

AVRUPA KONSEYİ PARLAMENTER MECLİSİ
2016 GENEL KURUL III. DÖNEM TOPLANTISI
25-29 HAZİRAN 2012, STRAZBURG

TÜRK DELEGASYONU ÜYELERİNİN YAPMIŞ OLDUĞU KONUŞMALAR

Free debate – 25 HAZİRAN

Pelin GÜNDEŞ BAKIR

On behalf of the European Democrat Group, I start my speech by condemning in the strongest terms the shooting down of an unarmed Turkish reconnaissance aircraft by Syria, in international airspace without any warning. This is not an attack on Turkey alone. As Turkey is a member state of the Council of Europe, it is an aggression towards the Council of Europe and a serious breach of international law.

Turkey has never acted alone concerning Syria, and has always been part of regional and international initiatives. Within that context, Turkey invoked Article 4 of the NATO Treaty, which provides for consultations by the allies over attacks and threats to member states' territorial integrity or security. I call on all member states of the Council of Europe to unite behind a plan of action and transition in co-operation with Turkey to promote a political transition in Syria. The incident is still under consultation so I will not comment further, but I underline the fact that Turkey will pursue a calm strategy in a responsible way, and will act together with the international community.

The situation in Syria has deteriorated. After the brutal massacre in El-Hule on 25 May, 102 innocent civilians, the majority of whom were women and children, were massacred in Hama on 6 June. It is reported that the humanitarian situation in Deir el-Zour is especially alarming: 1 500 civilians have reportedly been wounded in heavy military shelling in recent days. The city's hospitals are full of dead and wounded. Many more injured civilians cannot even reach the hospitals due to heavy sniper fire and shelling, and are treated in private homes.

The number of refugees fleeing to Turkey is rapidly increasing. Turkey is hosting 32 000 Syrian refugees and has spent more than \$200 million from its own national resources for food, accommodation, health, education and social services for the civilians.

Looking from a humanitarian angle, shouldering that burden together with other member states of the Council of Europe will be imperative for the sustainability of that humanitarian aid and the sheltering of the refugees. We call on the international community to join Turkey in providing financial support with respect to the expenses of civilians in refugee camps in Turkey.

Kofi Annan's speech to the United Nations General Assembly on 7 June declared that his plan had not been implemented. Within that context, the United Nations Security Council should adopt a new resolution to force the Syrian authorities to apply the Annan Plan within a certain timeframe.

On behalf of the European Democrat Group, I once again call on the Syrian authorities to stop the bloodshed and the massacres of innocent civilians and to start the process of political transformation towards democracy, peace and stability as soon as possible. However, I also

know that this will not be possible without the influence and pressure of the international community.

Haluk KOÇ

Mr KOÇ (*Turkey*) said that he wanted to raise the issue of 10 Turkish members of parliament who were imprisoned after elections on 12 June 2011. They were from three different parties and remained in prison despite there being no proof, no ruling and no sentence. This had led members of several parties to refuse to take the oath at the 2011 opening of parliament and to the leader of the main opposition, the Republican People's Party or CHP, writing to both the European Commission and the Secretary General of the Council of Europe on 30 June to highlight the situation. Both main parties – the Justice and Development Party or AKP and CHP – then issued a joint declaration in the first week of July 2011 that stressed that this could not continue and following which 133 CHP members swore their oaths. Despite this, a week had passed with no change, and the members had remained in prison without a ruling. Indeed, the rapporteur of the Assembly for post-monitoring dialogue with Turkey noted in July 2011 that requests to free them had been rejected, following which she noted that the committee would be following the situation closely. The entire story was a lesson in democracy, which needed more than just elections – the rule of law, freedom and individual rights were all needed as well. Without rights and democratic scrutiny, citizens were at risk of oppression. He questioned whether Turkey really was making progress, and wondered whether its democracy was an illusion.

Şaban DİŞLİ

Terrorism poses one of the greatest threats to domestic and international peace and security, as well as to domestic institutions. We are mindful that terrorism violates the full enjoyment of fundamental human rights, including the right to live, and that it cannot have any justification under any pretext. I would like to talk about the ongoing violent activities of the PKK terrorist organisation in Turkey. As you might recall, we are trying every possible opportunity to further a peaceful and democratic environment and solve existing problems in south-east Turkey. We have started with the Kurdish initiative and introduced various reforms. In the meantime, we have invested in infrastructure to improve the social and economic conditions of the people in the region. Recently, the main opposition party, the CHP, has taken an initiative to that end that was welcomed by the government and widely supported by politicians, academics, media and civil society.

The leader of the BDP, Selahattin Demirtas, has called on the PKK terrorist organisation to lay down its weapons. In her recent statements, Leyla Zana, a member of the BDP and a Sakharov peace prize winner, has placed confidence in Prime Minister Erdoğan for a peaceful solution to the Kurdish issue. Starting from the next education year, the Turkish Government will introduce in schools language classes including Kurdish and other languages and dialects spoken in Turkey.

Despite those positive developments, the PKK re-intensified its terrorist activities by attacking civilians and security targets, and claiming more than 300 lives in Turkey since the beginning of the year. Last week, eight people were killed and 16 were wounded as a result of PKK attacks. Only yesterday and today, the PKK killed two police officers and a soldier.

The pressure exerted on civil society in the south-east region of the country by this terrorist organisation to prevent the achievement of a peaceful settlement of the tension impedes democratic reforms and the prospects of a solution. It is worth noting that the terrorist organisation has increased its efforts when there is a positive atmosphere for a peaceful solution. For that reason, I call on colleagues in the Assembly who are talking to representatives of the PKK terrorist organisation, for whatever reason, please to advise them to lay down their weapons and engage in a constructive dialogue at this time, which is conducive to achieving a solution.

Joint debate on (a) Austerity measures – a danger for democracy and social rights (b) The young generation sacrificed: social, economic and political implications of the financial crisis and (c) The impact of the economic crisis on local and regional authorities in Europe – 26 HAZİRAN

Şaban DİŞLİ

I thank all the rapporteurs. Europe was one of the regions most affected by the global financial crisis, mainly because of weak prudential and macroeconomic policies. While other advanced economies showed some signs of recovery, Europe lagged behind, and its lack of a credible, timely and co-ordinated approach to the growing problems also contributed to that gloomy outlook for Europe. The rise of government intervention in the economy to ensure a well-founded recovery led to further deterioration in the fiscal balances of European countries. The global financial crisis has shifted economic power from west to east. With the rapid rise of emerging Asia, European countries must do more in order not to lose their economic power globally.

Although austerity is required to attain sustainable public finances, fiscal consolidation, especially tax increases, will dampen economic activity in the near term. Moreover, austerity measures applied across Europe are criticised by some international experts.

The impact of the global crisis on the Turkish economy was relatively brief. The government was able to restore confidence relatively quickly by implementing timely, targeted and efficient macroeconomic policy combined with the announcement of medium-term programmes. Hence, Turkey was able quickly to transform a policy-driven recovery into self-sustained growth. However, I shall not discuss the whole of the Turkish economy.

Europe overcame the devastation of the Second World War by integration and European solidarity. The key to Europe overcoming the current economic crisis cannot be retreating into national markets and succumbing to nationalist rhetoric. The problem in Europe is not Greek, Italian or Spanish, and the best way to address it is through international solidarity and further regional and European integration.

Demagogues may claim that they have easy solutions to our complex and difficult problems. Foreigners, immigrants or anyone deemed to be different may be turned into scapegoats. We must realise that, unless we resist such things, we might find ourselves going down a slippery road. At the end of that road, there is no Europe as the guardian of our values or as the continent of free and prosperous nations.

Free and prosperous countries in Europe are possible only in a Europe where there is deep, extensive and dynamic integration. Such hard times should be used as an opportunity further to

consolidate European integration. Trade and investment should be encouraged between neighbours and the regions of Europe to boost continental solidarity and interdependence.

Multiple discrimination against Muslim women in Europe: for equal opportunities – 26 HAZİRAN

Tülin ERKAL KARA

Ms ERKAL KARA (*Turkey*) thanked the rapporteur for her important report which had brought discrimination to the notice of the Assembly. There were several different aspects to the discrimination suffered by Muslim women, including the negative image of migrants. It was necessary to be aware of the genuine issues that Muslim women faced and the obstacles in the way of integration. Muslim women were part and parcel of European society and had many different backgrounds. The policies of member states did not take account of the patterns of women's migration. Muslim women were increasingly turning towards irregular forms of immigration, which made them particularly vulnerable to trafficking. Furthermore, Muslims were increasingly being characterised as fundamentalists following the events of 11 September 2001 and Muslim women were suffering as a result.

Pelin GÜNDEŞ BAKIR

On behalf of the European Democrat Group, I want to state that in the workplace, schools, universities and government buildings – all kinds of public space – Muslim women are exposed to increased discrimination in Europe because they can be easily distinguished by their appearance or head scarf.

What is essentially needed is a greater focus on developing durable and comprehensive strategies for those who face discrimination based on their identity. Education should be one of the prime strategies on our agenda, and our first step should be to eliminate the obstacles in the way of getting equal access to education. In that context, I call on all member states of the Council of Europe to abolish the ban on head scarves in universities.

Equal employment opportunities for Muslim women are no less important, and this should start with the public space. Head scarf bans and prohibitions in public spaces not only limit the religious freedom of Muslim women, but prevent them from having a job in those public spaces and from having a life outside their home. As a result, those women will have to be more subordinate to the men in their family.

Head scarf bans or prohibitions will not help the emancipation of Muslim women, but will further aggravate their social conditions and prevent their integration, resulting in isolation and encouraging the formation of ghettos and parallel societies.

I call on all member states to help Muslim women to take part in public life and to offer them equal opportunities to pursue professional careers and gain social and economic independence. In that context, it is important to give them some successful role models. Member states should effectively address the social and economic exclusion of Muslim women through the adoption of comprehensive anti-discrimination legislation, policies and practices to protect them from multiple discrimination and to ensure better access to legal remedies when their rights have been violated.

The fines applied to government officials for neglecting complaints of Muslim women regarding discrimination towards them or their children should be increased in the legislation.

I want to underline the fact that labels such as “Islamic radicalism” or “Islamic extremism” used irresponsibly in the press and the media, or in official announcements by politicians or official legal documents, make the Muslim women living in European countries the prime target of far-right extremist groups and provoke and agitate pe

Nursuna MEMECAN

On behalf of the Alliance of Liberals and Democrats for Europe, I would like to thank the rapporteur Ms Kyriakidou and the secretariat for their comprehensive and positive report, which focuses on a new approach to immigrant women as agents of change and empowerment. Rather than focusing on immigrant women as victims, we should support an understanding that is optimistic and encouraging and that targets the empowerment of Muslim women in the way the report does.

Life is and has been difficult for Muslim women in Europe, as they have been subject to multiple discriminations. They are mostly of immigrant origin, and they are of the gender that still suffers from equality issues. Their religion, Islam, is also under attack by populist politicians. Muslim women have constantly been the subject of debate because of their outfits, and they have been accused, blamed, oppressed and intimidated because of these unending public criticisms. We have to appreciate the diversity of faith and belief among Europe’s women. We should start seeing Muslim women in our countries as Europeans and as individuals – as women who want to feel secure, work, get an education and be visible, just like every other woman.

Muslim women are an integral part of European societies. Women are the key to creating harmonious and diverse societies in Europe. As one Turkish-born Dutch expert reflects, “if the woman cannot or will not integrate in a new country, it affects the whole family. She will isolate her children.” Our policies that address diversity and immigration need to focus much more on women and their needs, seeing them as resources for diverse societies. If we can manage to adopt this attitude, women can be primary agents of cohesion and solidarity in our societies. When women come together, even if they are from different backgrounds, they share stories, find commonalities and develop mutual understanding.

I was very much impressed by something that my colleague Ms Hamidi said in this afternoon’s hearing, so let me repeat it: Europe is an opportunity for Muslim women, and Muslim women are an opportunity for Europe.

The honouring of obligations and commitments by Montenegro – 27 HAZİRAN

Nursuna MEMECAN

I congratulate Montenegro on the progress made towards fulfilling its obligations and commitments towards the Council of Europe. I am also happy that this progress will help Montenegro to meet the requirements of its future EU membership. As the recently appointed co-rapporteur on this report, I want also to acknowledge the excellent work done by Mr Gardetto and the former co-rapporteur, Mr Holovaty.

The commitment of Montenegrins towards more democracy and human rights is a good example of the Euro-Atlantic aspirations of other countries in the region. Montenegro serves as an example of peaceful co-existence and harmony among different ethnic, cultural and religious communities. With internal peace complemented by good relations and a dialogue with its neighbours, Montenegro is crucial for maintaining enduring peace and stability in the region.

Economic exchanges, tourism, defence co-operation and border management, transport and energy are the fundamental elements of sustainability of the peaceful environment that has been created. So far, joint border crossing arrangements have been achieved with Albania and with Bosnia and Herzegovina. An agreement has been signed with Albania and “the former Yugoslav Republic of Macedonia”, allowing their citizens to travel between the two countries with only a passport or with a biometric ID card, with no visa requirement.

Within that framework, Montenegro signed an agreement with the Islamic community in Montenegro in January of this year, which regulates relations between the government and that community. Similar agreements were also signed last year with the Jewish community and with the Vatican, paving the way for the preparation of a legal framework for the adoption of the law on the legal status of religious communities and the law on the restitution of property rights. Those are welcome developments for ensuring that all legislation regarding minorities is in line with international human rights standards.

I congratulate Montenegro on being one of the first signatories to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, along with signing 82 other Council of Europe conventions.

I reiterate my praise for the progress achieved so far. I am also confident that Montenegro will continue with the same pace further to remedy the shortcomings in the areas of democracy, human rights and the rule of law. As the newly appointed co-rapporteur on Montenegro, I look forward to working with the Montenegrin delegation and being involved in future progress.

Mevlüt ÇAVUŞOĞLU

I too congratulate the rapporteurs on behalf of the European Democrat Group.

Montenegro was the last member state to join our Organisation. At that time, accession to the Council of Europe represented a real challenge for that small, young country. Today, Montenegro’s accession to the Council of Europe is a real success story, and I congratulate our friends from Podgorica on the immense progress that they have made. A total of 83 conventions have been signed and ratified, and Montenegro has fully complied with all the formal requirements of our resolutions. The electoral legislation has been revised in line with the recommendations of the Venice Commission and of our Assembly. Montenegro’s democratic institutions have also been strengthened greatly, and its parliament’s capacity has been substantially increased.

Montenegro has amended key legislation on the judiciary, bringing it into line with our standards. Constitutional amendments are still needed, but I am confident that that chapter of reforms will soon be closed. Amendments to the penal code and to the code of criminal procedure have strengthened the legal framework for combating corruption and organised crime. A comprehensive anti-discrimination law has been enacted, and a new law on the protector of human rights has been adopted.

Of course, all efforts must now be concentrated on the effective implementation of that legal framework, as well as on training and capacity building. Montenegro is actively co-operating with the Council of Europe in that field, and I have no doubt that all the laws that are adopted will be properly implemented. Montenegro's progress in all those fields has been acknowledged by the European Union. It is a candidate country for accession, and membership talks started this week. Montenegro is a pillar of stability in south-eastern Europe and an important and positive actor in the reconciliation process.

All those achievements, as well as the clear political will to continue with the reforms, deserve reward. I therefore believe that the Assembly should decide to close the monitoring procedure with regard to Montenegro. However, our rapporteurs suggest that we should give Montenegro more time to make further progress in certain areas. To be frank, I believe that problems in those areas exist in all member states, even those that are not under monitoring procedures. I do not think that Montenegro is lagging behind. The EDG believes that we should not wait another two years to reward that country.

The situation of human rights defenders in Council of Europe member states – 27 HAZİRAN

Ertuğrul KÜRKCÜ

We fully agree with the draft resolution and express our gratitude to the rapporteur, Ms Mailis Reps. However, we would like to discuss a crucial point in the explanatory memorandum, regarding the definition of “human rights defender”, and to propose that the Assembly stick to a relatively broader interpretation of “human rights” and “human rights defenders” than that implied in the explanatory memorandum. The rapporteur proceeds, quite justifiably, to what the report characterises as the general agreement that “human rights defenders are those who, individually or together with others, act to promote and protect human rights”.

However, when proceeding from abstract definitions to concrete cases, we see that the Council of Europe countries where the rights of human rights defenders are challenged – occasionally or, even, regularly – with obstacles or a hostile environment are limited to Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Russian Federation, Serbia, Turkey and Ukraine. Based on abundant personal experience, I admit that this is indeed the case in Turkey. However, if we reconsider the terms “human rights” and “human rights defenders” in the context of the International Covenant on Economic, Social and Cultural Rights, we have to recognise that other Council of Europe countries are not exempt from such violations either. The ICECSR is part of the International Bill of Human Rights, along with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, including the latter's first and second optional protocols.

Thus, the people who work for the rights referred to in those documents – the right of all peoples to self-determination; the right to work under “just and favourable conditions”; the right to form and join trade unions; the right to social security; the right to family life, including paid parental leave and the protection of children; the right to an adequate standard of living, including adequate food, clothing and housing, and the “continuous improvement of living conditions”; the right to health, including the “highest attainable standard of physical and mental health”; the right to education, including free universal primary education, generally available secondary education and equally accessible higher education; and the right to participate in cultural life –

should also be included among the human rights defenders “who, individually or together with others, act to promote and protect human rights”.

This is particularly the case in view of the three reports we adopted this morning, all of which underline the increased threats to social and political rights across Europe in this period of crisis. We can further claim that greater threats are pending to the rights of the people and the rights defenders in the relatively more developed areas of Europe, as these countries will be more heavily affected by the crisis. Therefore, we should be prepared to protect rights and the rights defenders across Europe, notwithstanding the degree of economic development in any given country.

Saban DiŞLI

I, too, thank Ms Reps for her good work.

The names of some human rights defenders are internationally recognised, but the majority remain unknown. In fact, no qualification is required to be a human rights defender, and the UN declaration on human rights defenders makes it clear that basically, we can all be defenders if we wish to be so. According to the declaration, defenders have not only rights but responsibilities. It is worth mentioning that they must accept the universality of human rights. A person cannot be a human rights defender just because they are an advocate for some other people if they also deny some human rights.

I wish to say a few words about the references to Turkey in the report. Through a comprehensive set of reforms to legislation in recent years, Turkey has made substantial progress towards strengthening democracy, the rule of law and the protection of human rights. When you listen to what I tell you about recent reforms, please bear it in mind that we have lost 30 000 lives to terror in Turkey. I sincerely wish that colleagues who make statements such as “Terrorism is not an excuse” will never experience the terrorism that we have been combating for decades in Turkey. I would expect the same colleagues to not only be critical but to be supportive and display solidarity when needed.

The comprehensive constitutional amendments that were adopted in September 2010 introduced the rights to submit individual applications to the Turkish Constitutional Court. On the other hand, wide-ranging reforms have also been made to the judiciary. The third reform package, which is currently before the Turkish Parliament, contains several additional components, including the postponement of proceedings and sentences in respect of those investigated, tried or convicted for breaking the law through the media or the expression of a thought or opinion. The package also includes several provisions to affect certain major causes of violations that have been identified by the European Court of Human Rights.

Most recently, on 21 June 2012, the Turkish Parliament adopted the law on the establishment of the Turkish independent human rights institution in line with the relevant United Nations framework. An ombudsman institution has also been established and soon an appointment will be made.

I assure the rapporteur and others who may have similar concerns on the situation of human rights defenders in Turkey that a lively and free public debate takes place in Turkey, not only on some specific facts but on how to best improve the protection of human rights in all its aspects.

Urgent debate – Crisis of transition to democracy in Egypt – 28 HAZİRAN

Nursuna MEMECAN

I congratulate the rapporteur and the Secretariat for drafting this report in such a short time. The presidential elections in Egypt have exposed the simmering power struggle on the Egyptian political scene between the old guard and the new actors in the political spectrum. However, this does not change the historic fact that the Egyptian people have elected their own president with their own free will for the first time in their history.

We should therefore first congratulate Mr Mohammed Morsi and the Egyptian people and then wish that the results of these elections will be for the good of the Egyptian people and for the entire region. There is no doubt that this is a major step and “a victory for the emerging Egyptian democracy”, as Mr Gardetto puts it in his report.

Now, in order to preserve social peace and stability during the ongoing sensitive and difficult period in Egypt, it will be essential that the Egyptian people’s free will is respected by all sides and that the transition process is completed in a successful and timely manner, with due regard to democratic legitimacy, national unity and compromise. In this respect, the maintenance of the constructive, conciliatory and inclusive approach displayed by Mr Morsi in his electoral campaign and the continuation of the support that he received from all segments of Egyptian society will be essential.

Democracy cannot be achieved overnight. Democratic transformation in Egypt will take time. So let us be cautious – sceptical, if you will – but let us also be supportive and hopeful. Instead of blaming those who have just come to power for lacking the necessary democratic experience and values, we should make our experience available to them and be ready to co-operate. During this transitional period, it is still heartening that the unexpected dissolution of parliament is being appealed, and we hope that the relevant court’s decision will be decisive.

Let me say a few words about the situation of Christians in Egypt. Etymologically, the word “Copt” means “Egypt” and throughout the history of Egypt, Coptic Christians and Egyptian Muslims have never, except in a limited number of isolated incidents, lost the sense of belonging to Egypt and living together. Recorded cases of intra-communal tensions and violence have generally originated in isolated acts of provocation and not in sectarian hatred. While certain observers and some of our colleagues here may be concerned about the negative fallout from social earthquakes caused by the Arab Spring in regional states – I fully respect those concerns – we believe that Egyptian national identity is strong enough to prevail over sectarian tensions.

Our Prime Minister Erdoğan, during his visit to Cairo last September, met the Grand Imam of Al-Azhar and late Pope Shenouda of the Coptic Orthodox Church of Alexandria and highlighted to both leaders the importance of maintaining and reinforcing a spirit of unity among all Egyptians. Prime Minister Erdoğan also underlined the importance of secularism, while stressing that Islam and democracy are compatible. His message on secularism, which has long been a subject of debate, was well received by the Egyptian people – a reflection of the Egyptian people’s preferred way of life.

Political transition in Tunisia and statement by Mr Mustapha Ben Jaafar, President of the Constituent Assembly of Tunisia – 28 HAZİRAN

Nursuna MEMECAN

I welcome President Ben Jaafar to our Assembly. On behalf of the Alliance of Liberals and Democrats for Europe, I congratulate Ms Brasseur on this meticulous report and on her continued commitment to following up the developments in Tunisia. We should all keep alive our interest in the new democracies in our neighbourhood, turn this transitional period into a learning experience and use it to help others.

There is so much going on in every one of the new democracies in the Arab world. Every day, new issues are challenging traditional ways with new concepts of individual rights, women's rights and basic freedoms. The transitional period has not been free of serious challenges, but it presents an opportunity to introduce and spread democratic values. We should all take up the challenge and be part of the change in our neighbourhood.

Tunisia, the country that initiated the Arab Spring, has undertaken many reforms and its reform process is well advanced. It offers an inspiring model for smooth democratisation to countries in the region. The proper handling of the elections, of which I was an observer in October 2011, and the apparent determination of the Tunisian electors, marked the beginning of a successful transitional period. Contrary to the scepticism expressed by some, the elected government of the Ennahda party – which defines itself as a moderate Islamic party – will prove once again that Islam and democracy are compatible. The democratically elected parliament and president and the involvement of the Venice Commission in the Tunisian transitional process are both positive indicators.

On the downside, there is serious concern about the exclusion of women from activities involving the building of the new democratic society in whose initiation they played a vital part. At the April part-session, we had a debate on women in the Arab Spring, at which we heard from many women who were disappointed at being blocked out of the political and social spheres, which was hindering any chance of contribution. We should support and encourage Tunisian women to hold on to the rights that they have enjoyed up to now, and co-operate with them further to improve those rights. We should insist that women have a say in all areas of the democracy building efforts.

Members should not lose sight of these questions. We should keep building strong bridges with the Tunisian people – men and women, young and old. We should make every effort to ensure that our values of democracy, freedom and human rights are also cherished by the Tunisian people so that they can live freely and happily.

Gülsün BİLGEHAN

Ms BİLGEHAN (*Turkey*) said that it was true that the Arab Spring had started in Tunisia and that the country was an example to follow, even with the difficulties outlined in the report which was overall a positive one. Tunisia had good ties with the Council of Europe, shown in [Resolution 1598](#) and the work of the North-South Centre and it was important to develop relations with the Maghreb. Turkey supported Tunisia, which was a sister country and ally, as it understood the difficulties of transition from its own history: it had experienced 30 years of authoritarian rule, followed by relief, then elections and a new constitution being drafted, all of

which was not easy. Despite the difficulties, the broad acceptance of the election results was exceptional, for which credit was due to civil society for its involvement.

There were concerns in Tunisia with respect to the rise of religious fundamentalism, economic decline, threats to journalists and the fear of an erosion of women's rights. Tunisia had a strong tradition of rights for women and rates of involvement in active life were high, including in political life: 27% of Tunisian parliamentarians were women, 3% lower than previously, but higher than in many Council of Europe countries. The average age of marriage, 27, was high and the rate of early marriage, 3%, was low. However, this was all potentially threatened by moves to establish Sharia Law and potentially reintroduce polygamy. There was an ongoing debate on Tunisian law regarding modernism and Islam and there were powerful voices who contended that secularism had no role. Tunisia had to find its own way to continue to be an example to the other countries of the Arab Spring.

Mevlüt ÇAVUŞOĞLU

I, too, welcome Mr Mustapha Ben Jaafar, President of the Constituent Assembly of Tunisia. It is a great honour to see you here. I also thank Ms Brasseur for the comprehensive update that she presented to us today.

Everyone agrees that Tunisia has been playing a crucial role and that it has set an example for the region. The success of Tunisia is not only a victory for its people, but important for the people in the neighbourhood, in the Middle East and North Africa. So far, Tunisia has proved that it is on the right track. It had a very democratic election to the Constituent Assembly, which we observed, and Tunisia now has a government and a president. I hope that Tunisia will prepare a draft constitution and that the Constituent Assembly will adopt it as soon as possible.

I have no doubt that we will strengthen our co-operation with Tunisia, which is something that has been on our agenda. As a former President, I visited with the Presidential Committee and the rapporteur has been there too – the Venice Commission is always ready to offer its expertise as well – and we will be working in this manner in the future as well. On the other hand, I hope that Tunisia will request our new Partner for Democracy status. Indeed, the last letter I signed as President was an invitation to Tunisia to do just that. Through these formal relations, and also through learning from each other, we will both be helping each other.

When I listen to the comments and criticisms – and, sometimes, the prejudiced comments – in this debate, as well as in the debates about Morocco and Egypt, it reminds me of early 2003, when we came here for the first time after the elections in Turkey. At that time, there was also a lot of prejudice about my party, the Justice and Development Party. People were asking whether we were Islamists or whether we would introduce Sharia Law in Turkey, and so on. I also remember the debate in June 2004, after this Assembly had ended the monitoring process in Turkey, when every single leader of the political groups apologised for being prejudiced about Justice and Development Party and about the government in Turkey.

The same thing is valid for the new governments in the region right now, because they have been formed by conservative parties. However, we should be clear that all the people in these countries who are seeking democracy and human rights, as well as the political parties, are following the Turkish model and the Justice and Development Party model, so we should not be so furious about what is happening. We can help and support them in seeking justice, development and democracy in their countries, as well as high standards for their own people.

Is everything perfect in Tunisia today? No – we are particularly aware of the economic crisis, from which Tunisia is also suffering. However, we can continue to support our neighbours and partners, just as Ms Brasseur and this Assembly have been doing, and they can be a good example for the region. I therefore thank Ms Brasseur again for an excellent report and update.

Inadmissibility of restrictions on freedom of movement as punishment for political positions
– 29 HAZİRAN

Haluk KOÇ (RAPORTÖR)

Mr KOÇ (*Turkey*) said that he was presenting an important report about the inadmissibility of restrictions on freedom of movement as a punishment for political positions. Freedom of movement was both a legal and a political issue. The Assembly had often taken it up in the past, particularly in relation to European Union enlargement. However, freedom of movement in relation to freedom of expression was a subject that the Assembly had not examined until now. The report emphasised the link between the two types of freedom. The draft resolution included political considerations, but attempted to distinguish between political and legal matters.

The rules on freedom of movement in the European Union were clear. Member states could not restrict the freedom of movement of an individual exclusively on the basis of his or her political position. However, freedom of movement between an EU member state and a third country which was not bound by EU rules would be covered by the Schengen agreement. Under Schengen, countries could issue an alert to prevent someone from entering the Schengen area. The report stressed that this system should not be abused.

On freedom of movement in general, the draft resolution made it clear that international law conferred on a state the sovereign right to decide who entered its territory, and the report in no way questioned that legal principle. However, it drew attention to the fact that refusing entry on the sole ground of someone's political belief could be in contravention of Articles 10 and 14 of the European Convention on Human Rights. It was important not to forget that freedom of movement was indispensable to other rights and to the development of the individual.

Ertuğrul KÜRKCÜ

I thank Mr Haluk Koç for this excellent report and the Committee on Legal Affairs and Human Rights for raising this crucial issue in the Assembly. The Group of the Unified European Left fully agrees with paragraphs 55 and 56 in the report's conclusions. Freedom of movement should not be restricted as a punishment for expressing political views that do not incite violence. The member states of the Council of Europe have signed up to the European Convention on Human Rights, which provides for freedom of expression in Article 10. We should give full effect to that right by not indirectly restricting freedom of expression through the denial of entry to our territories.

In the aftermath of 9/11, the entire international community has been under pressure from the United States, which has adopted the narrowest possible interpretation of freedom of expression, freedom of movement and freedom of thought. That has had a profound effect on the international community. In relation to people's freedom of movement across Europe, we should instead adhere to the principles founded in the French Revolution. In 1795, the first constitution stated that the French people were the friends and natural allies of free peoples, and that they would not interfere in the government of other nations or permit other nations to

interfere in theirs. It stated that they would give asylum to foreigners who had been banished from their homelands in the name of liberty, but refuse asylum to tyrants. That is the basis of our understanding of freedom of movement. Freedom of movement is the rule and the restriction of that freedom is the exception to the rule. Such exceptions must be the choice only of tyrants and not of people who are free to express themselves in whatever way they wish. There should be freedom of movement for all in Europe and solidarity between its peoples.

Haluk KOÇ

Mr KOÇ (*Turkey*) said that he thanked all of the speakers for their contributions. He noted the criticisms of Mr Kürkçü and agreed that there was a need for solidarity. Ms Andryšová had made a valid point regarding the Vienna conventions. Some countries had overlooked their responsibilities under international treaties they had ratified, as noted by Mr Wach. He acknowledged the criticism from Mr Reiss regarding the freedom of movement of delegates of the Assembly of the Council of Europe, but this issue was not included in the resolution or the report as it was covered by the statutes of the Council of Europe.

The report did not condemn the Schengen Information System, but, it was imperative that the use of SIS listings and alerts respected human rights and he thanked Mr Rouquet for his contribution. It was appropriate to subject Schengen countries to legal review if they abused the system. Addressing Mr Díaz Tejera, he said it was necessary to balance security and freedom. Some Council of Europe countries had abused human rights by denying access to foreigners blacklisted on political grounds. This was unacceptable and freedom of movement was a fundamental principle of the European Union. He was not calling the sovereignty of member states into question but blacklisting was a problem. He thanked the Secretariat for its work and Mr Roland Klages in particular.