suspended in 1997. We support that recommendation. Not everything is perfect in the country – we know that much needs to be done. However, we must encourage the country and that is why we support the recommendation. We believe that restoration of special guest status will pave the way to re-establishing open dialogue not only with the Belarusian authorities, but with the opposition and civil society.

The European Democrat Group hopes that those positive steps by the Council of Europe will encourage the Belarusian authorities to speed up their efforts for substantial democratic reform.

Konu: The challenges of the financial crisis to the world economic institutions

Milletvekili: Birgen KELEŞ

– I thank the rapporteur for writing a comprehensive report that gives detailed information about the international organisations that were established after the Bretton Woods conference, and the way in which they worked. As a result of developments that began in 2006 and turned into a crisis in 2007, it was clear that there was something wrong with the way the system worked.

It is good that the G20 is accepted as a platform to discuss problems, along with the G7 or the G8, because it represents the global economy more than the others. Globalisation produced two results. It made the rich countries richer, and the poor countries poorer. The difference in wealth between those two groups increased. Similarly, the income difference between the richest and the poorest groups within countries increased. Although there was a worldwide increase in trade and wealth, one cannot say that low-income countries or people on low incomes benefited from it.

In the report, it is argued that the motto of the World Bank is “Working for a world free of poverty”, but the system established at the Bretton Woods conference did not work like that. The system worked against poor countries and people, but it increased liquidity. It enabled poor or developing countries to reach international credit institutions more easily than before, so the debt of those countries increased rapidly.

On the other hand, the IMF, which was responsible for financial assistance and credit, set conditions related to the budget of the borrowers. The IMF was interested in protecting the benefits of the countries that contributed to the credit. Therefore, the IMF’s first condition was to ensure that interest payments on the debt of the borrowing countries was guaranteed. The IMF was also interested in the way in which budget revenues were spent. Investment allocations were reduced to a minimum. I think that that was wrong. Giving the impression that countries could go on borrowing by guaranteeing interest payments was not realistic. Investing in real sectors and increasing agricultural and industrial production are preconditions of development and welfare. Encouraging the liberalisation of imports and letting imports increase at a high rate and replace domestic production is a short-sighted attitude. As imports replace domestic production, the proportion of imports among the inputs of exports increases to a high ratio. That may lead to a high balance of payments deficit.

No matter how good the intentions, some measures imposed by the IMF clearly did not produce positive results for developing countries. Now, developed countries are allocating enormous amounts of money to overcome the present crisis and make their economies work. In spite of the increase in the amounts that the IMF will lend, neither the emerging countries nor the developing countries can find a comparable amount to support their economies. They

are at a disadvantage both in the current situation and with regard to the amount that they can find or spare for supporting their economies. Therefore, unless special measures are taken, the countries and the people that were unable to produce and invest during globalisation will still be at a disadvantage after the crisis. That is a crucial point because if we genuinely want to increase the welfare of the world as a whole, those countries should be able to invest and increase their production. Otherwise they will only be the market and that will lead them nowhere.

Milletvekili: Ertuğrul KUMCUOĞLU

- I thank Mr. Sasi for his outstanding report on the challenges of the financial crisis to the world economic institutions. Crises, if taken advantage of in a courageous and timely fashion, can present us with important opportunities to examine, evaluate and, when necessary, redefine our institutions.

International institutions created in the aftermath of the Second World War have successfully fulfilled their purpose. However, new challenges now face us in the 21st century. It is time for European politicians to take the initiative and create an appropriate institutional framework for these new challenges, just as our forebears did after 1945. The Western alliance created after the Second World War was ambitious and strong. Liberal, free market democracies in Europe, led by the United States, decided that only an alliance comprising all economic, social, political and military issues could adequately address the needs of the time. The abstract notion of the Western alliance was transformed into the Council of Europe, NATO, the World Bank, the IMF, GATT and OECD.

The common element of the post-war Western institutions was tying liberal democracies together in a way such that violent conflict would become inconceivable. They have succeeded in these goals. War in Western Europe is indeed now inconceivable. Some members of the Western alliance have moved further ahead and, via the EU, achieved a level of integration only dreamed of by previous generations. In time, the EU has become the leading international institution in Europe.

Unfortunately, there is a fundamental threat posed by the prominence of the EU and the diminishing roles of other institutions. The Council of Europe, NATO, the IMF, the World Bank, GATT and OECD were all designed as inclusive institutions. Their *raison d'être* was to include all interested parties. Throughout their history, they made an effort to include all interested parties.

To the contrary, the European Economic Community was formed as a "club". It was by nature an exclusive, not an inclusive institution. The EU has very much continued this club mentality. The aspects of the club mentality have been evident throughout the history of the EU, from the difficult accession of the United Kingdom, to the current vituperative debate on Turkish membership. The club mentality did not pose any problems when the EEC was primarily an economic institution, as it added more political, diplomatic, military and social roles, the mentality has started to create problems.

We saw plainly in the recent elections for the European Parliament that many political actors in Europe have fallen prey to the attractions of racism and xenophobia. We observe that the

tone of the debate in Europe about Turkey is quite worrying. Serious analysis is not listened to, or debated. Rational arguments are drowned out. The debate is brought down to the level of bites sound and 1930s-style demagoguery.

Turkey may be a candidate for the EU club, but it is certainly not a candidate for Europe. It has been part of Europe for hundreds of years. It is a founding member or very early member of all the post-war European institutions. European institutions created after the Second World War aimed at tearing down the iron curtain from the Baltic Sea to the Adriatic Sea. They succeeded. Let us not replace it with another iron curtain elsewhere in Europe.

There are two possible ways forward. Either the EU will have to become a more inclusive institution or we need to strengthen and expand the scope of inclusive institutions such as the Council of Europe and NATO. I urge the members of this honourable assembly to give serious thought to these issues and show the required leadership.

Konu: Reconsideration on substantial grounds of the credentials of the Ukrainian delegation (Rule 9 of the Assembly's Rules of Procedure)

Milletvekili: Mevlüt ÇAVUŞOĞLU

– I commend our rapporteur, Dick Marty, for the report that he has produced in a very short period of time following his appointment only yesterday. He deserves even more appreciation given that the report deals with the reconsideration of the credentials of a parliamentary delegation, which is always highly sensitive.

As a matter of principle, I am against the annulment of the credentials of any parliamentary delegation. It is my strong belief that such an action can only be considered as an overreaction and that it runs against the spirit of democracy.

We all agree that one of the pillars of parliamentary democracy is dialogue. Our Parliamentary Assembly is an august body that promotes finding solutions to disputes through dialogue, which is why we adopted the resolution on Belarus this morning.

The inconclusive election procedure for a new judge for Ukraine has provoked a motion asking for the annulment of the credentials of our Ukrainian colleagues. I understand the frustration, particularly among members of the Sub-Committee on the Election of Judges to the European Court of Human Rights, because the election procedure has been inconclusive for quite a long time.

Having seen the motion, I wonder whether it is the most appropriate way out of the deadlock. I also wonder whether the Ukrainian delegation is solely responsible for the deadlock. Will the annulment of the credentials of our Ukrainian colleagues put a quick end to that problem? I do not think so.

As opposed to the motion, the report suggests not challenging the credentials of our Ukrainian colleagues for the time being. I welcome that approach as a positive step in

maintaining dialogue with the Ukrainian authorities with a view to finding a solution to this difficult problem.

I am confident that our Ukrainian colleagues – in particular Mr Popescu, who is chair of the Ukrainian delegation – are doing their utmost to find a solution to the deadlock and that they will continue to do so. I never believed that their efforts to that end deserved a harsh message of punishment through a challenge to their credentials, which is incompatible with the spirit of democracy. I am happy that we are making progress without challenging the credentials of our Ukrainian colleagues.

24 Haziran 2009

Konu: State of human rights in Europe: eradicating impunity

Milletvekili: Tuğrul TÜRKEŞ

– I thank the rapporteur for her comprehensive report on such an important issue. Impunity can simply be described as “committing crime and getting away with it”. In a civilised world made up of modern states governed by the rule of law, exemption from punishment is unthinkable, yet from time to time we come across it in all member countries, albeit that the frequency and severity of such cases may change.

There is no doubt that the fight against impunity for the perpetrators of serious human rights violations should always be a priority for the Parliamentary Assembly of the Council of Europe because it poses a direct threat to the core values of the Council. Having said that, I shall restate my position once more: I believe in the cause that this report defends. I should also like to make a few comments on the draft resolution and the explanatory memorandum to the report, which contains references to Turkey. While the report aims at eradicating impunity in all member countries, I find it difficult to understand the reasons why Turkey is specifically mentioned in the draft resolution.

In paragraph 5, the rapporteur states: “Impunity for perpetrators of serious human rights violations occurs in member and observer states of the Council of Europe, in different shapes and forms.” Following that general expression, reference is made to certain countries and regions, including Turkey, that goes far beyond the purpose of the draft resolution and contradicts the integrity of the report. Turkey is fighting a serious terrorism problem, one that endangers her territorial integrity and sovereignty and threatens the basic human rights and well-being of all Turkish citizens. Depicting Turkey’s legitimate fight against terrorism as just a “conflict in south-eastern Turkey” is unacceptable. Like all other member states, Turkey has ratified the European Convention on Human Rights and is fully committed to granting, without discrimination, Convention rights to all individuals within its jurisdiction. Turkey’s legitimate fight against terrorism conforms with her other commitments.

The information set out under the title “Destruction of villages” draws a picture that is far from the current reality of the situation in Turkey. It gives an erroneous impression that the destruction of villages is a common and ongoing problem caused by the security forces in the region. That is not true and it is unacceptable. The issue covered under this subtitle relates to Turkey’s legitimate fight against the terrorist organisation PKK/KADEK/Kongra-Gel. In fact, the European Council’s Common Position of 15 June 2009 on the application of specific measures to combat terrorism, published on 16 June in the official journal, specifically mentions PKK/KADEK/Kongra-Gel as one of those terrorist organisations. Therefore, using the term “fighting against terrorism” in the relevant parts of this report would have been more appropriate than the phrase “armed conflict”.

Another important point relates to the references made to the Court’s case law. When mentioning case law from the Court, references should be intact; an “à la carte” selection is

neither acceptable nor appropriate. Such an approach goes against the basic principles of the justice system. Under the subtitle “Destruction of villages” no mention is made of the Turkish law on compensation which directly relates to this matter and is often referred to as an example of good practice in relevant publications from PACE and the Council of Europe. It has even been praised by the UN Special Rapporteur on Human Rights and Counter-Terrorism.

Apart from the points that I have touched on, there are certain other factual discrepancies, but I have already brought those to the attention of the rapporteur and I expect her to give them her due consideration and attention.

Konu: The state of human rights in Europe and the progress of the Assembly’s monitoring procedure

Milletvekili: Birgen KELEŞ

– I thank the rapporteur for writing a comprehensive report. In the preliminary draft resolution, he says that the reform of Article 301 of the Turkish Criminal Code has by no means lifted the restrictions on the exercise of the freedom of expression. This criticism is not fair because despite the fact that some European countries have similar items in their criminal codes, Turkey amended the item in 2008. In addition, the European Court of Human Rights made no judgment whatsoever even against the old version.

The other item about Turkey in the preliminary draft resolution was about lack of recognition of the legal personality of religious minorities. The Turkish Republic, and naturally the Turkish Constitution, are secular. Therefore, religious minorities and Muslims cannot acquire a legal personality. The status of the Greek Orthodox Patriarchate was agreed on at the Lausanne peace conference. It was allowed to stay in Istanbul to provide service only to the Greek Orthodox minority in Istanbul under the condition that all the political and administrative privileges granted by Ottoman authorities were removed.

In the explanatory memorandum, there are some other relevant statements, one of which is about foundations. I think that no foundation in Europe has the flexibility and advantages that are given to non-Muslim minority foundations by the new law in Turkey. That is an extreme change, and I think it is a change that will not work in favour of Turkey, so to refer to it in the report as if it is a humble or a minimum change is not very just.

The claim about UNHCR not having access to people in detention does not reflect the reality, because UNHCR has access to detention centres in co-operation with the Ministry of the Interior. We also have an agreement on the status of UN agencies and organs in Turkey including UNHCR.

Last but not least is the section about the minorities in Turkey. As we know, it is the state’s sovereign right to establish which group of citizens is called a minority. The recognition of national, ethnic and other minorities varies from country to country. In Turkey, minority rights are formulated by the Lausanne Peace Treaty of 1923. According to this agreement, the

term “minority” is used for non-Muslim groups and not for Muslim citizens. Citizens have equal rights and Turkey does not deny the cultural and religious rights of her citizens of all cultural, religious and ethnic origins.

As regards the 10% threshold for national elections, we should remember that it was introduced to ensure political stability. There are two ECHR decisions which consider that Turkey has not overstepped her wide margin of appreciation with regard to Article 3 of Protocol No. 1.

According to Turkish legislation, religious teaching at higher levels, including Muslim, is realised under the supervision of the state. Turkey proposed to reopen the theological school in Heybeliada under the aegis of one of the state universities in Istanbul but it was rejected by the patriarchate.

In the explanatory memorandum, there is also a section on recognising the right of conscientious objection. Since 2005, no Turkish citizen has been deprived of Turkish citizenship because of not fulfilling military service. Besides, rights and freedoms in the European Convention on Human Rights do not include the right of conscientious objection and to be a conscientious objector does not create the right to be exempted from military obligations.

Konu: Europe’s forgotten people: protecting the human rights of long-term displaced persons

Milletvekili: Tuğrul TÜRKEŞ

– I thank Mr. Greenway for the comprehensive report he has produced and wish him well since he had an operation yesterday.

I appreciate the contribution which this report would make the work of the Council of Europe on the protection of the rights of displaced persons in Europe. That said, I would like to make several comments which I wish could have been taken on board in the drafting of the report.

First, the draft recommendation lists only conflicts arising from inter-ethnic violence, rejected independence claims and territorial disputes as causes of internal displacement in Europe. However, in light of the experience of some Council of Europe countries, terrorism should also be added as possible cause of internal displacement. In this regard, I would like to refer to the fact that internal displacement in Turkey has nothing to do with the causes listed in the recommendation. Internal displacement in Turkey has stemmed from security concerns caused by terrorism.

The need for international peacekeeping forces to protect IDPs from violence, as referred to in paragraph 13 of the draft recommendation, is understandable from the point of view of protection of civilians. However, I believe that this is very unlikely to contribute to the alleviation of difficulties suffered by IDPs. The Council of Europe would make a more

meaningful contribution to this issue by considering the possibility of mobilising adequate financial support for countries with a high number of IDPs.

The call made in paragraph 15.4 to bring together IDP representatives from across Europe to learn from their experiences deserves appreciation at first glance. This being said, such a proposal would risk lumping together various IDP problems of fundamentally different nature. This, in my view, would only create more confusion on this issue. Besides, there would also be a risk of politicisation of this issue by those who wish to express their political view on the circumstances that have led to the emergence of IDPs rather than to discuss their actual problems.

There are several references in the report to “political solution” or lack thereof. In paragraph 26 of the explanatory memorandum, the rapporteur claims that there is a “lack of political solution” in some Council of Europe member states and refers to Turkey. Such an argument could misrepresent or misinterpret the true cause of the IDP problem in my country.

With regard to the case study on Turkey, I thank the rapporteur for incorporating factual information regarding the Return to Village and Rehabilitation Project and the Damage Assessment Commission. I do, however, disagree with the rapporteur’s remark in paragraph 61 that “return programs have also been criticized for lacking transparency, consistency, consultation and funding”. My country has been fully open and co-operative on this issue.

I conclude by thanking once again our rapporteur for his efforts for preparing a report on such a broad and controversial topic.

25 Haziran 2009

Konu: Address by Mr Borut Pahor, Prime Minister of Slovenia

Milletvekili: Mevlüt ÇAVUŞOĞLU

– Mr Prime Minister, I, too, congratulate your country on its national day.

Recent studies by the Council of Europe’s European Commission against Racism and Intolerance and other international, independent monitoring bodies indicate that discrimination and intolerance against groups such as Jews, Roma and Muslims in Europe continues to pose serious challenges. Will you elaborate on measures to improve the situation for those groups, and, in particular for migrants?

Cevap:

Mr PAHOR said that he had worked in the Council of Europe for eight years and across the river in the European Parliament for another four. Now he was Prime Minister of Slovenia. He had realised from his experience that Europe should consider concentrating not on what divided nations but instead on what united them. In a way, everybody was part of a minority. Although there were common identities based, for example, around religion or nationality, all people were individuals. Europe and its institutions must protect and safeguard all individual identities. Only then would everyone feel at home in Europe. During its presidency, Slovenia was committed to doing all it could to further that aim.

Konu: The funding of public service broadcasting

Milletvekili: Ertuğrul KUMCUOĞLU

– Traditional broadcasting methods and delivery systems are changing and transforming into a shape and structure that we could hardly have dreamt of in the past. In the near future, broadcasting services will be provided as part of multiplatform operators’ services, and that will necessitate a more complex set of regulations, with aspects ranging from intellectual property rights to human rights in general. Among this jungle of services, either public or private, there is no need to go into detail about the importance of the public service media. In so many states, the remits of the public service media have been clearly set out before us as a responsibility that we have to fulfil for the next generations in Europe without showing any luxury of hesitation.

Keeping in mind the lessons that we learned in past times when public service broadcasting was perceived only as the magnificent and unique voice of the state over individuals and societies, rather than as a gift of democracy and human rights, I am sure we

all understand that the value and the independence of the public service medium is of the utmost importance in our time, too. I agree that public service broadcasters must offer universal services and be accessible to all. They should therefore be available on all platforms, with their diversified, additional and individualised services alongside their traditional broadcasts.

For these services to be provided, and to maximise their role in diversifying and disseminating the social, cultural and educational content on all new communications networks as independent sources of impartial, trustworthy and qualified information, proper public funding should be ensured for public service broadcasters. It can surely be stated that one of the ways that true independence of a public service broadcasting organisation is ensured is through the realisation of a proper financing method.

I hope that the importance of the public service media is well understood by all politicians and that they help to accelerate the restructuring process of public service broadcasters to update their structure, services and funding in accordance with the demands of the 21st century. There is also a need to increase the transparency and accountability of public service broadcasters. They should be financially strengthened and, if it does not already exist, a set of criteria to measure their performance as to how much they fulfil their remit should be introduced, with a provision that their expenditures are made proportionately and with openness for each aim that they fulfil.

This report covers all these issues well enough, and it will be a useful tool for everyone involved. In the name of my group and myself, I congratulate and thank the rapporteur and others who have contributed to this excellent work.

26 Haziran 2009

Konu: History teaching in conflict and post-conflict areas

Milletvekili: Mehmet TEKELİOĞLU

– I thank the rapporteur for her report. Generally speaking, it is a good, fair and well-balanced text. She has duly reflected the importance of history teaching as a major tool for facilitating peace and reconciliation between people. However, the report has a specific lacuna that needs to be mentioned, because history teaching is an important area where the Council of Europe plays a major role and we need to get the facts straight on such an important issue.

In Cyprus, the Council of Europe has been conducting a history teaching project since 2004. It has been prepared and enabled by the Council of Europe, and was based on a genuine desire expressed by the European Commission. The EU was convinced that history education is important for reconciliation in Cyprus, especially following the refusal of the Annan plan by the Greek Cypriot side. Various activities have taken place both on the island and in Strasbourg in the context of the project, for which the European Commission had pledged to provide €1.2 million. That sum was to come from financial aid that the EU had earmarked for the Turkish Cypriot side after the Greek Cypriot side had rejected the Annan plan. In other words, the financing of history teaching was to come from funds earmarked for the less prosperous Turkish Cypriot side and would also benefit the Greek Cypriot side.

From the very beginning, the Turkish Cypriot side supported financing the project out of the funds earmarked for its own economic development. The textbooks in the north of the island have been rewritten in line with the principles of the Council of Europe, in the context of this organisation's Recommendation 2001/15 on history teaching in 21st century Europe. The Greek Cypriot administration failed to show the same resolute attitude to rewriting its history books. That issue has been raised in the reports of the UN High Commissioner for Human Rights published on 9 March 2007 and 6 March 2008. Moreover, people have observed that as a direct result of the persisting hateful speech and lack of proper training of teachers in the Greek Cypriot educational system, considerable levels of racist and xenophobic prejudice among the students in the Greek Cypriot side are apparent. That was underlined in the third report on Cyprus produced by the European Commission Against Racism and Intolerance on 16 December 2005. The Greek Cypriot side has so far failed to comply with the Council of Europe recommendation. Hateful speech and insulting and racist descriptions of Turkish Cypriots and Turks in general continues to be found in the Greek Cypriot history textbooks.

The Greek Cypriot side not only insists on refraining from complying with the Council of Europe recommendation, but refuses to approve the EU financing of the project to which I referred. The EU allocated that sum for the Council of Europe project more than two years ago, yet the project is still stalled. Why is that? It is simply because the Greek Cypriot side refuses to approve the EU financing, as it is fully aware that if that financing is not approved, the money involved will be lost at the end of this year.

Milletvekili: Tuğrul TÜRKEŞ

– The Council of Europe has a major role in fostering peace and reconciliation between people. It has the ability and know-how to develop and implement projects aimed at promoting mutual understanding. History teaching has an exclusive role in that endeavour.

I sincerely congratulate our rapporteur on doing a great job. Given the thorniness of this area, her report is very good, but there is still room for improvement.

On Cyprus, tangible elements are missing from the report. The report rightly points out the significant role that history teaching can play in contributing to greater understanding and confidence between individuals in Europe, but it does not reflect the point that teaching controversial historical issues can also be a force for division and intolerance. Paragraph 71 of the report includes a quote from the leader of the Greek Cypriot administration, Mr Christofias. He states, “We are going step by step to change the books of history in order to teach the young in an objective way and avoid any hatred – avoid the teaching of hatred toward the Turkish Cypriots.” That is simply not the case; it is not true; it is pure farce.

In Cyprus, a comprehensive Council of Europe project on history teaching has been conducted since as early as 2004. The project that we have referred to here was conceived and developed by the Council of Europe solely on the demand of the EU Commission after the refusal of the Annan plan by the Greek Cypriot side. The EU, eager to focus on history teaching as an indispensable tool for reconciliation in Cyprus, pledged to provide €1.2 million for that project, and textbooks in north Cyprus have been rewritten accordingly. However, the Greek Cypriot administration failed to do that. Hate speech and insulting and racist descriptions of Turks are still in Greek Cypriot history textbooks.

The Greek Cypriot side has not only refrained from complying with Council of Europe recommendations in this field, but it also refuses to approve the EU financing of the project. The sum of money allocated by the EU for that purpose has been blocked in Brussels for more than two years. It is truly deplorable, on the one hand, to give the impression that you are anxious to negotiate a peaceful solution, but, on the other, to deadlock those funds in Brussels. Ms Keaveney should have inserted that point in her report.

Milletvekili: Birgen KELEŞ

– I thank the rapporteur for an interesting report on an important subject. It is important because by teaching history one can either increase understanding, tolerance and confidence among communities or strengthen intolerance, division and violence. Unfortunately, there are two different practices on the island of Cyprus.

The Turkish Cypriots have been in favour of the history teaching project initiated by the Council of Europe since the beginning and they made the necessary changes. They established a schooling system for Greek Cypriot children, both at primary and secondary stage, and it is working according to the standard of the European Convention on Human Rights. Unfortunately, Turkish Cypriots living in the Limassol area in the south of Cyprus are denied Turkish language primary schools. Unlike the practice in the North Cyprus education system, curricula and teachers there are designated solely by a Greek Cypriot administration.

In the Turkish Republic of Northern Cyprus, textbooks were rewritten in line with the principles of the Council of Europe. To be frank, I must admit that Turkish Cypriots went too far in that rewriting. They have changed not only the speeches but the historical facts. In the rewritten historical texts, details of the massacre committed between 1963 and 1974 by Greek Cypriots and soldiers are erased. The foundation of the Turkish Republic of Northern Cyprus after the massacre that was realised in the name of enosis is not even mentioned. No mention is made of the sacrifice made by Turkish Cypriots during those years. So the rewritten form of the historical texts in the north is not just changing the language of the history textbooks but erasing a very important and a very respectable part of the history of the Turkish Cypriots.

On the other hand, the Greek Cypriot administration made no change to the text of its history books following the recommendations of the Council of Europe. Thus Greek Cypriot history textbooks are full of hate speeches and insulting racist descriptions of Turkish Cypriots and Turks. Participation by Turkish Cypriot universities in the Bologna process was also prevented by the Greek Cypriot administration.

In addition, the media of both Greek Cypriots and Orthodox Church officials continue their hate speeches. What is more, Church officials also talk about and emphasise Cypriot Hellenism. This also cultivates racist conditioning and pre-enosis understanding and speeches.

Turkish Cypriots should not be regarded as a minority. Turkish Cypriots were equal founder partners of the Cyprus Republic established in 1960 and dissolved because of the Greek partner's behaviour. There is not one community but two equal communities in Cyprus, and if this reality is not accepted by the Greek Cypriots, no training program can create a long-lasting and stable peace in the island. Therefore, the Council of Europe should ask the Greek administration to make the changes in its history textbooks. If Greek Cypriots keep their history books as they are and if the media and the Church continue their hate speeches, I am afraid there may be more problems in future.

Konu: The urgent need to combat so-called “honour crimes”

Milletvekili: Birgen KELEŞ

– The title of the report, “The urgent need to combat so-called ‘honour crimes’”, is appropriate. The report examines violations against women in different countries in Europe. The situation is urgent, because both the number of such crimes and the number of countries in which they take place have been increasing rapidly.

Honour crimes are one of the most severe forms of violence against women. They involve making a woman accept something according to the wishes of the family. Such crimes may be caused by not only real relationships but supposed relationships, too. The aim is usually to murder the woman. In most cases, those involved do not even listen to what the woman has to say. Such decisions are usually taken at a family gathering without the presence of the woman in question. Women who are present at that gathering, including the victim's mother, are expected to accept and support the decision. Usually, a younger brother is chosen, and he is forced to fulfil the act of killing. It is very sad because usually the event that ends with killing

is something that is very normal and usual in most countries and among the majority of the population. In most cases of so-called honour crimes, the thing that is considered “immoral” has nothing to do with immorality. In the report, a more detailed definition of so-called honour crimes is used. In real life, forcing a young girl to marry somebody she does not want or punishing her to make her accept something is not considered a so-called honour crime. Murder is the most severe form of so-called honour crime, and the form we most often hear about.

As the rapporteur says, so-called honour crimes in any form cannot be justified by any social, cultural or religious argument. Turkey sees so-called honour crimes as a severe violation of human rights and wants to do her utmost to prevent them at all levels. The Turkish action plan for combating domestic violence against women covers the period 2007 to 2010 and includes special provisions on so-called honour crimes. It also includes an extensive training programme on subjects that concern gender equality and violence against women, including so-called honour crimes. It was prepared especially for the police by the general directorate for the status of women. Furthermore, the new Turkish penal code penalises killing motivated by honour with aggravated life imprisonment.

The Council of Europe has been very active with regard to the equality of women and men and has had some very successful studies, research programmes, meetings and campaigns. Now there is a study on a convention to abolish violations against women. I thank the rapporteur for such an excellent report and Members of the Parliamentary Assembly for giving priority to this important subject.

2009 – Dördüncü Genel Kurul Dönem Toplantısı

28 Eylül 2009

Konu: Progress report

Milletvekili: Mevlüt ÇAVUŞOĞLU

– Thank you, Mr President. We have all had busy summer months with elections in different member countries. I led the Ad hoc Committee in its observations of the early elections in Moldova on 29 July. During our visit, I and my colleagues met the president of the Central Electoral Commission and representatives of the political parties as well as those of civil society and the media.

Overall, we are very pleased that the elections in Moldova were conducted in a pluralist environment and met many international standards and commitments. The election was well administered overall and allowed competition among political parties representing a plurality of views. We observed – this is very important – the active participation of voters in the election, which is a good signal for democracy in Moldova. The turnout was even greater than that at the previous election, which was held three months before the early election.

Nevertheless, we also observed some shortcomings. In particular, the inaccuracy of the voters list once again exposed weaknesses and an urgent need for major improvement. The electoral code was amended, but it did not meet all the conditions and requirements of the Venice Commission or those of the Organization for Security and Co-operation in Europe. Unfortunately, the media – especially the public media and particular TV channels – failed to be balanced and objective. I think that there should be some reforms of the media, too.

At the end of the report there are some recommendations. I am sure that they will be accepted and that the Moldovan authorities will take them into account. The most important thing in that country is the need for a sincere dialogue among the political figures.

Finally, I want to thank Mr Eörsi, who said that he is leaving the Bureau. He was a great leader of the Alliance of Liberals and Democrats for Europe and a great friend to us. I am sure that he will be successful in his political career wherever he goes. I commend his statement on the terms of the presidency of the Parliamentary Assembly and of the committees. I was also against it when it was decreased to two years, but I know why that happened. We should respect the rules and agreements. We accuse the Committee of Ministers of changing the rules in the middle of the game and now we are doing the same thing almost at the end of the game. Mr Gross said that whenever we go to some countries we see that democracy does not always mean that the big majority always decides whatever it wants, whenever it wants. I like that. It is very important. I am not against a two or three-year term, but we should not undermine the Parliamentary Assembly.

29 Eylül 2009

Konu: Cultural education: the promotion of cultural knowledge, creativity and intercultural understanding through education

Milletvekili: Nursuna MEMECAN

– I thank the rapporteur for pointing to a timely and important issue in her report, which deals with the younger generations and our future. Conventional educational systems in Europe are currently being scrutinised. In many states, methods of education are outdated and attempts to bring them up to date are patchy. Many research studies are being carried out to redesign educational systems both in content and in conduct, the better to benefit from and adapt to recent changes.

Recent technological changes not only open new avenues for children to access information from around the world, but necessitate teaching them about the new technology. Electronics, information handling, online marketing and shopping and social networking are some of the new school subjects. In Europe, social structures are changing, borders are disappearing, past hostilities are ending and new people are moving into old neighbourhoods, changing the demographics. Younger generations should be educated so that they benefit best from these changes, instead of having to struggle in the new environment with old tools.

Environmental change is another major area that should be incorporated into the curriculum for future generations. Climate change and its impact on our lives, awareness of the scarcity of resources and the need for equal sharing of scarce resources are some of the issues that the new generation should learn about and adapt to. In the light of all these changes, the new education system should prepare children to be more creative so that they can excel in a changing environment. The education system should appeal more to the right brain and aim to bring out the creative and artistic abilities of the younger generations.

Cultural education should be as mandatory as mathematics, sciences and history in the European curriculum at every level of formal education. Cultural education is about discovering one's own culture and seeking one's own individuality. It is also about appreciating the cultures and individualities of others. Art education involves learning about ways to express oneself. It is about better communication skills and learning to perform, exhibit, listen, watch, understand and applaud. It is about similarities and differences, and learning to enjoy differences instead of fearing them. Multicultural societies tend to stimulate creativity. Creativity powers innovation and comes in handy in addressing challenges and disputes.

In our globalised world, the more practical jobs will be handled by those who can do them at a cheaper price. It is not only less skilled jobs that are being lost to other parts of the world, but basic engineering and management jobs. The skills that cannot be replaced are those offered by creative people. They are the ones who will make a difference and will continue to contribute to the improvement of our economic and social lives.

30 Eylül 2009

Konu: The activities of the Organisation for Economic Co-operation and Development in 2008-09

Milletvekili: Ertuğrul KUMCUOĞLU

– As we are all aware, the international economic agenda is changing rapidly and the current challenges we face are different from the challenges of past decades. The latest global financial and economic crisis has once again underlined the importance of global co-operation. Global problems necessitate global solutions. Furthermore, co-operation with the emerging economies, as well as co-operation among international organisations, has become more and more vital. Although the importance and strength of the traditional actors in the international economic arena has not substantially changed, we have to accept that there are other actors in the arena. In this context, the axis of economic strength and wealth has started to move towards the east. Therefore, the role and weight of the G20 with respect to the G8 is increasing, so better global governance and the initiation of an institutionalised co-operation between related international organisations, including the “G” configurations, would be most desirable.

OECD has no other choice than to face these new challenges. The key to ensuring the relevance of OECD is the preservation of the high quality of its analysis and the impact of its best practices and standards. The role of OECD in tackling past and future global financial and economic crises should be first to act as a permanent watchdog for the world’s economy, analysing the factors behind the crisis and proposing long-term structural and regulatory reforms.

Finally, I suggest that the Assembly and related parties consider the possible restructuring of OECD as the permanent secretariat of the G8 and the G20, because the lack of permanent secretariats is impairing the effectiveness of international initiatives. I strongly believe that everybody would agree that OECD has the capability and the accumulated experience for this important mission.

1 Ekim 2009

Konu: The future of the Council of Europe in the light of its 60 years of experience

Milletvekili: Tuğrul TÜRKEŞ

– Mr President and distinguished parliamentarians, on behalf of the European Democrat Group, I commend Mr Mignon on the comprehensive report that he has produced on a very relevant topic as we celebrate the 60th anniversary of the Council of Europe. We appreciate the contribution that the report makes to our reflection on the future of our Organisation as an active and visible actor in European politics. We also thank Mr Lellouche for his presence and his contribution to our debate.

Dear colleagues, we representatives of the parliaments of 47 European states are gathered today under a single roof that unites almost the entire European continent. That is what gives this Organisation its label as the only truly pan-European institution. As such, it is the only European forum where parliamentarians from all over Europe can come together and discuss their common problems, as well as their common future. That is why this Organisation matters more than ever and why it deserves stronger commitment, not only from us but from our governments.

In his report, Mr Mignon presents important ideas and proposals that should be taken on board in discussions on the future of the Council of Europe. Every proposal that aims to strengthen the Organisation, and the Assembly in particular, receives our support. Having said that, I would like to raise some concerns about the need for more frequent representation of all the parliamentary delegations in the work of this Assembly. It goes without saying that our Organisation is no longer a club of 10 founding member states, but an organisation of 47 countries, including almost every single European country. That is most welcome, in terms of political unification and diversity.

We have to admit, however, that that rather high number may pose several problems, especially with respect to the representation of the parliamentary delegations, as well as the political groups, in the work of the Council of Europe. That being the case, we have doubts about Mr Mignon's proposal that we should go back to a three-year term of office for the President of our Parliamentary Assembly. A simple calculation shows that five parliamentarians representing different countries and political groups could assume the presidency of this august body in 10 years, but that number would fall to just three if we went back to the previous system, as Mr Mignon proposes.

When speaking about the future length of the term of office of the President of our Assembly, it is inevitable that we should touch on another issue, namely the well-observed tradition of this Assembly's concluding gentlemen's agreements on the rotation of the presidency among political groups. All of us would agree that that tradition prevents unnecessary tension among political groups, while ensuring their fair representation at the top of our Assembly. Having said that, we are concerned about the tendency in recent years to attempt to change the rules during the game, on the basis of those gentlemen's agreements. That goes against the very

spirit of this Assembly, where loyalty to duly established rules must be a priority, and where predictability should rule;*pacta sunt servanda*.

Mr President, I once again thank our rapporteur for his work and would like to conclude on behalf of the European Democrat Group by drawing the attention of my colleagues to the need to ensure the fair representation of all national delegations, as well as political groups, in all aspects of the work of our Assembly.

Milletvekili: Birgen KELEŞ

– I congratulate the rapporteur on writing a remarkable report on the Council of Europe's future in the light of 60 years of experience. The report objectively analyses the Council of Europe's position in the European institutional system, its strengths and potential as well as its weaknesses.

The Council of Europe should be a forum where both problems and the monitoring reports on resolutions and recommendations are discussed objectively. Members of the Parliamentary Assembly will naturally defend the interests of their own countries but they should at least try to be objective in evaluating the problems and the solutions when their countries are not involved directly. Unfortunately, our guest speaker just gave a good example of how far one can get from being objective in his remarks about Turkey. If they are not objective, a debate on a monitoring report may become like a monologue for biased people who are unable to make impartial evaluations.

Dear friends, the first international discussions on human rights were about the human rights of individuals, but it is quite different now. Now a discussion on human rights is usually about the rights of either an ethnic or a religious group.

During this period of globalisation, the problems of minorities in developed countries are not discussed much but, when they are, usually one or two sentences point to the importance of territorial integrity and national unity. That is not the case for minority discussions in a developing country. If the minorities or groups that consider themselves minorities in a developing country demand more than individual human rights – for example, if they demand some kind of separation – the practice is for some foreign countries to support them to such an extent that it soon becomes something more than simple support; it becomes encouragement. Then comes a period of separation. Usually, there is no objectivity at that stage either.

To get away from objectivity requires people to have double standards, as is the case in discussions on separation demands. In some cases, the Council of Europe accepts and defends the idea of two different states, but in others it refuses the idea completely. That is a double standard that should be overcome, because it does not add to the credibility of the Council of Europe. What is more, territorial integrity and unity are important not only for developed but for developing countries. Human rights arguments should not be used as a tool to harm the territorial integrity and national unity of a country if democracy, human rights and the rule of law are both accepted and implemented.

Almost every item in the draft resolution is important. However, ensuring “greater relevance of ... activities and more rigorous selection of the issues to be dealt with” deserves special attention because it is important for the success of the Council of Europe.

Milletvekili: Nursuna MEMECAN

– This timely and relevant report raises awareness of the strengths of the Council of Europe and the areas of it that need strengthening. In its 60 years of existence, the Council of Europe has made immense contributions in establishing and promoting democracy, freedoms, human rights and the rule of law in Europe and its surroundings. We just heard a sincere testimonial from Mr Seyidov before he started on the part about double standards.

Through the Council of Europe and its institutions, social, political, economic and environmental changes are addressed within the context of basic European values to provide references to deal with them. The Council of Europe has been instrumental in suggesting fair, reasonable and realistic solutions and recommendations during conflicts. Women’s issues have received the desired attention thanks to the Council’s responsible involvement.

I would like specifically to mention the Council of Europe’s Commissioner for Human Rights, who has been not just the hope and defender, but the rescuer, of many hopeless, disadvantaged souls in danger.

The Council of Europe is dealing with issues that fall within the direct interest of at least 800 million people. The decisions taken by different Council of Europe bodies have direct effects on the lives of so many people. With its work, efforts and decisions, the Council of Europe can make 800 million people feel safer and happier.

The Council of Europe has to be more powerful in a world with new global players, changing environments and changing demographics to be able to address the new issues facing the European people.

The 60th anniversary can be turned into an occasion for fully reviewing the functioning of the whole Organisation. Starting with the strategic goals and direction of the Council, its institutions, operations, management and bureaucracy should be reconsidered to improve the efficiency and, more importantly, the effectiveness of the Council.

A special and professional review process can be initiated, including a realistic assessment of past performances. The assessment and improvement process should invite participation from all stakeholders and take their criticisms and suggestions into consideration.

We can look into the Assembly, which brings together representatives from member states. This can be a better ground for the exchange of values, ideas and opinions, and it should be the ground for understanding each other. We should use this as an opportunity to get to know and really learn from each other. It should be the ground on which to listen, as well as to talk. I am not saying that that does not already happen, but I believe that there is room for improvement.

As a representative of a founding-member state, I am a firm believer in the significance and relevance of the Council of Europe. However, I am afraid that both recent decisions of the Council of Europe and its institutions unfortunately do not receive the recognition among the peoples of nation states that they deserve.

To raise the profile of the Council of Europe, there should be better communication strategies and better brand management for the Council and its institutions. The member states should be encouraged to be more active in communicating the Council's ideas, directions and decisions within their parliaments and to their people.

The Council can provide the objectives, guidelines and suggestions to improve such efforts to reach out to the people of nation states. The values of the Council of Europe will be better understood and better adhered to if they are better understood by the people. The execution of PACE resolutions and recommendations will be possible if people are more aware of and more engaged with them.

I strongly believe in the values of the Council of Europe and in strengthening the Council for a peaceful and happier Europe.

Konu: Honouring of obligations and commitments by Monaco

Milletvekili: Mevlüt ÇAVUŞOĞLU

– I want to congratulate my two dear colleagues and the secretaries of the committee for bringing us such a good report on Monaco. As indicated in this report, since her accession to the Council of Europe in October 2004, Monaco has carried out a committed effort to fulfil her obligations and commitments to the Organisation. The report indicates that Monaco might still have more steps to take. Nevertheless, I am encouraged by what has already been achieved.

I remember that in 2004, when Monaco became a member, Turkey closed the monitoring procedure with a good report such as this one, in which the co-rapporteurs placed 12 conditions. Since we have closed the monitoring procedure and have been in post-monitoring dialogue, we have fulfilled most of those commitments. The proposal in this report to close the monitoring procedure and carry on with post-monitoring dialogue with the Monegasque authorities is a good idea, which I fully support. I am sure that Monaco will fulfil its requirements.

The recent ratification by France of the convention intended to adopt and develop administrative co-operation between France and Monaco, signed in 2005, is most welcome. It enables Monegasque nationals to fill all posts in their country's civil service and government posts, including the most senior ones, which were traditionally reserved for French nationals. It goes without saying that respecting the principle of non-discrimination will be a means further to involve Monegasque nationals in their administrative affairs.

Last but not least, I congratulate the Monegasque authorities, which have already ratified 40 Council of Europe conventions out of 205 and have signed three others. That shows the will of the authorities to implement the common values so dear to the European family.

I have to catch a flight, so I cannot vote for the report, but I ask all colleagues to support it. It is a fair and good report.

2 Ekim 2009

Konu:

Water: a strategic challenge for the Mediterranean basin;

Towards a new ocean governance (joint debate)

Milletvekili: Birgen KELEŞ

– The two reports bring into focus different aspects of the water challenge, and in a way complete each other. In Article 15.8 of the draft resolution on the Mediterranean basin, it is recommended that water management systems be decentralised “to make them the responsibility of local and regional authorities, and to give the latter the necessary legal powers and financial resources”. The European Charter of Local Self-Government, a Council of Europe convention concerning the autonomy of local authorities, has no provision requiring that water management as a public service be decentralised. Conversely, the charter is flexible enough to leave it to each member state to decide at which level of governance certain public services are to be managed. In such cases, the usual practice is to consider the main characteristics of the administrative structure of each state, as well as its historical and political development.

Moreover, it is a worldwide phenomenon not to decentralise but to give responsibility for the management of water services to higher-level or central authorities on economic and efficiency grounds. From an administrative point of view, central government can realise the integrated management of water services that require the collaboration of more than one technical department. If the state concerned has a long sea-shore, it will be better for it to give priority to large-scale desalination projects.

Sometimes it is recommended that the management of transregional and transboundary waters be given to an international authority, but the state has the right to take decisions on underground resources such as mines and petroleum. Water is a resource of this type. Where a river passes through two or three countries, each country should have its own authority on water and those countries that have a direct interest may come together and discuss their problems if they have any.

According to the Rio Declaration on Environment and Development, “States have...the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies.” It is their “responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.”

The fundamental principle for the states also appears in Article 74 of the UN Charter, which requires co-operation in good spirit to seek equitable solutions to conflicts. The report “Towards a new ocean governance” successfully underlines climate change and its consequences: rising sea levels, alterations to marine currents, imbalances in ecosystems, the

decline of biodiversity and of fish species, and a dramatic decrease in the capacity of the oceans to absorb carbon dioxide.

It is true that ocean resources are limited. Therefore, irrationality, injustice and unsustainable exploitation of ocean resources should be ended. There is also a great increase in maritime insecurity, illegal immigration, human trafficking and piracy.

Fortunately, as the report mentions, different organisations hold a considerable amount of information and a considerable number of documents on those subjects. Therefore, it will not be hard to reach a solution according to the resolutions and recommendations in the report.

I congratulate both rapporteurs on writing such an excellent report on those important subjects.

Milletvekili: Ertuğrul KUMCUOĞLU

– I congratulate the rapporteur on the report on the water issue, which addresses a crucial matter that has consequences in every part of our lives. Despite its significance, the issue of water is sometimes treated light-heartedly, and I hope that this report will help us all to realise its relevance. The growth in urban areas, increased tourism, careless consumerism and the over-exploitation of natural resources such as forests and underground water stocks are alarming realities that we must address.

Although I understand the emphasis in the report on the responsibility of local and regional authorities to address the water issue, the total decentralisation of water management systems, especially in geographically larger countries, might be counter-productive because the distribution of scarce resources always tends to become a national issue.

The most important factor in the fight against water scarcity all over the world is a comprehensive global re-forestation programme. Unfortunately, however, scientists put more emphasis on producing seedless water melons than on developing fast-growing trees and other plants especially for arid areas. Therefore, we as politicians have to be more selective about which research and development projects should be supported.