

23 Haziran 2014

Communication from the Committee of Ministers

Mr DENEMEÇ (*Turkey*) – I am confident that you are all following the tragic events taking place in the Middle East. In that context, I will brief you on recent developments in Iraq, the deplorable attack on the Turkish consulate-general in Mosul and the humanitarian situation.

ISIS – an abbreviation for the Islamic State in Iraq and Syria – established a foothold in Iraq at the end of 2013, aiming to establish a so-called Islamic state in Syria and Iraq. It has recently intensified its attacks in northern Iraq and, between 8 and 10 June, its militants managed to seize a great portion of Mosul. After taking control of the city, 900 heavily armed ISIS militants raided the Turkish consulate-general on 11 June, ransacking the campus and detaining 49 Turkish citizens, consisting of consular personnel, their families, including babies, and the consul general. Further, 31 more Turkish citizens working as truck drivers were taken by ISIS the same day.

The Turkish Government is using every means at its disposal to deal with this sensitive issue and to ensure the safe return of Turkish citizens who are in the hands of ISIS. Turkey is in constant contact with Iraqi authorities, the Kurdish Regional Government and Turkmens, as well as the United Nations and NATO. We appreciate the message of support from the international community and our allies.

On 15 June, ISIS concentrated its attacks on the Tal Afar district of Mosul, which is mainly populated by Turkmens, and took control. Up to 150 000 Turkmens fled the district for safety. In addition, 500 000 civilians fled Mosul in the first week of the conflict. Basic health services, infrastructure such as water and electricity, and the food supply, collapsed in the city.

Turkey is reaching out to the people caught by the conflict. On 12 and 13 of June, Turkey sent tents, blankets, food and medical aid to the Kurdish border and, on 17 June, food packages for 20 000 were delivered to Turkmens who had fled. To ensure the safe return of our citizens and others in need, Turkish Airlines continues its planned flights with bigger planes and reduced rates from the five major Iraqi airports.

We are deeply concerned about the situation in Iraq, particularly its humanitarian aspects. Sporadic fighting continues in many provinces. Events in Iraq have the potential to change the status quo in the country. The move of the Kurdish Regional Government in Kirkuk and other disputed territories indicates those possibilities. This volatile situation could lead to an extended period of instability with repercussions for the whole region. It is therefore imperative that we show greater commitment to peace and stability in Iraq. I invite our European partners and the global community to show commitment to containing this crisis.

23 Haziran 2014

Free debate

Mr GÜR (*Turkey*) – On behalf of my group, I salute the Council of Europe, the Parliamentary Assembly and you, Madam President.

The situation in the Middle East requires our close attention as well as our profound analysis. The rise of conflict around the world not only claims the lives of thousands of men, women and children, but sets the scene for a black future. The traditional approaches of conflict resolution are no longer possible in the region. Nation state, ethnicity and religious-based approaches fuel and aggravate problems, and breed sectarian and ethnicity-based violence. That violates the rights especially of women and children, above all their right to life, although all minority peoples are under big pressure in the region. The rights of religious and ethnic minorities in the region are also being violated.

The situation is aggravated by the rise of ISIS. That radical Islam organisation was raised especially in northern Syria two years ago, but the western world's eyes did not see it, and the western world did not put pressure on ISIS. It now controls the north of Iraq, especially Mosul. As you know, the organisation took over Mosul and attacked the Turkish consulate. Not only was the consul attacked but lots of staff, and the consul's wife and children, were taken hostage. Unfortunately, many civilians were also taken hostage.

We urge the Council of Europe to take the initiative and call on ISIS to release all civilians. Attacking civilians is a deep concern to all of us. The Kurds in Rojava Kurdistan in the north of Syria have been fighting for two years against such organisations. Kurds in northern Iraq in Kurdistan are now under threat. Not only are the Kurds and the people of the Middle East under threat, but so are people in the western world. We know that many ISIS fighters came from Europe. Perhaps they will go back home after the war. I therefore call on the Council of Europe to work on the issue and show its concern about what is happening in the Middle East.

24 Haziran 2014

Election of Secretary General of the Council of Europe

Mr SELVİ (*Turkey*)* – The heart-wrenching tragic accidents in the Mediterranean Sea captured the attention of the international community with a view to ensuring that such catastrophes are not repeated. The reports shed light on the factors that led to the accidents and the measures to be taken. I extend my sincere thanks to the rapporteurs for writing such high-quality reports.

Irregular migration is a multifaceted issue and necessitates stronger co-operation between States and relevant international organisations. In order to tackle this serious problem, it would be a more realistic approach if countries of origin and destination developed initiatives aimed at opening a dialogue and strengthening co-operation in migration management, and strengthening information flow on irregular migration. Given the complex and cross-border nature of the problem I have described, international co-operation and solidarity are indispensable in finding a solution to the problem of irregular migration.

With that reality in mind, Turkey participates in almost every international and regional activity. Irregular migration is directly associated with development in countries of origin. In order to reverse the increasing trend of irregular migration, the host countries should take necessary measures and step up their development programmes so that the structural reasons for migration decrease and eventually disappear. In that context, international organisations should take the leading role in devising projects that will be beneficial to all stakeholders.

On the other hand, the principle of *non-refoulement* is the cornerstone of international law and must be strictly observed by all member States. The practice of push-backs is a stark contravention of international agreements. Turning a blind eye to such tragedies is not an option for member states of the Council of Europe. In that light, it is imperative that member States make every possible effort to ensure that a zero-tolerance approach to lives lost at sea is adopted, that safe legal channels for migration are created, and that burden-sharing schemes are implemented.

24 Haziran 2014

Violence in and through the media

Mr BAĞIŞ (*Turkey*) – In 1946, Darryl Zanuck, a producer at 20th Century Fox, said that television would not last because “People will soon get tired of staring at a plywood box every night.” The British journalist, publisher and politician CP Scott proclaimed, “Television? The word is half Greek and half Latin. No good will come of it.” Today, we know that they were both wrong.

The media undeniably plays an indispensable role in modern societies. As elected representatives, we all have a responsibility to protect the freedom of the media, but the media should be responsible, too. As emphasised in the report, States have an obligation to combat media violence and protect society – especially minors – from its harms. Only last month, in an attack in the US, two school children, both 12, allegedly stabbed their schoolmate 19 times and left her dead in a bid to impress a mythological Internet character often portrayed in violent scenes called Slender Man. Media freedom cannot provide impunity from motivating violence, and media power and influence are disproportionate to their accountability. Today, powerful corporations have enormous influence over mainstream media without adequate oversight. Stories can end up being biased or omitted so as not to offend advertisers, owners or their interests. Preventing monopolisation is a must. The freedom of society and the individual is as important as the freedom of the media. As the Nobel Prize-winning French author and philosopher Albert Camus put it, “A free press can of course be good or bad, but, most certainly, without freedom it will never be anything but bad.”

At times, the media can turn into a massive machine of bullying and bashing against targeted people who do not have a chance to clear their names against waves of unsubstantiated accusations. I stand before you as a victim of such top-heavy, propagandist, militant journalism. Throughout Europe, we all witness media mechanisms being directed against migrants, minorities or different groups, especially during election periods, to incite racial discrimination and hate speech. Global challenges such as terrorism, narcotics, sexual and physical violence, illegal migration, uncontrolled gambling, xenophobia, Islamophobia, anti-Semitism and all other types of discrimination require global co-operation. Double standards in approaching these issues only hurt the sense of credibility and co-operation among our member States. We must keep in mind that no one is 100% safe until everyone is safe.

I congratulate the rapporteur and thank him for his contributions to this report.

Ms BİLGEHAN (*Turkey*)* – I thank Sir Roger for his detailed report. It is perhaps a little technical, but it is also important and interesting.

The debate on violence in the media has been on the agenda of the Council of Europe for some time. We know that, apart from recommendations and resolutions of the Parliamentary Assembly of the Council of Europe and the guidelines of the Committee of Ministers, the European Court of Human Rights has produced a wealth of case law on the subject. As we read in the report, the perception of violence varies according to the individual and the society, but it is generally admitted that freedom of expression and information, as guaranteed in Article 10 of the European Convention on Human Rights, would prohibit child pornography and hate speech. We can therefore call that a red line – at the outset, we should avoid confusion between the desire to protect children against violence portrayed in the media and attempts at censorship. As adduced by the rapporteur, we should not use such arguments in order to stifle opposition by restricting press freedom.

The role of the media is growing in the day-to-day lives of our society. At the same time, with the development of social media and the Internet, negative violent behaviour is leaving its mark on our societies. According to Sir Roger's report, it is acknowledged but not yet 100% proven that violence portrayed through the media has an effect on the behavioural conduct of individuals. In the same way, violent programmes can lead to the emergence of acts of violence in real life. For example, as referred to in the report, the catharsis model, which is relatively new, suggests that violence in the media shapes violent conduct but does not necessarily trigger it. In fact, violent behaviour is the result of a combination of factors, including genetic factors, family influence and the experience of violence. There are environmental factors such as stress, although stress should not serve as a pretext for violence.

We should take into account the changing media landscape. Clearly, governments must use financial and other sanctions to reduce the negative effects of programmes. There are various types of control machinery. I believe the Pan European Game Information system is the best – fortunately, there is little recourse to the filtering system used in Turkey.

We support the excellent report and the amendments tabled by Ms Blondin, which will only add to it.

25 Haziran 2014

Identities and diversity within intercultural societies and Integration of migrants in Europe: the need for a proactive, long-term and global policy (Joint Debate)

Ms ERKAL KARA (*Turkey*)* – Economic problems, the rise of xenophobia and Islamophobia, and concerns about irregular migration have given rise to a debate on the state of migration in Europe. In that context, the report puts forward some revealing observations, to which we should attach importance. I thank Ms Karamanli for her excellent analysis.

Many countries are affected by the question of integration, so we should adopt a multidimensional and transnational approach. The schizophrenic viewpoint adopted by Europe, as indicated in the report, gives rise to serious concerns about the capacity of Europe to integrate its immigrants successfully. As members of this august body, however, we should remain vigilant and try to turn back the rise of xenophobia and Islamophobia, which became more apparent in the elections to the European Parliament.

Bilateral labour agreements between Turkey and several European countries marked the beginning of the voyage of Turkish immigrants towards European countries. We must remember that the immigrant workers were invited by the host countries, and they contributed to their economic growth. It was originally thought that the migrant workers would return to their countries in the medium term, so neither the host countries nor the country of origin saw fit to develop policies to support processes of participation and integration of immigrants. That, no doubt, was a mistake.

Recent efforts by certain European countries to make up for shortcomings in the area of integration should be welcomed, while we take into consideration the need to revise existing policies in order to find better solutions. Integration is no longer sufficient for our democratic societies. Our priorities should be to think up and to implement policies to encourage equal participation by immigrants.

To conclude, I emphasise the fact that immigration is a two-way street. Both immigrants and the host society should make efforts to ensure that successful integration takes place. In some member States, it is considered that failure of integration should be attributed exclusively to immigrants. That mental barrier feeds xenophobia and Islamophobia, and harms social harmony. Member countries should take the necessary measures to prevent the growing threats to the values of Council of Europe.

Mr DENEMEÇ (*Turkey*) – I would like to talk about integration, which is a big issue in the European Union and throughout Europe. Since the 1960s – for more than 50 years – many Turkish citizens have lived and worked in other European countries. Turkey faces many problems for that reason. Integration is very important. We push our people who live outside Turkey to integrate with the societies where they live.

Turkey is a democratic country. For the first time, Turkish citizens who live outside Turkey will vote in Turkish presidential elections. That means that our democracy is increasing. Millions of Turkish people live in other European countries. For that reason, the Prime Minister of Turkey visited countries such as Germany, France and Austria. He always says to Turkish people living in other countries, “Please integrate with this society. You have to integrate and be in a better position, and you have to contribute to the country where you live. This is your country. Turkey is also your country.” He asks them to integrate, but not to assimilate. That is important. To say that such words are poisonous is completely wrong.

26 Haziran 2014

Current affairs debate: political and humanitarian consequences of the crisis in Ukraine

Mr DENEMEÇ (*Turkey*) – The continuing crisis in Ukraine undermines the stability of the entire Black Sea basin and the region beyond. Turkey maintains its principled position of supporting a political solution to the ongoing crisis based on international law and the territorial integrity of Ukraine.

Despite the difficulties in eastern Ukraine, the successful presidential elections, conducted in a free and fair manner and with a relatively high turnout, leave no questions about the legitimacy of the new leadership. We support them in their efforts to find a peaceful solution to the crisis.

We are encouraged by Putin's initial positive reaction to Poroshenko's peace plan. The unilateral cease-fire, which has been put into effect within the plan's framework, offers an important opportunity for the groups acting illegally to lay down their arms and participate in the anticipated political process for elections and constitutional reform.

We actively support the recent establishment of direct dialogue between the Ukrainian and Russian leaderships, which will be key to finding a solution to the crisis. The OSCE's special monitoring mission is the only mechanism by which to establish the facts on the ground in Ukraine. We therefore strongly support the OSCE in its efforts to reduce tension and foster peace as we assume the presidency of the mission. We expect all relevant parties to support its work. The security of the OSCE observers is crucial in that respect.

The security and well-being of Crimean Tatar Turks is a high priority for Turkey. Our policy of non-recognition of Crimea's illegal annexation will continue. A significant proportion of Turkey's population has Crimean Tatar roots, so our public follow the situation in Crimea with great concern.

The Crimean Tatar Turks, who suffered from massive persecution in 1944, face numerous problems, from nationality to property rights and religious and cultural rights. Mustafa Abdülcemil Kirimoğlu, the leader of Crimean Tatar Turks, was denied access to his Crimean homeland. We should all keep Crimea high up on our agendas.

26 Haziran 2014

Challenges for the Council of Europe Development Bank

Mr SELVİ (*Turkey*) – I thank the rapporteur for his report, which brings the important work of the Council of Europe Development Bank to the fore. The Bank aims to strengthen social cohesion in Europe and constitutes a major instrument for solidarity in Europe. Supporting its 41 member States – the most recent participant is Kosovo, which joined last November – the Bank contributes to the enhancement of social integration via the implementation of socially oriented investment projects.

Although the Bank is the result of a partial agreement of the Council of Europe, the social vocation of the Bank is linked closely to the priorities of our Assembly. It addresses the concerns and problems of all member countries. As underlined in the draft resolution, the work of the Bank is also related to the implementation of the recommendations of our Assembly, as well as those set out by the Secretary General in his 2014 report. Financing social projects and responding to emergency situations also helps to improve living conditions. For example, I am glad to hear that the Bank recently announced a package of measures to help Bosnia and Herzegovina, Croatia and Serbia after they suffered devastating floods.

In recent years, much has been done by our Assembly to tackle several aspects of the economic crisis. While recognising the Bank's contribution to achieving sustainable and equitable growth, we need to give priority to ensuring the financial strength of the Bank in the prevailing context of economic uncertainty across Europe. On the one hand, this entails contributing, as parliamentarians, to the efforts to expand the membership of the Bank. It is important to have co-ordination between European Union structures and the organs of the Bank. On the other

hand, we need to continue to support the work undertaken by the governing boards, administrative council and the Governor.

I also emphasise that governance is a global issue that requires careful consideration and co-ordination with existing structures. While acknowledging the efforts of the rapporteur to contribute to the work of the Bank, we need to bear in mind that any proposal to change the voting system in the Bank's organs or the reporting of the evaluation mechanism should involve all shareholders of the Bank.

27 Haziran 2014

Reinforcement of the independence of the European Court of Human Rights

Mr DENEMEÇ (*Turkey*) – On behalf of my group, I congratulate the rapporteur on his well-argued report on reinforcement of the independence of the European Court of Human Rights. It is a positive and commendable report that underscores that the Court's independence should be further strengthened.

We support the report's essence and recommendations. While we are pleased to see this unique Court's effectiveness increasing through its on-going reform process, I agree with the rapporteur that more needs to be done to improve it. I reiterate that the Court has taken on the role of encouraging the advancement of personal rights and freedoms and that it is a source of inspiration in Europe and beyond. We, as members of the Parliamentary Assembly of the Council of Europe, therefore pay great attention when it comes to strengthening further its role.

I agree with the rapporteur that the Court's authority and credibility, as well as its effective functioning, largely depend on the independence and impartiality of its judges. Indeed, reinforcing the independence of judges should remain high on the Parliamentary Assembly's agenda.

The report's conclusions also reflect how attached the Council of Europe is to the independent nature of the Court, which plays a pivotal role in safeguarding the fundamental rights enshrined under the European Convention on Human Rights. As regards the report's findings, the ratification of the Sixth Protocol by more countries is highly relevant to ensure that such privileges and immunities are secured throughout Europe. Turkey ratified the protocol in 2003 and we would like to see more countries doing so in the near future.

The report is a good basis on which to keep up the momentum for going forward.

Mr GÜR (*Turkey*) – I thank the rapporteur for his valuable efforts in preparing this report. The European Convention on Human Rights is a fundamental mechanism in ensuring continuity and development of democracy in signatory countries; in the protection of human rights; and, most importantly, in ensuring continuity and coherence in the principle of the rule of law. Contracting States admit the provision stated in Article 1 of the Convention that “The...Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section 1 of this Convention” in order to ensure continuity in these principles.

Responsibility for the enforcement of ECHR decisions arises from non-fulfilment of the basic obligations mentioned above and aims at the realisation of the following three aspects: termination of the violation, compensation for damage and prevention of similar violations. In a nutshell, decisions taken by the European Court of Human Rights have to be executed by all States parties to the Convention in a form and content that prevent recurrence of the violation in question.

Two basic starting points are important when defining the position and function of European Convention on Human Rights. The first is the subordination of the protection mechanism developed by the Convention, but the main task of protection of rights and freedoms under the Convention belongs to national authorities. The second important point is that the Convention is a living instrument, as is its continuity. Ensuring this function of the Convention – in other words, interpretation of the Convention in accordance with today's conditions and requirements – is possible with decisions of European Court of Human Rights that are taken due to different applications.

The Court has stated in many decisions that its main role in the framework of the Convention is “limited to the protection and interpretation of rights specified in European Convention on Human Rights and its additional protocols within the framework of certain criteria; therefore, it cannot be the controller of the improvement and compliance regulations to be held in domestic law by responsible States in accordance with the findings of violations”.

As stated in Article 46.1 of the Convention, the compliance of States with the decisions of European Court of Human Rights, especially in cases to which they are party, is essential for the continuation of the Convention, which is a very important mechanism in the protection and development of human rights. Article 46.1 states, “The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.”

Implementation of Court decisions under the criteria specified above is under the responsibility of Committee of Ministers which is another Convention body in accordance with the Convention. States that are party to the Convention are obliged to enact a series of legal and administrative regulations in order to both eliminate detected violations, especially in regard to applicants, and to prevent similar violations. The Hakkar case is an example of this obligation, and the Government of France has now enacted a new domestic remedy allowing retrial after the decision of the Court.

We need to strengthen the independence of the European Court of Human Rights; to address the professional needs of the judges; to ensure the full implementation of the Court's judgments; and for those countries that have not done so yet to ratify the Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe.

27 Haziran 2014

Child-friendly juvenile justice: from rhetoric to reality

Ms ERKAL KARA (*Turkey*)* – On behalf of my group, I thank Mr Schennach for his endeavours in preparing the report, which tackles an especially sensitive and important issue.

Children are the most vulnerable members of our societies and should benefit from all the education and services that are necessary to prevent them from embarking on a life of crime. That is the responsibility of families, schools and governments alike. When youngsters do face the courts, it is important that there are guidelines for child-friendly justice. Establishing those guidelines is an important task.

Often, juvenile delinquents are also juvenile victims. It is best to adopt a case-by-case approach that takes into account the gravity of the offence, whether we are dealing with a repeat offender, the degree of guilt and the age of the juvenile delinquent. Some youngsters commit heinous crimes, whether individually or in gangs, that have grave consequences for the victims. We must not forget that the justice system is also responsible for the protection of victims' rights. It is important to prevent repeat offending.

Juvenile delinquents are not all alike. One measure, policy or approach cannot meet the needs of all juvenile delinquents. If the youngster is of a certain age and has a degree of maturity, child-friendly justice must not generate a feeling of impunity by just considering him to be the victim of poor living conditions and not somebody who is responsible for his acts.

In the light of the crime of the juvenile, society should not forget its interest in safeguarding him or in making him take his share of the responsibility. We must strike a balance between prevention and penalty, and between the protection of society and the higher interests of the child. We must also guarantee the reintegration of such youngsters into society.