

*23 Nisan 2013 Salı*

*Post-monitoring dialogue with Turkey*

**Ms GÜNDEŞ BAKIR (Turkey)** – Turkey is a pluralist democracy with a multi-party system, free elections and separation of powers. We, the Turkish people, are Europeans. We belong to the west and we share European values. The Council of Europe is our home. If we carefully scrutinise the last 10 years, we see clearly that Turkey has made tremendous progress towards its final goal of European Union membership. In that time, the death penalty has been abolished; people have been granted the right of individual appeal to the constitutional court, and the cultural rights of ethnic groups, particularly Kurds, have been recognised. The state of emergency in the south-eastern provinces has been abolished, villagers have returned, and social and economic development programmes have been initiated. There is a 24-hour television broadcast in Kurdish. It is possible to open language schools to study Kurdish and to teach Kurdish in universities. The Kurdish language may be used in election campaigns and to defend oneself in court cases. A peace process has been started to put an end to terror.

Significant economic progress has been achieved despite the world economic crisis. Gross domestic product per capita has more than tripled in the past 10 years. Among OECD member States Turkey is the country that has most greatly improved the distribution of wealth.

The Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime was ratified in 2004; the revised European Social Charter was ratified in 2007; and the Council of Europe Convention on the Prevention of Terrorism was ratified in 2012. In 2011, the optional protocol to the United Nations Convention against Torture was ratified. The criminal code has been reformed and military tutelage has been abolished. A constitutional referendum was held in September 2010, the result of which broadened trade union rights and freedom of association.

With assistance from the Council of Europe, the police, the gendarmerie, judges and prosecutors undergo training. An ombudsman has been established. Turkey recently adopted its fourth judicial reform package, which strengthens the presumption of innocence, restricts pre-trial detention and provides the right to ask for compensation for pre-trial detention. The distinction between freedom of expression and terrorist propaganda has been reinforced. The reform package also abolished the time limit for trying torture cases and decriminalised the propaganda of conscientious objection.

There is now a law on foreigners and international protection, which will improve conditions for foreigners irrespective of their status. Turkey is also the first country that signed and ratified the European Convention on Preventing and Combating Violence against Women and Domestic Violence without any reservation.

Over the past 10 years, Turkey has clearly demonstrated its commitment and ability to fulfil its obligations as a Council of Europe member State. Given the reforms completed and the progress achieved since 2001, as the report recognises, I call on member States of the Council of Europe to support the closure of the post-monitoring phase with Turkey.

**Ms MEMECAN (Turkey)** – I would like to thank the rapporteur, the secretariat and all colleagues for their supportive words. The report recognises the fulfillment of most of the 12

requirements, and it acknowledges the tremendous political and economic progress that Turkey has made in the past decade and its role as a regional power.

In its past, Turkey was captive to a tutelage regime. The alliance of a political party and its ideological supporters in the bureaucracy, judiciary and media was guided by the military and favored a certain elite over the rest of society. Wealth and resources were distributed among this elitist alliance through a tightly controlled closed economic system.

This deep State system fabricated threats to national unity and secularism to justify its existence and maintain control over the public. In every decade since the 1960s, this system has been defended by bloody military intervention. Thousands of people lost their lives and hundreds of thousands were tortured. Instability prevailed, and Turkey remained in the monitoring process. With this historic context in mind, the past progressive decade can be defined as a true revolution in Turkey. Turkey has been going through its own spring, and the tutelage regime is being dismantled.

All citizens of the country are being pulled into the system, so they can benefit from equal opportunities, live in dignity and prosperity and have a say in the governance of their country. The democratic rights of our Kurdish citizens have been addressed. Non-Muslim minorities have made historic gains in the past decade. Initiatives have given recognition and power to the Roma. Concrete dialogue has been established with the Alevi community. The judicial system has been upgraded, in close co-operation with the European Court of Human Rights and the Venice Commission. A civilian constitution is being developed. Perpetrators of past military coups are being brought to justice. The recently initiated peace process to solve the terrorism problem will further bring security and prosperity throughout the country. The governing party's strong popular mandate allowed it to deal with these deeply rooted structures.

Turkey's globally recognised economic success was mainly possible due to all these democratic reforms, which transferred economic power from the ruling elite to the people. This is an ongoing process, and Turkey is committed to pursue it further. As the head of the Turkish delegation, I can say confidently that Turkey has gone far beyond the framework of post-monitoring dialogue, and I expect the Assembly to recognise that fact as well.

**Mr DIŞLI (Turkey)** – I, too, would like to thank the rapporteur and the secretariat for their work on the post-monitoring dialogue process with Turkey. However, as one of the Turkish parliamentarians, I need to express my disappointment about the fact that the report does not focus enough on the positive developments that have occurred in Turkey, despite our best efforts to provide the rapporteur with adequate information.

First, I would like to underline the fact that Turkey is in a post-monitoring dialogue process, not in a monitoring process. However, the rapporteur has written an explanatory memorandum of 259 paragraphs and 45 pages that touches on nearly every topic related to Turkey, without considering whether they accord with the post-monitoring dialogue process.

Secondly, Turkey's ongoing historical transformation in political, economic and social spheres is a result of the strong commitment of the Turkish Government, opposition and people to democracy, the rule of law and human rights: the fundamental values of the Council of Europe. The unwavering series of reforms undertaken by the Turkish Government have ensured that Turkey is not a country of military coups and economic crises, as in the past, but

a beacon of democratic governance, coupled with sound economic management in a volatile region.

If the post-monitoring dialogue process does not support these developments and portrays a false image of Turkey in which a departure from the principle of secularism and arbitrary prosecutions is taking place, I am of the opinion that we need seriously to reconsider the framework of the post-monitoring dialogue process. You must know that we promised the Turkish people to continue to upgrade Turkey to the highest possible economic and political standards. Finally, you cannot encourage Turkey, as most of you say, by maintaining post-monitoring dialogue.

**Ms BİLGEHAN (Turkey)\*** – I thank Ms Durrieu for her difficult work and for her perseverance. It cannot have been easy to understand a country such as Turkey, a country that is undergoing reform and that is in transition, but what is it transitioning to?

There has certainly been a lot of progress. I started my political career at the Council of Europe in 2003, when Turkey had turned a page in its history and wanted to put an end to the events following the 1980 coup d'Etat. There was zero tolerance of torture, the state of emergency was lifted, capital punishment was abolished and cultural rights were recognised. We were a good national team. The government and opposition united to vote in packages of reform and I was one of those who joyfully welcomed the Parliamentary Assembly's decision to close the monitoring process in 2004. Ms Durrieu was then the Chairperson of the Monitoring Committee.

Since then, there have been ups and downs. We have a pragmatic government. Turkey is an exception in the region and in Europe and I am proud of that. We have been economically successful and we provide a good model of humanitarian aid with 220 000 Syrian refugees on our territory. We have reconciled with Israel and have fraternal relations with Palestine. Efforts have been made to stop violence on our territory and to change the constitution. We have also had a fourth package of judicial reform, but that leads one to wonder why the government is taking so long to come up with a new law. In the meantime, people have been in pre-trial detention for five years or more without even knowing what they will be charged with. They lose their families and their jobs. Rectors of universities, students, journalists, writers, generals who saw combat in Bosnia, Somalia or Afghanistan and democratically elected officials, including eight parliamentarians, are in prison on pre-trial detention. Only one case involving parliamentarians has come to trial. They are accused of attempted coups d'Etat, but the definition of terrorism is extremely broad. Are we in the process of a purge? Is it a new period of totalitarianism, with wire-tapping and so on?

Some points in the fourth package of reform are very significant. Important changes to the criminal code are being introduced, but nothing states that the case law of the European Court of Human Rights on the length of detention will be applied. Ms Durrieu's report is optimistic and she counts on the support of the Council of Europe, but I count on the Turkish people, who deserve a good dose of democracy.

**Mr KAYATÜRK (Turkey)** — I would like to convey my thanks to Ms Durrieu for her extensive report. However, as a parliamentarian from the eastern part of Turkey, I firmly believe that the progress recorded by Turkey in the last decade regarding the Kurdish issue should be accorded the importance it deserves. Let me take this opportunity to touch on the

recent developments concerning the Kurdish issue in Turkey to deepen the analysis presented in the report.

In the early days of 2013, a new round of the process has been launched by the Turkish Government. Prime Minister Erdoğan has repeatedly emphasised the government's commitment to pursue the process despite all its political risks until a long-lasting solution is implemented.

At present, we have entered into a very positive phase. Recently, a commission of so-called "wise people" was created. It is made up of 63 prominent journalists, academics, artists and civil society leaders who will play a central role in a public relations offensive to support the resolution of the Kurdish issue.

The process has turned into an extremely determined journey of hope in the whole of Turkey. Within the framework of this process, the laying down of weapons by the PKK and the withdrawal of its members from Turkey is expected.

I strongly stress that this is a very sensitive internal process which requires all parties involved, and especially the international community including the Council of Europe, to act with the utmost responsibility.

***Joint debate on fighting "Child sex tourism" and parliaments united in combating sexual violence against children: mid-term review of the ONE in FIVE Campaign***

**Mr KAYATÜRK (Turkey)\*** – It is a good coincidence that today is 23 April, as that date was gifted to Turkish children by the founder of Turkey and we then started celebrating it as international children's day. Every year about 100 countries send their children to Turkey on that day for the celebration, and I congratulate all the children. I wish to convey my sincere appreciation of both rapporteurs' high-quality and rigorous work on the delicate issue of the sexual abuse and exploitation of children. The topic has to be tackled with the utmost attention, given that there has been a vast increase in the number of cases uncovered in Council of Europe member States in recent years. Many more cases probably remain hidden because of the sensitive nature of the issue.

Unfortunately, child sex tourism is a global phenomenon that occurs worldwide. The sexual exploitation of children by tourists affects tens of thousands of children in the world, violating their fundamental rights and dignity. Children must be protected from those who want to steal their childhood, because those who are abused hardly recover. The matter is now being considered more attentively, which is a positive development, but it is essential to continue increasing awareness nationally and in the international community. I put a high value on the ONE in FIVE campaign. In order to build a Europe for and with children, we have to focus on this soul-destroying theme. The campaign's reach so far is utterly commendable, and I hope that its outreach and effectiveness step up further in the remaining two years.

Before ending my contribution, I wish to express my gladness that the Lanzarote Convention was ratified by Turkey and has come into force. I invite all member States and non-member States to ratify the convention and to take all necessary steps for its implementation.

*24 Nisan 2013 Çarşamba*

*Violence against religious communities*

**Ms GÜNDEŞ BAKIR (Turkey)** – I congratulate the rapporteur on his excellent report. This Assembly urges everyone totally to reject and condemn all violence against religious communities. I restate my firm belief that all religions advocate peace – for instance, the word “Islam” has its root in the Arabic term “slim”, which means peace. All religions are, thus, compatible with modern European life, democracy, human rights and the rule of law. Distorted marginal groups or people who distort religion, kill innocent people, torture civilians, commit crimes, harass and oppress women or exclude girls from education available to boys are misusing and perverting religion. Distorted or inaccurate accounts of religious beliefs or practices cannot be accepted as representing that religion. We completely reject and condemn the misuse of religions. We are committed to standing in solidarity with all religious communities, to protecting them without exception and to ensuring full religious freedoms in our countries. The Koran clearly says that religion cannot be forced on anyone. One of its verses says “There is no compulsion in religion”.

In the second part of my speech, I wish to draw the attention of members to another delicate issue. Just as freedom of thought, conscience and religion are fundamental rights – and everyone has the right to “manifest” his or her “religion or belief, in worship, teaching, practice”, as outlined in Article 9 of the European Convention on Human Rights – so, too, is freedom of expression, as enshrined in Article 10. As the second paragraph of that article makes clear, there is a fine balance between those two freedoms. Their exercise carries with it duties and responsibilities, so it “may be subject to such...conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others”.

Caricatures and films ridiculing or insulting a religion do not represent freedom of expression – quite the contrary, they indicate intolerance and xenophobia. The aim behind them is to provoke the believers of that religion. Such acts do not contribute to world peace or to the world’s intellectual heritage, and do not add anything positive to society; they just add segregation and hurt. I call on all member States to ensure respect for all religious and sacred symbols, religious figures, holy books, prophets and God, as the opposite deeply hurts devout believers of a religion. They can believe that their identity and community is being victimised if their religion or its sacred symbols are subjected to public ridicule or vilification. I call on the Assembly to consider such offences as hate crimes.

*25 Nisan 2013 Perşembe*

*Current affairs debate: Syrian refugees in Jordan, Turkey, Lebanon and Iraq: how to organise and support international assistance?*

**Mr DİŞLİ (Turkey)** – First, I want to underline the fact that the humanitarian crisis in Syria is not just a problem for its neighbouring countries. This is an issue between the international community and Syria, between international law and Syria and between the international conscience and Syria.

Turkey has a common border of 911 km with Syria. The work that neighbouring countries have been doing to try to relieve the pain of the Syrian people may be playing down the severity of the situation. If we had not stepped up to help the Syrians, the international community could be facing much more misery and suffering. We must not forget that the most important thing to do is to end this conflict. While Turkey and other countries in the region are doing their best to help the Syrians, the duty to stop the bloodshed falls on the international community. A meeting of the Group of Friends of the Syrian People took place at the Adile Sultan palace in Istanbul on 20 April with the foreign ministers of Turkey, the United States, Britain, Qatar, Saudi Arabia, Jordan, Egypt, the UAE, Italy, Germany and France, as well as representatives from the National Coalition for Syrian Revolutionary and Opposition Forces, in attendance. The participants have extended clear support to the Syrian National Coalition and have displayed a political will to do everything necessary to end the massacre in Syria. I hope that that strong call receives responses from all the capitals of the world, beginning with Damascus. The international community and all sides involved should make a joint effort to try to end the conflict in Syria.

Every innocent life lost in Syria is a stain on the conscience of humanity. The Assad regime must be prevented from committing more sins, the Syrian people must prevail in their rightful and legitimate efforts, and the territorial integrity, sovereignty and national unity of Syria must be preserved. It is important that we act together to find a way to end the conflict and to prevent innocent people from dying.

***Joint debate “Frontex: human rights responsibilities” and “Management of mixed migration and asylum challenges beyond the European Union’s eastern border”***

**Ms GÜNDEŞ BAKIR (Turkey)** – As the rapporteur rightly stated, the countries beyond the European Union’s eastern borders are increasingly under pressure from illegal migration by people who want to enter the European Union but cannot do so. Human trafficking is usually committed by terrorist organisations, such as the PKK, and it is one of their primary sources of income. My country imposes a geographical limitation and gives the status of asylum only to people who migrate from Europe to Turkey. That limitation is not a reservation by Turkey; quite the contrary, it is a right recognised by article 1B of the Geneva Convention. The call on Turkey in paragraph 21 of the report to “remove the geographical reservation to the 1951 Refugee Convention” relating to the status of refugees has no legal basis. The judgment of the European Court of Human Rights in the case of *A.G. and Others v. Turkey* makes it clear that geographical limitation and reservation cannot be considered as discrimination in respect of the rights defined in the European Convention on Human Rights. Based on that Court’s decision, Turkey does not have to remove the geographical limitation, guaranteed as a right in the 1951 United Nations Convention, as it is completely legal. Forcing the opposite would contradict Turkey’s sovereignty rights and go against the decisions of the Court.

It is also important to remind member States that our geographical limitation is what protects the European Union member States from having more regular and irregular migrants. Its abolition would encourage a dramatically higher number of economic migrants to Turkey and, consequently, to the European Union. A crucial way of protecting the European Union from illegal migration is by protecting Turkey’s borders. We should also bear in mind that the Council of Europe’s border does not start at the Greek-Turkish border, but at Turkey’s east and south-eastern borders.

Paragraph 53 of the report alleges that the situation seen in another country regarding the medical care of asylum seekers and refugees was also “witnessed in Turkey”. That claim has no legitimate basis and I wish to clarify things. Applicants and asylum seekers are hosted in certain Turkish cities in accordance with the relevant Turkish legislation, and the 60th article of the social insurance and general health insurance law stipulates that asylum seekers are covered by general health insurance in Turkey. Our insurance scheme provides them with a broad array of health benefits, ranging from emergency aid to medical operations. Furthermore, applicants have access to medical services through the general directorate of social assistance and solidarity. Therefore, the Danish Refugee Council, financed by the United Nations High Commissioner for Refugees, has no role in the provision of medical care to concerned persons in Turkey.

### *Free debate*

**Mr KÜRKCÜ (Turkey)** – It is 98 years since the beginning of Medz Yeghern. On 24 April 1915, 240 Armenian opinion leaders, including parliamentary deputies, were arrested in Istanbul by agents acting incognito and under orders from the then İttihat ve Terakki party government. The number of those arrested soon reached 2 345, 765 of whom lost their lives in central Anatolia, where they were deported without legal prosecution or court decision. This was the prelude to the forcible deportation of Armenian subjects of the empire to the deserts of Syria under the pretext of counter-insurgency measures and the need to prosecute the First World War. The defenceless columns of women, children and the elderly ended up nowhere. Hundreds of thousands of innocent people were annihilated, depriving eastern Anatolia of one of its autonomous peoples and leading to the devastation of dozens of cities and towns which lost their essential human resources and productive powers.

On behalf of our group, I should like to express our condolences to the grandsons and granddaughters of the Medz Yeghern, the Armenian term for this heinous crime against humanity. Despite official obstacles, we are determined that the historical realities pertaining to the Medz Yeghern will be investigated and become public knowledge, provided that freedom of expression and freedom of conscience take root in Turkey. This is essential for relieving the new generations of the destructive narratives of the past and to establish mutual understanding and construct new ways of communication to achieve reconciliation and fraternisation between the Kurds, Turks and Armenians, all of whom have suffered atrocities, massacres, deportations and exiles which were caused essentially by the partitioning and repartitioning of the world into regional spheres of influence among the great powers in the 19th and 20th centuries.

Yesterday, across Turkey, in Istanbul, Izmir, Ankara and Diyarbakır, thousands of demonstrators – Turks, Kurds, Armenians; grandsons and granddaughters of both the aggressors and the victims of past centuries – together commemorated the victims of Medz Yeghern, and they did so without significant official impediment and with relatively extensive media coverage. We welcome this development as a sign of the establishment of a broader understanding in Turkey and of the possibility of a discussion of the past that is free of prejudices and hatred. We also express our expectation that the ongoing talks between the PKK leader, Abdullah Öcalan, and Turkish Government officials will lead to a conclusion of the armed conflict in Turkey, which we hope will bring it to the verge of being a full democracy where differences are welcomed as a source of richness and not of conflict.

**Ms ERKAL KARA (Turkey)\*** – I want to draw the Assembly’s attention to a rather serious problem for migrant families in Europe. Unfortunately, the number of children withdrawn from their parents’ custody by social services is increasing daily. Member States’ domestic legislation sees such actions as a measure of last resort for the protection of children. In practice, however, social services frequently withdraw children without appropriate justification and on the basis of unchecked information, and it often happens to the children of migrant families. It can lead to the destruction of families and children losing contact with their parents. Families have expressed fears about no longer being allowed to see their children in case social services object, and there have unfortunately been several such cases involving Turkish families in Council of Europe member States. In Germany, for example, Azad and Arda Güney, two brothers of Turkish origin living in Düsseldorf, were withdrawn and entrusted to a foster family because their mother was a drug addict. Their grandmother, Ms Güney, asked for their custody and to care for them with the aid of two daughters – one a teacher and one a nurse – but her request was rejected and she was prohibited from seeing her grandchildren. Since the brothers were the subject of ill-treatment by the host family, Ms Güney filed a complaint with the local authorities, but it was not taken into consideration and the host family still exercises custody over the children. Judicial proceedings are under way. I think that the case will be studied in detail by Ms Borzova for the report that she is drafting. It is clear that this issue can affect anyone, but the majority are immigrants, who also encounter problems of language and integration. I also thank Mr Pushkov for having broached the important matter of the successful integration of migrants in Europe.

*26 Nisan 2013 Cuma*

*Joint debate on nanotechnology and ethics in science and technology*

**Mr KAYATÜRK (Turkey)** – I wish to express my sincere appreciation of the rapporteurs’ informative and high-quality work. Nanotechnology is generally presented as the revolution of this century, so it needs to be given due consideration. It offers enormous potential for innovation and encompasses many disciplines, which means that it has the potential to transform the tools we use, medical treatments, our environment and how humans themselves further develop. As we are reminded, there are both possible benefits and risks involved. However, perceptions of risk and benefit are far better predictors of how we will respond to the new technologies than empirical data on harm. We are still at the early stages of understanding this issue. Of course we cannot let this technology emerge unregulated and uncontrolled at the cost of our health and environment. But a total resistance to nanotechnology is not constructive. There are many ideas about how to regulate the field, ranging from doing nothing to imposing strong restrictions. Here, we have to act in awareness of the need to allow freedom of research and encourage innovation. To lay down a common standard we need to harmonise regulatory frameworks and reporting and registration requirements, and to determine appropriate matters for risk assessment.

The importance of nanotechnology can be neither underestimated nor exaggerated. The issues should be negotiated in an open and transparent process involving multiple stakeholders. I hope that we will be able to leave our descendants an improved world and future.