

22 Ocak 2007

Sexual assaults linked to “date-rape drugs”

MRS İNCEKARA (*Turkey*). – I congratulate Mrs Damanaki on her brief but excellent report. I much appreciate her efforts to bring sexual assaults that are linked to “date-rape drugs” to the agenda of the Parliamentary Assembly.

All forms of sexual violence must be condemned, and it is regrettable that we face a new form of sexual assault. As the report shows, the use of “date-rape drugs” is unfortunately on the rise, and the fight against sexual assaults linked to such drugs poses a new challenge for our societies. As the rapporteur explains, it is extremely difficult to detect the use of such drugs. We regret to admit that modern science is being exploited for malicious purposes.

The Parliamentary Assembly has done a good job in dealing with this alarming issue and its inclusion on the Assembly’s agenda will certainly help to raise awareness across Europe. As Mrs Damanaki says, there is a need to raise awareness of sexual assaults linked to “date-rape drugs”. A lot of people are not aware that they may have been the victim of such an assault. In that regard, the media, too, should act responsibly. They should give a firm message that rape is an inexcusable crime that can never be justified.

I agree with all the recommendations in the report. I strongly believe that, once implemented, they will make a significant contribution to the fight against sexual violence linked to “date-rape drugs”.

I conclude by stressing my firm support for the report. I also congratulate Mrs Damanaki once again on the excellent work she has done. I hope that the message on the recommendations is well taken by Council of Europe member states.

23 Ocak 2007

Debate on the peril of using energy supply as an instrument of political pressure

Mr ATEŞ (*Turkey*). – I thank the rapporteurs and the secretariat for this excellent report. I also thank all representatives of other committees for their contributions. As we have seen, reliable and secure energy supplies and transportation will be one of the most important international issues in the coming years. The importance of the issue has increased in recent years and it is important that we achieve a common strategy to cope with possible energy shortages.

What should Europe do? First, it should develop a common energy policy, and we must show solidarity. Secondly, Europe needs a common structure of regulatory reform to ensure the efficiency and effectiveness of that common strategy. But at the moment Europe lacks that solidarity and a common strategy.

According to the rapporteur, the way to achieve this goal is to put in place a strategy at European level that aims to end bilateral deals based on purely nationalistic interests. That is especially important in terms of future long-term contracts. If we cannot do that, and if we follow our national interests, we may never handle this problem.

Honouring of obligations and commitments by Armenia

Mr CEBECİ (*Turkey*). – I thank the co-rapporteurs for their report which successfully reflects the situation in Armenia regarding the implementation of its constitutional reform.

It is good to see that conditions conducive to the fulfilment of many of Armenia's obligations and commitments have been created in the field of pluralist democracy human rights and in respect of the principle of the rule of law.

Yet, it is still extremely important that the upcoming parliamentary elections in spring 2007 and the presidential elections in 2008 are organised and conducted in compliance with European standards for free and fair elections. The irregularities that affected the constitutional referendum should not be repeated this time. The Government must take concrete steps to sanction the cases of observed fraud as well as necessary precautions to prevent the repetition of such cases. It seems more and more important that the next ballots comply with the European standards, considering that since its accession to the Council of Europe in 2001, not a single election held in Armenia has been fully free and fair.

To this end, I would like to re-emphasise the urgent need for a further revision of the electoral code, along the lines suggested by the Venice Commission and OSCE. Apart from the revision of the electoral code, the updating of electors' lists, free and fair access by all political parties to the media and facilities for international and national observers to follow the running of the elections should also be made available. The Armenian Government should display its political will and prove to the international community that it will not tolerate fraud.

Implementation of the constitutional and legislative reforms does not only bear significance for the democratic process in Armenia but also for establishment of peace and stability in the region. I hope that as Armenia displays and irreversible progress along the road to democracy and European integration, it would follow a less aggressive foreign policy.

A democratic Armenia that meets its obligations in terms of human rights and respects the principle of the rule of law, would become more forthcoming in pursuing a settlement to the Nagorno-Karabakh conflict by peaceful means and according to the principles of international law.

I believe that the new members of the Armenian Parliament to be elected through free and fair elections as well as the new Government to be formed following the parliamentary elections will clearly see the need to fundamentally revise Armenia's foreign policy objectives.

The Armenian authorities should acknowledge the fact that the unresolved Nagorno-Karabakh conflict prevents the prospects of regional cooperation and the process of democratic change in the Caucasus as a whole.

The Armenian authorities sooner or later will realise the importance of good-neighbourly relations in the region and take a step forward for a full normalisation of relations with the neighbouring countries. This will eventually give an end to the self-imposed isolation which impedes the development of bilateral relations with Azerbaijan and Turkey and its inclusion in the region-wide cooperation aimed at bolstering prosperity.

Mr ÇAVUŞOĞLU (*Turkey*). – I would thank the co-rapporteurs for their work and the energy they invested in this report.

I must say that the debate we hold today is very important, considering that democracy, human rights and the rule of law in member states are the core issues of our Organisation. I broadly agree with the evaluations and conclusions of the co-rapporteurs. However, there are some issues to be underlined which are not mentioned in the report.

Freedom of expression is one of the basic principles of human rights and it should be protected vigorously. However, contrary to its commitments, Armenia has taken some negative steps, limiting freedom of expression in its own territory. The Armenian Parliament adopted a new law introducing amendments to the Armenian Penal Code on 4 October 2006. This new law provides criminal punishment for denial of genocide. Those who are found in violation of this new article will be fined and imprisoned for up to four years. By restricting freedom of expression, this law will criminalise dissenting opinions in Armenia. It is interesting to note that this controversial law that limits freedom of expression, has not been mentioned in our report.

Another point is the ongoing problem of Nagorno-Karabakh. Recently, in this Chamber, Mr Atkinson prepared a report on Nagorno-Karabakh. In this report, it is stated that Armenia occupies 20% of Azerbaijani territories. The situation in this conflict has not changed since then. The problem is getting worse every day. This illegal occupation is the real obstacle on the way to Armenia's opening up to Europe. On the other hand, the constitutional referendum that was held in Nagorno-Karabakh by the self-declared de facto authorities of the region on 10 December 2006 has worsened the situation and made public the real intentions of the Armenian authorities. Statements were issued by the OSCE, the Presidency of the

EU and the Secretary General of the Council of Europe to condemn this referendum. This referendum not only violates the efforts of the Minsk Group co-chairs but attempts to give the de facto entity in Nagorno-Karabakh a legal status. To cut a long story short, this “constitutional referendum” shows that the Armenian government does not wish to fulfil its commitments it undertook when it acceded to the Council of Europe.

Armenia does not only have territorial claims on Azerbaijan. It has territorial claims on Turkey. Armenia does not recognise the common border between Turkey and Armenia, which was established by the Kars treaty in 1921. Moreover, Armenia’s relations with other neighbouring countries are far from perfect. Armenia has some complicated relations with Georgia because of the Javakheti region. When we take the examples of these irredentist policies of Armenia, against Turkey, Azerbaijan and Georgia into consideration, we can easily come to the conclusion that Armenia does not want to live in peace with the neighbouring countries in the region.

Lastly, I would like to say a few words on the joint study of events of World War I in the Ottoman Empire. As you will remember, in April 2005 we adopted a written declaration on this issue with the signature of around 100 honourable parliamentarians. In this written declaration, we referred to the Turkish Prime Minister Erdoğan’s proposal to the Armenian President, Mr Kocharian, for the establishment of a Joint History Commission between Turkish and Armenian experts to study the events of 1915. We also clearly urged President Kocharian to respond positively to this proposal, which would pave the way to the normalisation of relations between Turkey and Armenia.

I am saddened to say that it has not been possible to achieve progress on this issue due to the negative approach of Armenia. At this forum, I would like to underline once again that Turkey is ready to accept the outcome of this commission if it is established.

Having said all that, I should underline that success in Armenia, both politically and economically, can be possible only if there is a real political will and determination of the political leaders to solve the problems of the region in a constructive manner. Unfortunately, until now, the act of Armenian leadership has proved the opposite.

24 Ocak 2007

Joint debate on agriculture and migrant workers

Mr ÇAVUŞOĞLU (*Turkey*). – I congratulate Mr Dupraz on his report, which identified some of the major concerns about illegal employment in agriculture in

Europe. Today, I am presenting Mrs Bousakla's opinion. She is absent for a good reason – she is about to give birth.

The concerns of our committee are threefold. The first is linked to the exploitation of those illegally employed in agriculture, the vast majority of whom are also illegal immigrants, so they are doubly vulnerable. From his valuable visits to the Netherlands, France, Switzerland and Spain, Mr Dupraz has identified a number of practices that amount to exploitation. Mrs Bousakla has also cited some of the appalling conditions faced by those in illegal employment in agriculture in Italy. She refers to low pay, long working hours, the withholding of pay, overcrowded and unhygienic lodgings without running water or electricity, brutal practices by foremen and sexual exploitation.

She cites a recent report by Médecins sans Frontières. The organisation interviewed 770 migrants, and the report revealed that 30% of those people had to share a mattress, that more than half of them had no access to running water and that almost half had no access to a toilet. More than 70% had a chronic disease, including skin diseases, which were usually caught by the workers due to exposure to pesticides without wearing any protection.

Our second concern relates to employers. Many employers are in a position in which they think that they cannot employ workers legally. They thus need help to tackle some of the causes of the need to employ illegal labour, including the economic costs of labour, the lack of a domestic work force and administrative recruitment hurdles. However, there are many employers who exploit labour and steps should be taken against them.

Our third concern is about migration management. Legal avenues of migration for people in the agricultural sector, as in other sectors, must be encouraged by cutting down the demand and need for illegal migration and the illegal employment that accompanies it. Those who are in illegal employment need to be protected from exploitation. They should have certain basic human rights, including fair wages, reasonable working conditions, compensation for accidents and access to the courts to defend their rights and freedom to join trade unions.

Once again, I congratulate the rapporteur and thank Mrs Bousakla for her opinion.

Mr GÜLÇİÇEK (*Turkey*) said that the influence of globalisation on different areas of life could be seen in various sectors, and in particular in the labour market. As a consequence of globalisation, the labour market had expanded greatly, and its new dynamism had led to changing conditions. There had been a boom in immigrants employed in the European labour market, and this had created some severe social problems. Globalisation had led to an increase in temporary employment, which represented a new form of exploitation almost on a par with human trafficking and slavery. As the reports being debated had shown, the growth in temporary

employment had undermined labour conditions and the rights of workers. Employers often paid immigrants less than the going rate, and in this way globalisation had led to an increase in exploitation.

People were increasingly being forced, for economic reasons, to leave their native countries. This could create problems for Europe, but the trend of increasing immigration into Europe should not be allowed to undermine the hard-won labour rights that had been established; these should continue to be applied across the board. The exploitative conditions under which immigrants and illegal workers were employed should not be part of a modern Europe, and had to be improved. The situation of migrant workers must be put on the Parliamentary Assembly's agenda.

Mr ÇAVUŞOĞLU (*Turkey*). – The rights of migrant workers and the situation faced by irregular migrants in Europe have been of great concern to the committee and a priority of our work. Migration and human mobility are increasing not only in the European internal market, but beyond: in eastern and South-Eastern Europe. The Russian Federation has a major pull for migrants who are in search of employment.

We have heard appalling testimony of the exploitation of migrant workers working illegally throughout Europe, especially in agriculture, but also in construction, tourism, non-declared household services and other sectors of the grey economy. The trafficking of migrants by employment agencies is also growing, especially in Eastern Europe, where agency work is not properly regulated by law in practice.

We have expressed our concerns to the Committee of Ministers and the member states of the Council of Europe. We are ready to contribute to the ministerial conference on labour migration that will take place in Ukraine next year. That conference aims to bring together decision makers from countries of origin, transit and destination to achieve better ways of regulating labour migration in Europe. To that end, the Committee on Migration, Refugees and Population is developing close working ties with the International Labour Organization and the International Organization for Migration.

I thank the rapporteur, Mr Henderson, and I also thank Mrs Zapfl-Helbling for her opinion. I thank colleagues for staying until this time and for their participation and contribution.

25 Ocak 2007

Threats to the lives and freedom of expression of journalists

Mr CEBECİ (*Turkey*). – We thank the rapporteur Andrew McIntosh for his presentation and commend him for his eye-opening report, which contains a

detailed account of the situation in Europe vis-à-vis freedom of expression in the media.

The report describes a pattern of serious and repeated threats against journalists and their families, physical assaults – including severe beatings and murders – and other restrictions and abuses against journalists in many of our countries. We share the concerns expressed by the rapporteur on these attacks and threats to the lives and freedom of expression of journalists in Europe.

The recent deplorable murder of Turkish-Armenian journalist and author Hrant Dink in Istanbul – a man who devoted his life to raising the democratic and human rights standards of his country and consistently advocated tolerance and mutual respect – has saddened all of us deeply. We condemn in the strongest terms this heinous crime, as well as other reported murders of journalists and attacks on them in Russia, Azerbaijan, Moldova, Ukraine and other countries.

Progress in freedom of expression and information has been achieved over the years, but the media climate in Europe continues to be clouded by serious and unacceptable violations committed, in most cases, with impunity. The statistics provided by international independent observers are chilling in this respect. The Committee to Protect Journalists has recently reported that 610 journalists have been killed on duty since 1992. In all but a handful of cases it is reported that the murderers have got away unpunished.

Journalist Anna Politkovskaya was the 43rd journalist killed as a result of her work in her country in the last fifteen years. Russia is reported to be the third deadliest country for journalists, behind conflict-ridden Iraq and Algeria. Politkovskaya survived extended reporting stints in war-ravaged Chechnya but was executed in her own elevator in Moscow. Iraq is the most dangerous place in the world for the press according to international observers but even there journalists are more likely to be murdered than killed during combat.

The attacks on freedom of expression and mass media run counter to the basic principles of the Council of Europe and constitute a significant violation of Article 10 of the European Convention on Human Rights, which guarantees everyone freedom of expression including the freedom to hold opinions and to receive and impart information and ideas without interference by public authorities and regardless of frontiers.

Freedom of expression is not only a right in itself; it serves to underpin other human rights. It is an indispensable requirement for the very existence of a democratic society. States have an obligation to guarantee the full exercise of this right; they should not only protect journalists, they should not interfere with them.

A free media and press is the fourth leg of civil democratic society after the executive, judiciary and legislature. Freedom of expression and information remains a major challenge for democracy in Europe and should continue to be a primary concern for the Council of Europe.

Mr TEKELİOĞLU (*Turkey*). – I cannot find the words to describe my feelings today. I was shocked by the recent murder of the journalist and writer, Hrant Dink, in my country. A defender of human rights, democracy and tolerance has become the victim of a crime of hate and intolerance. His murder caused deep sadness and anger in Turkey. His funeral was attended by tens of thousands of Turks of all religious and ethnic backgrounds, who shouted, “We are all Hrants.” In the words of Prime Minister Erdoğan, “The bullets aimed at Hrant Dink were shot against all of us.” In such times, it is important to take a united stance against all threats that are directed at our universal values. I thus thank all parliamentarians who supported the declaration on the murder of Mr Hrant Dink.

All threats against journalists are directed at human rights and fundamental freedoms. Our democratic values and the rule of law are in danger. This is thus a very timely debate. We must increase our efforts to stop these threats. First, we must strongly condemn attacks against journalists. Secondly, we must fully implement our agreed standards of human rights in our own countries. In Turkey, we will continue to follow steps that have been taken to safeguard freedom and justice.

I must talk about EU-Turkey relations. The behaviour of the EU in its negotiations with Turkey is creating a national movement within Turkey. Support of the Turkish people for membership of the EU is decreasing day by day.

I wish to express the support of Turkish parliamentarians for the role of the Parliamentary Assembly of the Council of Europe in achieving our common goal of a Europe that is free, democratic and at peace.

I thank Mr McIntosh for his report, the urgency of which has become clearer following the murder of Hrant Dink.

I hope that all the lives lost in such attacks may have a good purpose. I hope that by discussing the issue here we have been able to reach the authorities who have the power to prevent those attacks and increase the awareness of those who remain silent.

Debate on honouring of obligations and commitments by Albania

Mr CEBECİ (*Turkey*). – I thank the rapporteurs for their outstanding report. They have provided us with a detailed overview of the progress achieved so far in

Albania and with a comprehensive recommendation concerning the next steps that should be taken without further delay.

I welcome the steps taken by Albania on wide-ranging and important issues such as the fight against organised crime, the trafficking of human beings, corruption, reform of the electoral code and of the judiciary and transparency in government. However, there is undoubtedly an urgent need to speed up the reform process. One of the most important areas where this need is felt most pressingly is that of electoral reform. The long-awaited reform of election legislation has yet to be completed. The rapporteurs have clearly identified that the main reason behind the delay is the confrontational climate that dominates Albanian politics.

Democracy is not only about laws and rules to ensure the translation of the will of the people to the government. Democracy is also a culture, whose most important and valuable property is conciliation. The vote on 13 January by the Albanian Parliament to reform the electoral code and the decision to hold local elections in February is a promising sign of conciliation in Albania.

The coming local elections will be a test as to whether Albania can organise free and fair elections. We will be closely following the election process and we hope sincerely that Albania will emerge from the process as a mature democracy.

I call on my dear Albanian colleagues – they include Sali Berisha, the former Prime Minister who was part of the EPP when he was a member of the Assembly – to catch the momentum and put an end to the confrontational climate in order to accelerate the reform process. That is not only their commitment to the Council of Europe, but their duty to their citizens.

I would also like to underline the importance of furthering the judicial reform process in Albania. The reform of media legislation is another area in which Albania can benefit from the expert assistance of the Council of Europe.

The Council of Europe offers unique guidance and assistance in the priority areas of prevention of torture and protection of minority rights. The human rights situation of people in prisons and under police custody will definitely improve, if the recommendations contained in the CPT report are fully implemented. Similarly, we urge the Albanian authorities to ensure the effective implementation of the Framework Convention on National Minorities and the ECRI recommendations.

I want to underline that all the observations and recommendations stated in the report, and the observations stated by us, the parliamentarians, within the framework of the monitoring mechanism, are made in the spirit of co-operation and solidarity with our Albanian friends and colleagues.

Mr ÇAVUŞOĞLU (*Turkey*). – On behalf of the European Democratic Group, I thank both rapporteurs for this objective and well-balanced report.

It has been 16 years since Albania became a member of this Assembly. It may have taken ten full years for Albania to transfer power peacefully and smoothly through elections, but I believe that the July 2005 elections were the beginning of an irreversible process.

Now, priority should be given to electoral reform, and the ongoing process should be accelerated. The vote on 13 January by the Albanian Parliament on the reform of the electoral code is a promising sign. Co-operation with the Council of Europe, and particularly with the Venice Commission, during the drafting exercise of necessary amendments to the electoral code and other laws is essential in that regard.

Local elections were planned to take place last weekend, but they have been postponed until 18 February 2007. This is a good opportunity for the Albanian authorities to demonstrate their political will to comply with international standards and commitments. Problems concerning voters' lists, election administration, vote counting and tabulation, as well as appeal procedures, should be addressed without further delay.

Measures taken to establish and enforce a zero tolerance policy in the fight against organised crime, trafficking in human beings and corruption deserve our attention, too. Relevant legislation should be prepared with full regard to the principles of the rule of law. The Albanian authorities should make full use of the Council of Europe's expertise, and the effective implementation of legislation is the key to success.

More concentrated and co-ordinated efforts should be made on the reform of the media, the judiciary and public administration. An independent and well-functioning judiciary is a guarantee of democracy. Political parties should display their intention to carry out those reforms, and they should try to change the political climate by putting confrontation and obstruction aside. What is needed now is conciliation.

Signing the stabilisation and association agreement with the EU in June 2006 is a positive step forward for Albania in terms of its integration with European structures. The implementation of free trade agreements with South-Eastern European countries is a notable economic achievement. Those steps will certainly help to consolidate democracy and stability both in Albania and in the region.

Albania's policies on having good and improving relations with neighbouring countries and on non-interference in the domestic issues of those countries with regard to Albanian minorities should be appreciated.

The European Democratic Group believes that we should continue to extend our support and assistance to Albania to overcome its difficulties. We strongly believe that Albania will achieve concrete results on its way towards democracy, the rule of law and human rights with the co-operation and guidance of the Council of Europe. We hope that in the near future there will be no need to monitor Albania's compliance with general obligations and commitments resulting from Council of Europe membership.

Mr AÇIKGÖZ (*Turkey*). – I thank the co-rapporteurs for the detailed report on the progress that Albania has made regarding its obligations and commitments resulting from Council of Europe membership. The political, administrative and economic reform process in Albania deserves appreciation and support. The reforms that have been undertaken are a prerequisite for Albania's integration with Euro-Atlantic structures, as well as for consolidating the democracy and stability within the country.

Following the elections in July 2005, the Albanian Government was formed with a comfortable working majority. This was the first time since the fall of communism and the first parliamentary elections in 1991 that the change of political power in Albania had taken place peacefully and smoothly.

Albania was one of the first countries to join NATO's Partnership for Peace initiative, in February 1994. Participation of all Adriatic Charter countries in NATO's membership and partnership mechanisms is of the utmost importance from the standpoint of consolidating security and stability in a broad geographic area.

It has good and improving relations with neighbouring countries and pursues a policy of non-interference in the domestic issues of neighbouring countries concerning Albanian minorities. That policy should be appreciated.

Special attention must be devoted to Kosovo. Albania has maintained an open and constructive policy towards Kosovo. Albania supports a settlement on Kosovo's final status within the framework of its integration into the EU. It also calls for full respect for individual and minority human rights, no partition, no change to Kosovo's territory, full and effective implementation of the decentralisation process in compliance with the European Charter of Local Self-Government, full respect for cultural and religious heritage and a status that reflects the free will of the people of Kosovo for independence.

We should continue to extend our support to Albania and help it to overcome its difficulties. The Assembly should help Albania to achieve concrete results in the fields mentioned in the co-rapporteurs' report. To that end, the Assembly should continue to monitor Albania's compliance with general obligations and commitments resulting from its membership of the Council of Europe.