

*30 Eylül 2013 Pazartesi*

*Progress report of the Bureau and the Standing Committee; Observation of the parliamentary elections in Albania*

**Mr DİŞLİ (Turkey)** – Dear colleagues, our visit on the occasion of the parliamentary election in Albania was beneficial. As reported by Mr Tatsopoulos, I am glad to see the steps taken to improve the legal framework, to create an appropriate atmosphere for democratic elections. The recent amendments of the electoral and criminal code in Albania were commendable. Yes, some issues need to be enhanced: there is still room for improvement in respect of implementing the legal framework and its enforcement. Once more, Albania has to be complimented on the competitiveness of the elections, on active citizen participation throughout the campaign and on genuine respect for fundamental freedoms.

The parliamentary elections in Albania were, without doubt, generally in line with international standards and respected the values upheld by the Council of Europe. With regard to the report's recommendations, I call on my Albanian colleagues and the authorities not to get tired of co-operating with the international community and to benefit from the experiences of their friends. We can be sure that Albania will continue the democratisation process and grant its citizens a more democratic and pluralistic life.

I take this opportunity to thank the Albanian authorities for their hospitality during our stay in Albania.

*Free Debate*

**Mr KÜRKCÜ (Turkey)** – The Prime Minister of Turkey today declared a new, fifth package for democracy. Obviously, the introduction of the package has been necessitated by the ongoing negotiation process for a peaceful outcome of the Kurdish question, a major obstacle on Turkey's road to democracy.

The issues raised by the Prime Minister are also within the context of the Assembly Resolution 1830, which urges Turkey to undergo a thorough political reform process on 12 points. But unfortunately, after the declaration of the package, Turkey remains a country with 10 000 prisoners, with the biggest imprisoned journalist population, and with the highest national election barrier of 10%.

Thus, despite its claims of being historical, the package remains far from satisfying the legitimate demands of the citizens of Turkey. The package, if it could be merited for that, provides *de jure* recognition of the *de facto* gains by the people which have already overridden the existing restrictive laws, such as the ban on the Kurdish alphabet letters Q, X, W, or the prohibition of political propaganda in languages other than the official Turkish. Recognition of the right to education in the Kurdish language in private schools is progress, but on an unequal footing, which practically deprives the poor, 90% of Turkey's Kurds, from exercising a basic right – free and universal education in the mother tongue.

On the other hand, the package totally excludes the Alevites, one of the most neglected and oppressed religious minorities of Turkey.

Thus, the Assembly should of course endorse even the slightest progress in the direction of democracy in Turkey, yet continue to urge for a new democratic constitution which provides full equality for all citizens of Turkey in enjoying their rights and freedoms.

*1 Ekim 2013 Salı*

### ***Children's Right to Physical Integrity***

**Ms MEMECAN (Turkey)** – Dear colleagues, my main objection to the report is that it depicts a gloomy picture about male circumcision, against which there is no convincing medical or scientific evidence. I am completely astonished to see that the rapporteur is acting as if new evidence has emerged and she has been tasked with disseminating it. Many medical opinions recommend male circumcision, rather than otherwise, and we should certainly provide the best medical services for male circumcision, but, in doing so, science and modern medicine should be the guide. In the report, however, male circumcision is listed next to the totally unacceptable issue of female genital mutilation.

Moreover, the report, while emphasising the protection of children, unfortunately engages in unnecessary and offensive questioning of people's religious practices. Male circumcision is a practice of millions of Muslims and Jews that is thousands of years old. Christians or atheists may have difficulty in understanding it, but it is ridiculous to suggest alternatives or the elimination of the practice, which would be unthinkable and socially and culturally unacceptable for Jews and Muslims alike.

The report dares to question the practice. That is not only irresponsible, but dangerously provocative. Colleagues, are we starting a new practice of questioning each other's religious beliefs and practices? Where will we draw the line? Comparing and targeting religious practices is a slippery slope that we must avoid by all means, but the report does just that. It not only provokes but paves the way for further questioning of various religious practices, which is completely beyond our expertise. That will inevitably cast a shadow on the Institution's credibility and irreparably harm the values that it seeks to promote.

The rapporteur's reckless effort to drag her extreme perspective into mainstream European politics after failing to do so in the German Bundestag represents a threat to the values and guiding principles of the Council of Europe. I congratulate the German Bundestag on acting responsibly by rejecting such efforts and halting a provocative initiative. Colleagues, I urge you to support my amendment to the text in order to eliminate the hidden risks behind this seemingly progressive report and the problems that it will entail for all people of faith in Europe.

**Ms ERKAL KARA (Turkey)\*** – Distinguished colleagues, the protection of children's physical integrity is an extremely important subject. However, the report adopts a narrow point of view which is biased against the circumcision of young boys for religious reasons.

The rapporteur should take into consideration the effect that the report will have on the sensibilities of those of her fellow citizens who are of foreign origin, and she should not ignore the scientific research that contradicts her draft resolution. Many medical and health

organisations, such as the American Academy of Pediatrics and the World Health Organisation, have demonstrated the advantages of circumcision, among which they cite preventing infections, protecting against AIDS and the transmission of other sexually transmitted diseases and protecting against cancer of the penis. Moreover, when circumcision is practised under proper sanitary conditions, it has no long-term or short-term side-effects on the health and well-being of boys or men. On the contrary, in certain cases, the circumcision of babies is medically recommended by specialists as a treatment.

How can we ask a baby's opinion? We cannot, just as we cannot ask whether a baby wants to be baptised. I remind you of the United Nations declaration against religious discrimination, which says that parents have the right to bring up their children according to their own religious convictions. Moreover, circumcision is practised in several countries as part of religion and being accepted by society. Circumcision of young boys is an important practice for millions of Muslims and Jews who live in Europe.

Paragraph 7.7 of the draft resolution could engender an approach that might lead to a ban on the circumcision of boys, which would then be considered a crime. Such a consequence would send people underground, into the realm of the illegal, with operations carried out under unacceptable sanitary conditions. Furthermore, that would set off a political and discriminatory debate which would add to the problems of integration for immigrants to Europe, and as you know, xenophobia in Europe is on the rise.

I consider that a matter that involves health and religion and is largely accepted by many societies should not become hostage to politics, and I invite our Assembly to amend paragraph 7.7 or reject the draft resolution.

## ***2 Ekim 2013 Çarşamba***

### ***The functioning of democratic institutions in Bosnia and Herzegovina***

**Ms MEMECAN (Turkey)** – Dear colleagues, it is beyond doubt that Bosnia and Herzegovina is the most complex country in the Balkans socially, politically and historically. I should therefore congratulate our rapporteurs for having shouldered such a challenging task. The report, however, mainly focuses on the non-implementation of the European Court of Human Rights' judgment in the Sejdić and Finci case, disregarding the efforts and the progress made in the country. I agree with our rapporteurs' efforts to send a strong message to the Bosnian authorities that they must fulfil their obligations, but I am afraid that I disagree with them when they recommend the suspension of the country's Council of Europe membership if it fails to do so.

We have many honourable member States that have not fulfilled all their obligations in respect of conventions and Court decisions and we can live with them. Why pick on Bosnia and Herzegovina? Members of this Assembly must answer a fundamental question about the way we should assist young democracies: do we seek to shame and discipline countries like Bosnia and Herzegovina through monitoring mechanisms, or do we engage with them proactively and employ diplomatic channels, boost dialogue and patiently stand in solidarity with them in the face of such challenges?

Suspension or sanctions should not be considered as options since they are not only against the fundamental values and the standards that this Organisation represents, but they also

contradict the spirit of our work. This Organisation is all about co-operation and therefore we cannot give up and simply watch a member State struggle with its own problems.

We should bear in mind that Bosnia and Herzegovina does not refuse to implement the Sejdić and Finčić decision, but it requires complex legal modifications, which take time. Although I fully understand that our rapporteurs may have faced frustrations and difficulties in their contacts with the Bosnian authorities, we have to be realistic and act in a responsible way. Which Bosnia and Herzegovina is preferable and good for the peace and stability of Europe: a Bosnia in the Council of Europe or near the Council of Europe?

In the Council of Europe's relations with its member States there can be no option other than co-operation, solidarity, offering assistance and active engagement. I am sincerely confident that the Bosnian authorities will do their best to seize this opportunity to co-operate with European institutions more closely. I want them to know we are with them in this endeavour.

*3 Ekim 2013 Perşembe*

*Urgent debate: The situation in Syria*

**Mr KÜRKCÜ (Turkey)** – The UEL welcomes the report in general, and we thank the rapporteur for giving a balanced evaluation of the situation. We regret that the present situation in Syria has confirmed our worry expressed in last year's debate that it was highly likely that the whole of Syria would soon be reduced to ruins, leading to a humanitarian disaster on the outskirts of Europe, if events continued at their present pace. The figures given by the rapporteur suggest the situation is even worse than was envisaged.

Although the rapporteur says they have led to the process to eliminate Syria's chemical weapons, why are there threats of military strikes? Indeed, the west bears a considerable part of the responsibility for the ongoing tragedy in the country. As was also said in last year's debate, the peoples of Syria are paying the price for a miscalculated, US-backed proxy war to realign forces in the middle east. Their plight stems not only from the Assad regime's ruthlessness; it is also an inevitable consequence of a revolt that was apparently encouraged by the United States. That move was miscalculated, and there was no political programme or reliable future leadership in place, never mind any political calculation of a possible outcome.

The Assembly, too, has partly shared the same myopic approach, because in Resolution 1878, adopted in April 2011, it anticipated that Assad's regime was coming to an end. That perspective, of a near collapse of the regime, inevitably led the West, and particularly Ankara, to turn a blind eye to or to underestimate the atrocities and massacres committed by the so-called moderate Free Syrian Army, at least 50% of which is comprised of the al-Qaeda-linked al-Nusra and other jihadists. Thus the western military support channelled across Turkey's borders to the Free Syrian Army to support regime change was inevitably acquired by those forces, which have recently vowed to fight for sharia rule in Syria.

However, as Mr Björn von Sydow has carefully observed in his report, the jihadist presence fuels legitimate fears among the various religious and ethnic minorities about their future in a post-conflict Syria and so pushes the Alawite, Christian, Jewish and secularist minorities, as well as Sunni loyalists, towards Damascus. In that sense, we find the rapporteur's recommendation to support the emergence of a democratic, inclusive and stable State in Syria

which respects human rights and the rights of ethnic, cultural and religious minorities very valuable in placing the Assembly on a new path to play a more constructive role in Syria.

We would also like to draw the Assembly's attention to Rojava, where Syrian Kurds are building up a functional model for the reunification of a secular, pluralistic, multi-ethnic and democratic Syria, having freed themselves from the Assad dictatorship and the al-Qaeda jihadists.

**Mr DİŞLİ (Turkey)** – I thank the rapporteur and the committee for bringing this issue before the Assembly.

I had prepared a two-page speech about implementation of the UN Security Council's decisions, the elimination of chemical weapons, a possible ceasefire and the situation in Turkey, but I have been upset by two things in this debate, so I will talk about them instead. The first concerns Mr Schennach's accusations about the trafficking of women. If he really meant to include Turkey in his accusation, it was a total lie. We consider these refugees to be our guests, and we are fully responsible for them – you must have heard about Turkish hospitality – so I ask you to prove a single such case, if you wish to include Turkey in your accusation.

Secondly, our Armenian friends and others have talked about the Armenian problems. Syrians, whether Muslim, Christian or Armenian, are dying. Syrian children and women are dying. These children do not yet know their religion or their ethnic background, but they are dying – most of the 100 000 dead were children and women – and we must bring these issues to the Geneva conference. It is important to remember the mosaic of Syria, and of course Christians and Armenians are part of that mosaic and should be preserved, as should the integrity of Syria as a whole. Geneva 2 needs to do two things: bring about an immediate ceasefire and preserve that integrity.

***Missing persons from Europe's conflicts: the long road to finding humanitarian answers***

**Ms ERKAL KARA (Turkey)\*** – I thank the rapporteur, Mr Sheridan, and the committee members for taking up this delicate issue and dealing with it in such a fair, constructive and even-handed way. I fully share the view of the rapporteur, who believes that families must be at the heart of any action having to do with missing persons, but the question that we must ask ourselves is how to go about it. I am most grateful to the rapporteur for sharing his ideas with us and putting out guidelines to help us as we go about realising that aim. The sensitivity of the subject also demands that we be cautious. We should not seek to get mileage out of individual examples or tragic stories, nor organise subsidised tours, as some Governments have been doing for a number of years.

The report contains numerous references to missing persons in Cyprus. I say to the rapporteur and Assembly members that the issue of missing persons in Cyprus concerns both parties: the Greek Cypriots and the Turkish Cypriots. That being said, paragraphs 7 and 10 of the explanatory memorandum do not really reflect the current situation regarding missing persons in Cyprus. The official list of missing persons approved by the two leaders suggests that 1 508 Greek Cypriots and 493 Turkish Cypriots are missing. In other words, that is lower than the figures that appear in the table on page 6. That table will have to be revised according to the updated statistics published by the Committee on Missing Persons in Cyprus in August 2013.

Not only the Turkish Cypriot authorities, but the Greek Cypriot authorities, too, are legally obliged to carry out an effective investigation into the 500 Turkish Cypriots reported missing.

The rapporteur notes in paragraph 10 that the problem started some 40 years ago, but that is not true. The problem goes back beyond that, to some 50 years ago, when a number of Turkish Cypriots disappeared during an internal conflict. For that reason, the mandate of the Committee on Missing Persons also covers its clarifying the fate of disappeared persons during the events of 1963-64. In other words, it did not start in 1974.

What encourages us and gives us hope is that that committee is, of course, the major piece of machinery that concerns both communities and it is making progress on exhumation, identification and information shared with the families as to the conclusions that it has reached.

**Mr ÇAĞLAR** (*Representative of the Turkish Cypriot Community*) – President, distinguished members, I speak with a touch of sorrow. Missing persons have been an open wound for my country for decades. I am grateful to the rapporteur, Mr Sheridan, for his relatively balanced approach. However, there is no reference in the report to the important issue of the Turkish Cypriots who went missing in the events of 1963-64. That creates a factual mistake, since the great majority of Turkish Cypriots went missing during that period. This is also contrary to the agreement reached between Turkish and Greek Cypriots, as well as to the terms of reference of the Committee of Missing Persons on Cyprus, established by Turkish Cypriot and Greek Cypriot sides together.

The report documents how countless people – soldiers and civilians, including women and people of all ages – have gone missing and how most of them are still unaccounted for. Losing someone is a tragedy, but to have a relative or a loved one – actually, anyone – go missing and still be unaccounted for is a pain beyond words. It is unacceptable and we should do all within our means to prevent the recurrence of such events.

We are not talking about a natural disaster that we cannot prevent. We are not talking about an unstoppable train of events that we must watch helplessly. Usually, it is in an armed conflict, a civil war or a chaotic situation in which people go missing. The value and wisdom of the peace and stability built in Europe since the Second World War should be seen in this light as well. That is why bodies such as the Council of Europe are so important. International co-operation and solidarity is the best way to prevent wars, to prevent people – our loved ones and our sons and daughters – from going missing.

The European Convention on Human Rights lists many rights, all for us to enjoy. Let us remember that among those is the right to have a proper burial place and to have our loved ones perform their last duties when we depart. That is to say, it is also every person's human right to be accounted for – to complete his journey in life in tune with his own faith and choices. That is why this report is so important. It reminds us of an issue that is quickly forgotten, yet leaves so many scars.

Cyprus is one of those unlucky places still struggling with her own missing persons. I am glad that the report also mentions missing Turkish Cypriots. Usually, and unfortunately, only missing Greek Cypriots are remembered whenever the problem of missing persons in Cyprus is raised. For this I thank the rapporteur, Mr Sheridan. It would have pleased me if the report explained how these Turkish Cypriots went missing.

A side event took place yesterday where the families of missing Turkish Cypriots shared their experiences and told their personal stories. I hope that this report and the side-event will prove to be turning points for everyone. They deserve to be remembered.

***Urgent debate: European Union and Council of Europe human rights agendas: synergies not duplication!***

**Mr DİŞLİ (Turkey)** – I would like to join others in thanking the rapporteur for his efficient work. As Secretary General Jagland said yesterday in this Chamber, we are at a critical juncture in the history of the Council of Europe. If the European Union develops its own work on human rights, instead of benefiting from the expertise and the instruments that the Council of Europe can offer, it would be a clear duplication that would inevitably harm the pan-European convention system.

In the past six and a half decades, Europe has built a unique mechanism for the protection and promotion of human rights, democracy and the rule of law. The distinctive character of the European model lies in the legally binding character of its standards, institutional set-up and continent-wide geographical scope. The European Convention on Human Rights, to which the European Court of Human Rights is central, lies at the heart of the common heritage that this Organisation has built over the years to establish common standards for the respect and protection of human rights.

Ensuring consistency in human rights protection in Europe is of crucial importance. At present, there is a considerable gap in the human rights protection system in Europe, which will hopefully be closed by the EU accession to the European Convention on Human Rights. Accession will constitute a major step forward for the consolidation of political, legal and social European structures, with their special emphasis on the protection of human rights. It will help to rectify discrepancies in human rights standards and reinforce the partnership between the Council of Europe and the European Union, based on each other's acquis.

As emphasised by the rapporteur, the excellent partnership between the Council of Europe and the European Union can be further expanded on the basis of respect for the integrity of the two organisations and without introducing new parallel mechanisms. Creating synergies between the European Union and the Council of Europe in the fields of human rights, democracy and the rule of law will provide greater efficiency and further benefits for the citizens of Europe. I am pleased to see that the right emphasis has been put on these issues in Mr McNamara's report, and I fully concur with it.

