

24 Ocak 2011

Election and address of the President of the Assembly

Mr ÇAVUŞOĞLU (*President*). – Dear colleagues, first of all thank you for your confidence in re-electing me as President of the Parliamentary Assembly. Let me assure you that I do not consider this re-election as a simple formality. It is for me a further encouragement, but also a reminder that I can be your President only as long as I represent your interests and the interests of this Assembly. That was how I acted throughout the first year of my mandate, and that is how I will continue to work.

We have started a new year and today we start a new Assembly session. Let me take this opportunity to welcome you all to Strasbourg for another year of hard work and to wish you and your families all the best for 2011.

At this stage let me say something in Turkish, as again this year we have so many Turkish guests, particularly from my home town of Antalya.

(The speaker continued in Turkish)

He said that it gave him great pleasure to be re-elected President of the Assembly. He thanked members for the confidence that his re-election demonstrated. He indicated that the Assembly had been joined by some of his friends and colleagues from Turkey: they were present not only as a show of support for the Council of Europe but also for him personally. Over the past eight to 10 years many meetings had taken place in Ankara and Antalya, and some of these visitors were representatives from these places which had shown such kind hospitality. He hoped that the session of the Assembly would be a successful and effective one.

(The speaker continued in English)

We can start our work with confidence, based on the achievements of last year. In 2010, we continued to assist, through visits, reports or election observation, those

member states presenting delicate political, institutional and human rights situations or facing the consequences of armed conflicts. The fact that this assistance was largely welcomed by different political forces in the countries concerned, either in government or opposition, is proof of your objectivity, fairness and great professionalism.

We also succeeded in concentrating on and dealing with issues that I consider to be our priority, in particular: fighting against all forms of intolerance and discrimination, paying special attention to the rights of the Roma population; defending the human rights of the most vulnerable groups in our societies, in particular children, women, minorities and migrants; developing intercultural and inter-religious dialogue; supporting the reform of the Council of Europe and initiating the reform process in the Parliamentary Assembly; promoting accession of the European Union to the European Convention on Human Rights and engaging in a dialogue with the European Parliament on the election of judges; bringing non-member states closer to the Council of Europe and our standards, particularly through Partnership for Democracy status.

By doing so, I am convinced that our Assembly has gained respect in many parts of Europe. Our action has also obtained us more support in our national parliaments, which is of the utmost importance in the current context of budgetary restrictions in many member states. Convincing Speakers all around Europe of the need to support the activities of our Assembly has been a major item on the agendas of more than 40 official and working visits that I carried out in 2010.

Throughout last year, we continued to improve our institutional relations with other organs and bodies of the Council of Europe. We now enjoy excellent working relations with the Secretary General and have installed direct and personal contacts with the respective Chairs of the Committee of Ministers.

However, I must also say that, despite our efforts, we could not achieve satisfactory results in some of our undertakings. In this connection, I think mainly about frozen conflicts in Europe. Negotiations concerning the settlement of these conflicts are mostly in the hands of career diplomats, but parliamentary diplomacy plays an important role in creating a climate of trust and confidence, necessary for lasting solutions. Be it in Abkhazia, Transnistria, Nagorno-Karabakh, South Ossetia or on the island of Cyprus, it is difficult to see any meaningful progress in confidence-

building over the last year. But we must and will continue our efforts because there is simply no alternative.

Furthermore, in some member states, confrontations between the government and the opposition were seriously hampering the functioning of democratic institutions. In Albania, the existing tensions degenerated and resulted in the death of several persons last week. That is clearly unacceptable – people must not die as a result of political struggles. We have to be more active in supporting democratic changes through peaceful evolution. Therefore, we need to be more present in Tunisia. The people in the streets are sending a clear message – assist us to build a democratic society based on more equality and social justice.

I said that our Assembly is becoming more relevant, and there is no better evidence of that than the agenda of this part-session. We shall welcome among us three Presidents – those of Turkey, Serbia and Romania, as well as the Prime Minister of Albania. They come not just out of respect for our respectable body but also because we will deal with serious issues such as reports on reconciliation in the Balkans, organ trafficking in Kosovo and the protection of journalists' sources of information, just to name a few.

We have also received requests to hold important urgent debates. Besides that on the situation in Tunisia, the Bureau recommends that we discuss the violence against Christians in the Middle East and Belarus. Both topics are very close to my heart. Religious violence has been the scourge of humanity since the beginning of ages and it has created millions of victims over centuries. Religious extremists have always been there to stain the humanistic and value-based message of the world's main religions. We must clearly say that those killing in the name of religion are not believers – they are just fanatics and terrorists.

On Belarus, I still believe in achieving progress through contact and dialogue. However, this dialogue can hardly take place when people are imprisoned for obviously political reasons. Presidential candidates and human rights activists are still in prison today and some are suffering from bad health. They must be released immediately – it is only on this basis that we can continue our relations.

Dear colleagues, I remind you of an important commemoration which traditionally takes place during the January part-session. The date of the liberation of the Auschwitz extermination camp is not an ordinary event. It is a cruel reminder of what people can do to others if they deviate from universal human rights principles and start to categorise individuals, groups and whole nations as those who are or are not entitled to human rights.

Human rights and freedoms must be the same for all – this is what we stand for and it is against these criteria that we must measure the level of democracy in our societies today.

I wish you a successful and interesting week in Strasbourg. Thank you for your attention.

Communication from the Committee of Ministers to the Parliamentary Assembly

Mr DAVUTOĞLU (*Minister of Foreign Affairs of Turkey, Chairperson of the Committee of Ministers*) – Mr President, ladies and gentlemen, since my address to the Standing Committee on 12 November 2010, barely two days after taking over the chairmanship of the Committee of Ministers, I have been looking forward to addressing this plenary Assembly and presenting the objectives of the Turkish chairmanship. I can assure you of the close attention I pay to your work and of my desire to foster co-operation between the Committee of Ministers and your Assembly. I am therefore delighted to speak to you in my capacity as Chair of the Committee of Ministers in this common House representing 800 million Europeans. Turkey was a founding member of this Organisation and has assumed the chairmanship of the Committee of Ministers for the seventh time since the very beginning. We, the Europeans, in this pan-European organisation are represented by our governments and you, the elected representatives of the European continent. This gives us a common responsibility for the future of our fellow Europeans.

We are here not only because we share a common geography and because our nation states are linked together by our borders, be they short or long. We are also here because we have shared a common history, from which we have drawn significant conclusions. On these conclusions we have established ideals and values that it has become our common duty to defend and take further. Today, these are in no way under the hegemony of Europe, where they have been born and nourished, but are to be shared by all mankind. Therefore, we are frequently gathered under

this roof as European governments and parliamentarians where we set the highest benchmark for all.

The priorities we have set for our six-month chairmanship are closely linked with the Council of Europe's key objectives and reflect the urgent issues concerning the future of the Organisation. We are focusing on five main areas: support for the reform of the Council of Europe and carrying on from the efforts of our predecessors implementation of the reform of the European Court of Human Rights; strengthening the Council of Europe's independent monitoring mechanisms; the process of accession by the European Union to the European Convention on Human Rights; and, lastly, ways and means of overcoming the challenges that arise in multicultural European societies.

To quote what I said in the Committee of Ministers at the handover of the chairmanship, "we will make every effort to put the Council of Europe back on the international scene as an innovative, more flexible and visible organisation so that it can adapt itself to the changing political landscape." I am delighted to be able to share with you and with the Secretary General the exciting task of giving this new political impetus to the Organisation.

The first major subject I wish to discuss with you is human rights and, more particularly, the continuation of the Interlaken process concerning the future of the European Court of Human Rights. Implementation of the process is progressing well, thanks to the positive momentum provided by the various players involved.

For instance, with a view to exercising its responsibility for supervising the judgments of the Court as effectively as possible, last month the Committee of Ministers approved a new procedure to increase the effectiveness and transparency of the supervision process. This procedure came into force on 1 January 2011. We hope it will come up to the expectations that we have placed in it, and we will review it at the end of the year.

Another issue the Committee of Ministers considered is the election of judges to the European Court of Human Rights, with a focus on ensuring its authority and credibility. The discussions have led to the establishment of an Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights, which your Assembly supported in principle at its last session. The panel, comprising seven eminent legal figures from different member states, has the task of advising the High Contracting Parties as to whether the candidates for election as judge to the Court meet the criteria laid down in the European Convention on Human Rights. It will hold its constituent meeting this week, on 27 and 28 January. We hope that, together with your Assembly, it will ensure that the Court has the authority that is vital for its decisions to be complied with.

I am pleased to say that the Court itself has also taken steps to contribute to the implementation of the Interlaken process. In particular, it has published a handbook for legal professionals on admissibility rules and, at the beginning of this year, set up a team in the registry responsible for initial filtering of applications.

I am pleased by these various developments. However, there is still more work to do. The European Court of Human Rights and the Convention system continue to face major challenges. They are mainly related to the length of time taken to deal with applications, the quality and coherence of the Court's judgments, and, finally, the effectiveness with which its judgments are executed.

We have to continue our joint efforts in order to strengthen our shared responsibility as High Contracting Parties with the Court, in conformity with the principle of subsidiarity. The credibility of the Convention system needs to be ensured to avoid the weakening of the system. We have therefore decided to hold a high-level conference on the future of the European Court of Human Rights in Izmir in April, as part of our chairmanship. The conference will offer an important opportunity to begin to take stock of the implementation of Protocol No. 14 and the Interlaken Declaration, and to draw conclusions to be utilised in the process concerning the future of the Convention mechanism including through possible amendments to the human rights convention itself. Your Assembly will, of course, be invited to take part in the process and I am counting on your input.

I would not wish to conclude this section without mentioning the question of the accession of the European Union to the European Convention on Human Rights, which can also be addressed in Izmir. We strongly believe that this accession will offer the whole of Europe a coherent and credible system for the protection of fundamental rights by creating a single and binding legal space in our continent. I sincerely hope that significant progress will be made in the coming months so that this can come about at the ministerial session to be held in Istanbul in May. You will have an opportunity to discuss the matter in greater detail later this week, at the Joint Committee meeting.

Another area on which the chairmanship is focusing is the challenges related to European multicultural societies and ways and means of living together in harmony and mutual understanding. Unfortunately, the last few months have shown that the challenges here are very acute, in Europe and internationally. The financial crisis, growing unemployment and marginalisation unfortunately aggravate the problems in societies, leading to the manifestation of various forms of discrimination and intolerance, mainly xenophobia and racism, against those perceived as different. Intolerance and extremism are on the rise everywhere, sometimes at the cost of the lives of people whose only fault is to be different because of the colour of their skin or their religion. These unacceptable attacks, which we thought were behind us now and belonged to the era of atrocities which Europe suffered for far too long, are a challenge to us all. We cannot just stand idly by.

New ideas and a renewed commitment by governments and politicians are needed to reflect on how to live together in multicultural societies. In this respect, I subscribe to the declarations which you made on the subject, Mr President. We strongly believe that because of the large geographical area it covers, its standard-setting work and its expertise, the Council of Europe remains the organisation best suited to taking up these challenges on the basis of the universal values of human rights, democracy and rule of law.

In order to focus our efforts more effectively, I proposed that we set up a Group of Eminent Persons with recognised expertise and a particular interest in this area. I am pleased that the Secretary General has acted on my proposal. I myself met the eminent persons on 13 and 14 January in Istanbul. They are working intensively, and we are looking forward to the outcome of their discussions in time for the Committee of Ministers session in May.

To back up the Council of Europe's work in the area of combating discrimination based on racial, ethnic, religious or other bias, we recently held a joint seminar on the subject in Ankara with the European Commission against Racism and Intolerance. The seminar not only placed the spotlight on the important recommendations made by ECRI in this area, but also offered many national and international experts a forum for discussing and exchanging views about the new challenges in combating racism and racial discrimination.

Indeed, the strengthening of monitoring bodies such as ECRI or treaty-based ones such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment is another priority of the Turkish chairmanship. Among them, the Commissioner for Human Rights is also of particular importance. In mid-February, we will organise, with the Commissioner, an international seminar on migration, which is a highly topical issue for our Organisation to contribute to.

The standard-setting work, which indeed makes our Organisation unique, is also continuing. In this context, I am delighted that the Ministers' Deputies have very recently transmitted the draft convention on combating violence against women and domestic violence to your Assembly. We eagerly await your opinion so that the instrument can be opened for signature in Istanbul in May.

Mr President, the Council of Europe is the only pan-European organisation which has the mandate and the necessary tools to effectively and comprehensively monitor compliance by member states with their obligations on respect for human rights, democracy and the rule of law. This requires the Committee of Ministers to follow the political developments on the European scene.

Among the many topical issues which the Committee of Ministers deals with, I should like to address that of Belarus more closely. The recent presidential

elections did not comply with the democratic principles to which we subscribe here. The worrying developments that took place in the wake of the elections raise a number of questions. Unfortunately, these developments have only widened the gap between Belarus and the rest of the democratic European family. On 12 January, at its first meeting after the elections, the Committee of Ministers issued an appeal to the Belarusian authorities calling for presidential candidates, journalists and human rights activists who were arrested to be released and for their fundamental human rights to be duly respected. The Council of Europe nevertheless remains willing to support Belarus's European integration process, provided that the country's authorities respect the values and principles that we defend.

I should also like to say a few words about the co-operation between the Council of Europe and Moldova. As was the case with the constitutional referendum in September, the Council of Europe provided support for the holding of the early parliamentary elections in November 2010. I am pleased by the positive assessment of the electoral process issued by international observers present in Moldova, who included several members of your Assembly. I underline that, in the difficult situation currently facing Moldova, the Council of Europe is willing to continue to offer it all possible assistance to help consolidate its democratic institutions.

South-eastern Europe remains a particular focus of attention for the Council of Europe, too. In recent months, the Committee of Ministers has recorded notable progress in the implementation of the commitments of Serbia and Montenegro. These are very encouraging developments, which I welcome. As we are all aware, the process of reconciliation and rapprochement is of great importance in that region. In this connection, I welcome the gesture by Presidents Tadić and Josipović on the occasion of the commemoration, which I too attended, of the 15th anniversary of the Srebrenica massacre. For the sake of peace and political stability in the region, I hope that this process will continue to move forward throughout 2011.

I know that your Assembly is also continuing to pay particular attention to the situation in Kosovo. I can assure you that the commitment to offer all the inhabitants of Kosovo a European perspective and the same standards as all other Europeans in the areas of democracy, human rights and the rule of law remains very high on the agenda for the Committee of Ministers. The chairmanship fully supports the strengthening of the Organisation's activities in this respect.

Georgia also remains high on the agenda of the Committee of Ministers. In this connection, I inform you that in November the Secretary General presented a fresh six-monthly report describing the situation on the ground and reviewing the activities conducted by the Council of Europe. In this context, the Committee of Ministers has taken note of new measures to build confidence and develop human rights standards. By way of example, I refer to the training seminar on balanced

coverage of politically sensitive events held in Istanbul in November for journalists from Abkhazia and other regions of Georgia. For many of the participants, it was the first time they had met colleagues from the other side of the Inguri to exchange points of view and share professional experience. I hope that activities of this kind will expand and that the contacts between the parties will move forward in a spirit of openness and co-operation. The Turkish chairmanship is willing to support them all.

As I said in the introduction to my remarks, one of the chairmanship's priorities is to revitalise the Council of Europe's political role. To this end, we must actively continue the process of reform initiated by the Secretary General, whose efforts I welcome and support. With its extensive body of binding legal standards and monitoring mechanisms, the Council of Europe has a unique role to play in the European arena. We must continue to build on and expand these assets. The Turkish chairmanship is therefore looking forward with great interest to the proposals that the Secretary General will shortly be submitting to the Committee of Ministers concerning the second wave of reforms in the Organisation.

One issue of special importance in this context is the relationship between the Council of Europe and the European Union. The chairmanship hopes that the relationship developed on the basis of the 2007 memorandum of understanding, in which the EU recognised the role of the Council of Europe as the benchmark for human rights, the rule of law and democracy, will continue to develop in a spirit of complementarity and mutual reinforcement. That, at least, is the approach that I intend to take to this issue at a forthcoming tripartite meeting at political level with the European Union. The recent signature by the Secretary General of the Council of Europe and Commissioner Füle of a facility under the EU's eastern partnership is an interesting development here.

Of course, our Organisation also has other very important international partners. The chairmanship therefore intends to follow in its predecessors' footsteps regarding co-operation with the United Nations. It paid close attention to the adoption in December by the United Nations General Assembly of the resolution on co-operation between the Council of Europe and the United Nations in various areas. I hope that that co-operation moves forward, in particular at the annual exchange of views to be held in March with experts from national capitals on human rights issues.

Another important international partner for our Organisation is the Organization for Security and Co-operation in Europe. We plan to continue the existing co-operation between the two organisations.

I know that your Assembly is keenly interested in all the areas that I have just mentioned and wishes to contribute to them. I therefore hope that the new relationship of co-operation and dialogue between your Assembly and the

Committee of Ministers, established more than a year ago by predecessors, will continue. You can count on my support in this respect. I will be glad to answer any questions. Thank you very much for your attention.

25 Ocak 2011

Inhuman treatment of people and illicit trafficking in human organs in Kosovo

Ms TÜRKÖNE (*Turkey*) – Thank you, Mr President. This report has caused various reactions and become one of the priority issues on the regional agenda. We believe that any allegation about the democratically elected leaders of a country is a very sensitive issue. Kosovo's Prime Minister Thaçi, who is at the heart of the allegations, has said that the accusations are groundless, politically motivated and aimed at harming the Republic of Kosovo. The Albanian authorities have reminded us that the investigation conducted by the prosecutor of the International Criminal Tribunal for the former Yugoslavia was closed due to lack of evidence. If the allegations are not handled with transparency but left unanswered, the issue could become politicised and cast a shadow on the upcoming dialogue with Serbia. It is therefore a matter of great importance that the investigation is rapidly concluded.

I very much appreciate the commitment of the Kosovo Government to full co-operation. It has stated that all the institutions of the Republic of Kosovo will be at the disposal of any domestic or international investigation to ensure that the allegations are clarified once and for all. Such an approach would be a continuation of the valuable efforts of Kosovo and the international community since 1999 to establish and strengthen democratic institutions and to uphold the rule of law in Kosovo. The recent general elections of 12 December testified to the democratic maturity achieved by the people of Kosovo and augured well for the Euro-Atlantic orientation of the country.

However, I should also stress that the draft resolution has been written in the manner of a prosecutorial indictment. The introductory paragraphs of the resolution include personal accusations that are stated as though they were final judgments. The introduction should instead present the purpose and objectives of the resolution in more generalised expressions. The draft resolution should accuse neither nations nor ethnic groups but rather aim at revealing the persons or groups responsible for the alleged crimes. The draft resolution should also be free from sentences that put the international community under suspicion. Otherwise, it will harm the credibility of the international missions on the ground and the international community in general.

The report calls for a series of international and national investigations into the allegations. EULEX is urged to follow up the investigation, and all the parties support EULEX in this endeavour. We agree with this approach. A diligent and comprehensive investigation into these serious allegations is necessary to avoid any impediment to the progress in recognition of the Republic of Kosovo.

Although EULEX will be leading the investigation process, the Council of Europe should play a supervisory role at the level of political guidance. In this context, an

independent investigation commission can be formed that will work in close cooperation with related international agencies.

Mr CEBECİ (*Turkey*) – Trafficking in human organs is a serious problem worldwide. It infringes the most fundamental standards of human rights and dignity, so it is a problem that cannot be ignored by this Assembly. However, we all understand that putting the democratically elected government of a country on the spot also has significant implications. I am concerned about the content of the report and equally concerned that allegations such as those in the report, if not duly and properly handled, may not only harm the image of Kosovo but could also hamper the prospect of dialogue with its neighbours and have a negative impact on the standing of a new democracy at an important point in its young life.

True to that spirit, the Kosovan Government has expressed its commitment to cooperate fully in any domestic or international investigation to ensure that the allegations are clarified. We should keep the government to its promise.

The enormity of these events and the circumstances surrounding them require further investigation in order to uncover the truth. To that end, we must encourage constructive examination of the issue. A report should present the purpose and objectives of the resolution concerned without delving into personal interpretations. It should refrain from accusing nations or ethnic groups, and instead aim to reveal the persons or groups responsible for the alleged crimes. Therefore, paragraph 13 should either be amended or dropped.

Furthermore, the draft resolution should not put the international community under suspicion. The report calls for a series of international and national investigations into the allegations. I agree that EULEX must be urged to follow up on the investigation, with active support from all parties. On the other hand, although EULEX will lead the investigation process, the Council of Europe should, perhaps, play a supervisory role in terms of political guidance. In this context, the establishment of an independent investigative commission to work in close cooperation with international agencies would be a welcome step.

It is my sincere hope that the truth will prevail, and that a definitive end and an indisputable conclusion to this matter can be attained. This is a vital condition for reconciliation between the communities and a peaceful future in the Balkan region, which has suffered greatly in the last decades.

Mr KUMCUOĞLU (*Turkey*) – Allegations of organ trafficking against KLA members and the Kosovo leadership are not a new phenomenon, as we now know.

Investigations that took place in the past were closed due to lack of evidence. With the report before us today, we understand that not only KLA members but the international organisations and community were involved, since they, as suggested in the report, chose to look the other way. That is a serious accusation that will taint the reputation of the international organisations in question.

Impunity may be the worst of all injustices. No crime should be allowed to go unpunished and no criminal should be allowed to escape from justice. However, we must not forget the fundamentals in this debate: first, this Chamber is not a court; secondly, we are not judges; and finally, the rapporteur is no longer a prosecutor. We must fight uncompromisingly against impunity for the perpetrators of serious human rights violations, but at the same time we must not forget the presumption of innocence – a basic principle of law which categorically stipulates innocence until proven guilty. In this respect, it is a relief to see that the Kosovan authorities, including Mr Thaçi, support a full, independent and transparent investigation that will prove that the charges are baseless.

We are all aware of the fact that following the disintegration of Yugoslavia the political balance in the Balkans was broken, and the instability has reached a level that threatens international peace. The preservation of peace and stability in the Balkans is of vital importance for us all. I therefore hope that the rapporteur's pursuit of this case will not turn out to be a crusade against those who have fought for the independence of Kosovo. I also hope that it does not damage the dialogue between Belgrade and Pristina.

Address by Mr Gül, President of Turkey

Mr GÜL (*President of Turkey*) – Before I deliver my speech, I would like to express my deepest condolences to the Russian people and to the Russian delegation here. I strongly condemn, once again, all kinds of terrorism.

Mr President, Secretary General, honourable members of the Assembly, it is a great pleasure to be back in the Council of Europe. I served here as a member for almost 10 years. Being a member of the Parliamentary Assembly was a source of huge personal experience and enrichment for me. In fact, my commitment to the Council of Europe entirely overlaps with my 20-year-long political career.

I first took the floor as a member of the Parliamentary Assembly. Then, I had the opportunity to address the Assembly as Prime Minister and represented my country as the Minister of Foreign Affairs at the Committee of Ministers.

As I address the Assembly for the second time as the President of Turkey, my fellow citizen, Mr Çavuşoğlu, is presiding over the Assembly and my country holds the chairmanship of the Committee of Ministers. On this occasion, I extend my heartfelt thanks to the member states for the trust shown in my country.

Mr President, while we gather here in Strasbourg at the beginning of 2011, Europe is in a mood of deep pessimism. Our continent is trying to come out of the severest economic crisis. Although global in its scope, the economic crisis has affected Europe more severely than other parts of the world. It is gripped by high unemployment, and huge debt compels many governments to adopt harsh economic measures.

For most of the past 400 years, the west has enjoyed a huge comparative advantage over the rest of the world in developing ideas, materialising industrial revolution, innovating technology and generating economic growth.

Only 10 years ago, the industrial democracies dominated the world economy, contributing about 70% of global economic output. Today, that share has fallen to just over 50%; in another decade from now, it is estimated that it will fall to about 40%. Then, the bulk of global output will be produced in the emerging world. Different growth rates lead to a new distribution of global power. It is obvious that the centre of gravity is shifting towards other parts of the world, particularly Asia. If current trends continue, Europe's role and influence in economic terms will gradually decline.

Nevertheless, Europe is not just about industrialisation, technology or economic power. It is also the cradle of notions such as democracy, the rule of law and respect for human rights. The enlightenment and democratic revolutions were all original European achievements with historic global appeal. The relative economic powers of countries and continents have risen and declined in the course of history. However, the values that have been developed in Europe will persist, and will continue to guide humanity in the coming centuries. Therefore we should not lose sight of the huge strengths that Europe still holds.

Ruined by warfare for centuries and having experienced several tragedies in the 20th century, Europe proceeded to produce humanity's noblest works. Our continent has come a very long way in the past 60 years in building a common democratic order based on the rule of law and respect for human rights.

Post-war Europe was constructed as a house where being a European citizen or resident means belonging to a community based on the enjoyment of individual rights and freedoms. Those rights are guaranteed by democratically elected governments and protected by an impartial and independent judiciary. Tolerance, acceptance and mutual respect of diversity have become our shared norms.

The membership of such a community entails accepting certain obligations in respect of others and contributing to the development of a fair and cohesive society. These democratic achievements continue to be the best that Europe offers to the rest of the world. Europe represents a way of life based on shared common values and standards with universal relevance. This remains its strength and relevance in the contemporary world. A divided Europe has led to war and oppression whereas a Europe without dividing lines and based on shared democratic principles has led to peace and prosperity.

Our Organisation has been at the centre of this democratic construction. Its pioneering work has transformed our continent into a single legal space. However, I should admit that Europe is not fully aware of its soft power. The European institutions have positively transformed the security and economic climate in broader Europe since the Second World War. Yet, we are not active enough to project our enormous soft power on the global scale. As a result, now Europe is seen as an absent player in world affairs.

There are growing manifestations of intolerance and discrimination in many of our societies. Over the past few years, our member states have been affected by weakening social ties. Radicalisation and increasing gaps between different regions and ethnic and cultural communities have started to harm the social fabric of our nations. These contemporary trends challenge the cohesion of European societies and may even endanger Europe's democratic acquis. Racism and xenophobia represent a major cause of concern in connection with the current economic crisis. They lead governments and political elites to take a tough line on immigration.

Roma and Travellers, Muslims or Jews and, more generally, those who are different experience hostility and social exclusion in many of our societies. There is a rise in electoral support for political parties which portray immigration as the main cause of insecurity, unemployment, crime, poverty and social problems. There are trends which should concern us all. Those pathologies are weakening Europe and decimating its soft power in the world. We should work hard to defeat those problems to reassert Europe on the global scene.

Distinguished parliamentarians, the Council of Europe has done and continues to do much for promoting peaceful co-existence and mutual respect between peoples of different origin, culture and faith living in Europe. You in the Assembly have devoted many of your sessions to this task.

The European Court of Human Rights has many judgments supporting this objective. The Committee of Ministers, the Commissioner for Human Rights and the European Commission against Racism and Intolerance have made their contribution to living together as equals in dignity. Therefore, the Council of Europe has the duty to address and counter these new challenges. As the guardian

of European Convention on Human Rights, we have the obligation to defend our values which are preconditions for democratic security and stability in Europe.

Let me make the point clear: European societies will eventually become more diverse. As demographic trends indicate, with declining and ageing populations, continued prosperity requires some degree of migration for most European societies. Experts are united in their opinion that migration will compensate slower economic growth stemming from the ageing population. On the other hand, we have also seen reverse migration among our member states due to differences in economic growth rates. For example, my country – Turkey – is now experiencing immigration from western European countries, whereas it was a source of migration from the 1960s. Therefore, fortress Europe is not a rational choice. It is an illusion. If our societies become more diverse, we have to address the growing political and social consequences of that diversity.

European democracies have begun to identify what the American democracy had discovered earlier: separate but equal is a wrong idea. Separate cannot be equal. Both migrant communities and host countries should do their utmost to avoid segregation, separation and parallel communities. For harmonious democratic societies, diversity has to be inclusive. Successful integration of migrants has to be a two-way street.

European Muslims have perhaps been more affected than others by these tendencies, particularly after the terrorist attacks since 11 September 2001 in New York, Madrid, Istanbul and London. Muslims in Europe are very diverse not only in their geographical origins and cultural heritage, but also in their ways of interpreting and practising their faith. Yet it is a misperception to view these diverse communities as a unitary one defined by religion. This is fundamentally at odds with European values. The perpetrators of these crimes have nothing to do with Islam. One should also bear in mind that those terrorist organisations are attacking many Muslim targets too. They do not have achievable political objectives, but rather pursue their archaic and illicit utopian ideas. Islam, like all other religions, teaches tolerance and respect for human beings of all faiths. It is the abuse of faiths for political purposes that leads to intolerance and exclusion. The same applies to almost every ethnic minority of recent immigrant origin in Europe. Those communities have found themselves the subject of stereotyped portrayal in public opinion and the media.

We must retain confidence in the ability of our democratic institutions to promote human rights, tolerance, dialogue, and social cohesion. We need to develop a democratic framework for living together. By doing so, Europe can remain a beacon of respect for human rights in the world. It is said that the price of freedom is eternal vigilance. The rise in popular fears about immigration and minorities has led to greater popular support for marginal political parties. Let me emphasise that I

am even more concerned by the reaction of mainstream political parties in addressing such popular fears.

I have been advocating the construction of a new political language for some time both at home and abroad. I believe that the nature of political language determines the outcome. Political language can be either constructive or destructive. With their choice of language, political actors can serve to foster common understanding or division. Therefore, mainstream political parties in Europe have to address these fears in a convincing manner while defending respect for diversity and human rights.

We have to make the argument much more forcefully that the continent will not be safe with politicians who claim that Europe is at war with other cultures and religions. On the contrary, if unchecked, the growing influence of such arguments will make Europe not only less tolerant and democratic, but a more dangerous place to live in. European values are based not only on our achievements, but on bitterly learned lessons. Let us not forget that the popular support for explicit anti-Semitism was only 5% in the late 1920s. With the snowball effect, that poisonous minority paved the way for the Holocaust from the late 1930s. History does repeat itself if we do not draw lessons from our past mistakes.

Our Organisation – the Council of Europe – has a major role to play in meeting these contemporary challenges. That is why I am particularly pleased to see the establishment of a Group of Eminent Persons at the initiative of the Turkish chairmanship. I thank Secretary General Jagland for bringing together such eminent Europeans to form this group. I am equally delighted to see that the group is headed by my dear friend Joschka Fischer. I call on your Assembly to bring your contribution to this project, appropriately called “living together”.

Democracy and human rights can never be taken for granted. As guardian of these values, the role of the Council of Europe, I believe, remains as relevant today as it was 60 years ago. Some members of our Organisation have joined in a qualitatively different relationship in the EU. But Europe is not just composed of the EU. The Council of Europe, embracing 800 million Europeans, remains the only pan-European value-based organisation. In fact, thanks to the Council of Europe, millions of Europeans are now enjoying their fundamental rights, such as equal treatment, expression of opinion, gender equality, good governance, transparency and accountability. It is the Council of Europe that translated these values into binding commitments through monitoring mechanisms and created a European legal space. It would therefore be a grave mistake to underestimate the merits of our Organisation in the construction of a free, safe and prosperous Europe.

To maintain and enhance this role of the Council of Europe, I call on all members of the Organisation to increase their political involvement in the work of the Council of Europe. I know that Secretary General Jagland is firmly committed to

political reform to make the Council of Europe more relevant and visible. I shared my views about the future of the Organisation when he visited me in Ankara. In our meeting earlier this morning, he informed me that he will soon be presenting new ideas for more reform. Turkey has been supporting his efforts. To this end, the Turkish chairmanship has identified reform of the Organisation as one of its priorities. The next meeting of the Committee of Ministers is scheduled to be held next May in Istanbul. I hope that this meeting will be the appropriate occasion to finalise some of the reforms currently under consideration.

The most successful and transforming body of our Organisation has been the European Court of Human Rights. This unique institution is a success in itself. It is a paradox that the Court today faces the most serious challenges. Therefore, the reform process, which was initiated at the Interlaken conference during the Swiss chairmanship, should continue. I am pleased that the Turkish chairmanship will organise, as a follow-up to Interlaken, a high-level conference in Izmir in the spring.

Mr President, distinguished friends, like the state of affairs in today's Europe, the Council of Europe is at a crossroads. There are serious reasons for concern in Europe. Yet, our belief in democracies to correct their shortcomings and to overcome challenges should remain unshakeable. European states must resist the temptation to turn inwards. Europe cannot escape the accelerating process of economic and cultural globalisation; on the contrary, it must embrace it. To the extent that Europe succeeds in embracing it, Europe can demand change and shape developments in the world.

Europe's growing internal diversity, the global relevance of its shared values and the lessons learned from its past are our major assets. We all remember the speech by Winston Churchill to the Council of Europe in 1950 when he called for the creation of a "unified European Army" in the face of the communist threat. Our former foes have now become our new friends and allies. Europe has become much safer than it was 60 years ago. Yet the challenges from within Europe still exist. To overcome those menaces, we do not need to create a unified European army. What we need today is to construct a "unified European conscience" for a freer, safer and more egalitarian and united Europe.

The Council of Europe is the embodiment of our values and aspirations. Therefore, it is the right venue to nurture the European conscience. Let us work together and act together to build it. Thank you.

Follow-up to the reform of the Council of Europe

Ms KELEŞ (*Turkey*) – The report on the reform of the Council of Europe is very well prepared and comprehensive and covers all the strategic aims for the second phase of reform. The Secretary General's intention to reform the Organisation was an important step forward. This reform will not only strengthen the position of the Council of Europe vis-à-vis the European Union but will increase the cohesion of Europe. Keeping the Council of Europe member states fully informed and consulting them during the reform process will contribute to the unity and stability of Europe. It will also give impetus to the efforts of the member states.

It is very promising that the Lisbon Treaty brings new opportunities for strengthening the partnership between the Council of Europe and the European Union. It also opens the prospect of accession by the European Union to the European Convention on Human Rights as well as to other Council of Europe conventions and mechanisms. The rapporteur's evaluation is that this presents an opportunity to move towards a truly united Europe which shares the same values and draws on the same standards.

Within the context of the reform, we should also dwell on how the Parliamentary Assembly of the Council of Europe can work to ensure that it plays an important role in the reform process. I bring to members' attention the following points. First, motions should be filtered to ensure that we have the most important and relevant reports. Motions on the same subject but with only small differences should not be accepted. The motions should deal with existing problems and solutions. Members of the national delegations should try to be objective in signing the motions.

Secondly, we should try to avoid using double standards if we want to help the Council of Europe achieve a better understanding among its 47 members. We should encourage the members of delegations to leave their prejudices aside and to try to make objective evaluations of the discussions, motions and reports. They should, for example, avoid rejecting or objecting to good motions about implementing the three important principles of the Council of Europe simply to be on good terms with members of a particular delegation or government.

Thirdly, according to PACE's rules of procedure, rapporteurs should not have a conflict of interest in relation to the contents of reports that they would like to prepare. Therefore, before being appointed in the committees, all candidates for rapporteur should make an oral declaration that they do not have a professional, personal, financial or economic interest that could be considered relevant to, or to conflict with, the subject of the report or the country covered by the report. There are cases where oral declarations do not reflect the reality. That should be prevented; otherwise we shall have not only subjective reports but the wrong resolutions.

26 Ocak 2011

The implementation of judgments of the European Court of Human Rights and Preventing harm to refugees and migrants in extradition and expulsion cases in respect of Rule 39 indications by the European Court of Human Rights (Joint debate)

Ms KELEŞ (*Turkey*) – The Committee of Ministers is responsible for supervising the execution of the judgments of the European Court of Human Rights. I think that continuing to have the Committee of Ministers responsible is better, so that work is not duplicated and more objective evaluations are reached.

This report is not objective; it is biased and does not give an overall picture. There is a great difference in how problems are handled, depending on the feelings of the rapporteur in respect of the country in question. If it is Greece, the problems are not important enough to mention. For example, Articles 2 and 3 of the European Convention on Human Rights and the judgments of the European Court of Human Rights about ethnic discrimination are discussed very superficially and only in the explanatory memorandum. Furthermore, there is no reference to the Sampanis judgment about not accepting Roma children in ordinary schools.

When it comes to Turkey, however, the problems are exaggerated. Positive developments are ignored, the facts are distorted and even the terms used by the Court are changed. For example, when the rapporteur refers to the judgment in the *Cyprus v. Turkey* case, he ignores the fact that the fifth paragraph of the European Court of Human Rights' judgment mentions "military operations in Northern Cyprus"; the rapporteur prefers to use the term "invasion".

In the resolutions and recommendations, there is no direct reference to the Greek cases, but in the explanatory memorandum, Greek arguments are written in detail. All positive developments since 1990 concerning the conditions that led to negative judgments about Turkey are ignored. Neither the changes in the constitution and the laws nor the implementation of the judgments are referred to positively. That is because, contrary to his oral declaration, Mr Pourgourides has a conflict of interest in respect of both the subject of the report and the two countries covered by the report.

The problem of Cyprus is the result of the Akritas plan, which was put into practice in December 1963 to realise the enosis of the Greek people. After the massacre of 21 December 1963, there was a 10-year period in which many civil Turkish Cypriots were driven out of their villages and killed by Greek Cypriots and soldiers. Turkish soldiers went to the island in 1974, in accordance with the Zurich and London guarantee agreements, to prevent the further massacre of the Turkish community.

Greek Cypriots do not co-operate with the autonomous missing people committee and they ask only for the investigation of the cases of missing Greek Cypriots. However, the number of missing Turkish Cypriots is above 500. In addition, mainly in Yilmazköy, Muratağa, Sandallar and Atlılar, there were the dead bodies of many Turkish Cypriots.

Even some members of the European Union admit that letting the Greek Cypriot administration of southern Cyprus become a member of the EU before any solution of the Cyprus problem was a mistake, yet Chancellor Merkel, forgetting that Turkish Cypriots voted in favour of the Annan Plan, accuses them now of not wanting a solution for the island. The Cyprus problem is a problem between two communities and it can be resolved only if European Union countries stop backing one side and treat both equally.

Ms TÜRKÖNE (*Turkey*) – I welcome this opportunity to debate the implementation of Court judgments. The European Court of Human Rights, where more than 800 million European citizens are entitled to lodge their complaints, is a success in itself. This success, however, produces high expectations and complex challenges. Our collective responsibility is to do everything we can to ensure that the Convention system functions effectively. I truly hope that this report will serve that cause.

The success of the European Convention on Human Rights system is linked to the binding nature of the Court's judgments and to the role of the Committee of Ministers in supervising the full execution of judgments by state parties. Implementation, which is carried out under the supervision of the Committee of Ministers, can also benefit from co-operation between domestic and other institutions, including the Assembly and national parliaments, acting within their remits. Bearing that in mind, for the sake of the system's good functioning, one should avoid any approach that might lead to a conflict of mandates among the organs of the Council of Europe.

Moreover, I wholly support the rapporteur's view that there is a strong need to establish national mechanisms to monitor implementation of the Court's decisions. On the other hand, although I have no reservations or objections to the report's draft resolution and draft recommendation, I have several reservations about Mr Pourgourides' appointment as rapporteur for this report. First and foremost, in our view, his appointment is contrary to the spirit of the rule on transparency and the declaration of members' interests. Considering his political engagement in matters relating to Greek Cypriot cases, we strongly believe that it was impossible for him to be fully impartial and independent in handling this report.

Regrettably, this report has justified our concerns. I do not want to go into the details, but a quick look at the part of the explanatory memorandum on Greek Cypriot cases against Turkey will reveal that his standing as the rapporteur has been severely compromised. For example, in the parts of the report on Greece, the rapporteur has neglected to mention the Court's judgments in cases concerning the refusal to register associations established by the Turkish minority of Western Thrace. He seems to think that these cases are not worth mentioning. These cases – in which the Court found repeated violations of the right to freedom of association – reveal a serious structural problem concerning the rights and freedoms of all Turkish minority associations in Greece.

Many more examples in the report run against the objectivity required for a balanced presentation of the facts, but I will not cite them now. I hope and believe that PACE committees will in future pay more attention in appointing rapporteurs so that such situations can be avoided.

Mr CEBECİ (*Turkey*) – The implementation report draws our attention to issues of great importance, and it is the seventh report that the Committee on Legal Affairs and Human Rights has produced on them. Notwithstanding the substance of the report, I want to comment on a procedural matter. As the rapporteur mentions his visit to Turkey in the report, I would like to explain that the Turkish authorities have no objections whatever to the monitoring of obligations in connection with the implementation of the judgments of the European Court of Human Rights. That must be understood.

In the past, the Turkish authorities have always co-operated with the Parliamentary Assembly. On the last such occasion, when Mr Erik Jurgens visited Turkey, there was no difficulty and he had extensive contacts with the Turkish authorities. The secretary of the Committee on Legal Affairs and Human Rights can testify to that. This time, however, from the beginning the Turkish authorities had serious concerns about the sending of the rapporteur. Let me make this very clear: Mr Pourgourides is a respected and experienced lawyer, and an active member of this Assembly and the Committee on Legal Affairs and Human Rights. However, he is well known for his political engagement in issues to do with the Greek-Cypriot court cases against Turkey. I strongly argue that such political engagement creates a conflict of interest with his position as rapporteur. For such cases, we have a conflict of interest clause for the post of rapporteur.

Unfortunately, the report shows that our concerns in this respect were right, as do the remarks on Cyprus in the explanatory memorandum. The report's contents reveal some political engagement, to the detriment of the required objectivity and impartiality. The report distorts the agreed terminology used by the European Court of Human Rights in referring to military intervention in Cyprus, makes subjective

and selective comments on missing persons cases, minimises, and even ignores, the significance of the landmark Court decision on the Demopoulos property issues case, and has political value judgments.

To summarise, I hope that we no longer have to confront such issues. With all due respect to you, Mr President, if a parliamentarian feels there is a conflict of interest in respect of a report and rapporteur, that parliamentarian should be able to make their position clear.

27 Ocak 2011

Debate under urgent procedure:

Violence against Christians in the Middle East

Ms TÜRKÖNE (*Turkey*). – The recent attacks against Christians in the Middle East are a matter of serious concern to us all in this House dedicated to the protection of human rights and to the 800 million Europeans we represent. The attacks against Christians in Iraq and Egypt, which targeted believers in their houses of worship are beyond contempt. It is difficult and horrifying to imagine the state of mind that breeds such extremism. Turkey strongly condemned such acts. We have provided shelter to those of Christian faith fleeing from religious discrimination and intolerance in Iraq. Only in December last, more than 600 people of Christian faith arrived in Turkey. I am not highlighting this out of self-pride. It is the responsibility of any country to embrace those fleeing in fear of atrocities on the grounds of their belief. Unfortunately, individuals increasingly become targets of extremism coupled with discrimination and intolerance just because they are perceived as different.

To our dismay, the latest atrocities in Iraq and Egypt indicate that intolerant elements in the region are becoming increasingly bold. The danger that these attacks may be precursors to more of the kind prompted the Assembly to discuss the issue in an urgent debate and to address it in a report with a specific focus on these attacks and the circumstances surrounding them. Despite this background, the report regrettably suffers from inconsistencies in seeking to deliver the basic premise of its title as a result of the rapporteur's incorporation of irrelevant issues which are completely out of context.

I wish to focus on the draft recommendation. I have a reservation regarding paragraph 13. Before I go any further in pointing out the irrelevance of the contents of this paragraph, let me first make it clear that it is truly unfortunate that the Christmas Mass could not take place in the church referred to in the report, in the Turkish Republic of Northern Cyprus. However, the recounting of this incident, which clearly does not involve violence, in a report about violence, is incomprehensible. In addition, why it is given precedence in order of appearance over the terrorist attacks in Iraq and Egypt is beyond me.

As already stated by my Northern Cypriot colleague, Mr Eti, I learned that the interruption of the celebration was caused by late notification for clearance to hold such a religious Mass. It was due to a procedural problem. Such religious Masses continue to be held even after the incident so it has no relevance to the scope and the title of the report to be referred to in the resolution. We should avoid such political manoeuvres to put everything into the same basket.

Furthermore, the rapporteur refers to an incident in the Turkish Republic of Northern Cyprus but calls on Turkey to resolve the issue. The degree of complacency is indeed surprising. The Turkish Republic of Northern Cyprus is a politically independent entity. It has functioning domestic institutions. I kindly refer our rapporteur to the democratically elected representatives of Turkish Cypriots who were given seats in this House after the failed Annan Plan. In the committee, they explained the situation in detail, so I urge the President to give them time to speak at this session so that the blurring mist of misunderstanding is dispersed in the minds of the members of the Assembly.

The basic purpose of the report has been undermined and with it the opportunity to discuss the real problem has been lost. The report's credibility has unfortunately been compromised by putting together disproportionate incidents and dwelling on politically contentious issues. I regretfully express my disappointment with the report.

Mr TÜRKEŞ (*Turkey*). – Before I start to share my opinion on the report I would like to comment on our colleague Mr Rustamyan's words. Apart from the event he referred to being irrelevant to the report he did not relay the actual facts. In the sad events that took place nearly 100 years ago, the reason the Ottomans forced the Armenians to be displaced was not because they were Christians but because they were fighting against the Ottomans alongside the Tsar's army.

Violence is not an option. Violence cannot be tolerated. Violence is not acceptable. We all deplore all and every kind of violence directed against Christians either in the Middle East or in the rest of the world.

The report brings up an issue that requires vigilance and our attention. All believers, irrespective of their belief, should be free from discrimination, intolerance and extremism.

The scope of the report covers violence against Christians in the Middle East in the light of the recent attacks in the Middle East. The mandate of the report is to condemn the violent attacks Christians were exposed to. However, I cannot fail to notice that so many issues, including non-violent events, have been included in the report. By doing so, the report went beyond its urgent cause and thus its scope, which is to condemn violence against those because of their religious faith. Let us not lose sight of the facts and let us not weaken the report.

It is in this context that I would like to draw your attention to paragraph 13, which is a stark example of where a non-violent issue beyond the scope of the report has been referred to in the draft recommendation. Any objective eye can easily see that this seems driven by political motives.

The Cyprus problem is a bitter conflict. Whichever side you may favour, the reality is that there has been almost no bloodshed on the island for more than 30 years. Some sporadic events had nothing to do with religion and Christianity. That is why the draft recommendation will be accurate if the section on northern Cyprus is taken out. The section is about an unfortunate incident which led to the interruption of religious mass in a church. To set the record straight, people with some knowledge about the situation in TRNC can easily see that individuals practise their religion in northern Cyprus in freedom, in churches and in mosques without any permission and notification or whatsoever.

I understand that only on special days such as Christmas, when huge numbers of Greek Cypriots arrive in the north from the south, usually by bus but also by hundreds of private cars as well, a notification is required so that arrangements can be made. Notification for what? There is no need either for permission or notification to practise any religion in north Cyprus. We are talking about notification for logistical and security arrangements, so that there are police to prevent any unfortunate events and to allow the proper flow of traffic.

Unfortunately, last Christmas, for some reason that I do not know, the Greek Cypriots gave a very late notification. I wish the Turkish Cypriot authorities had had the wisdom and the bureaucratic efficiency to make arrangements for the mass to go ahead.

Does anyone see any relevance between this unfortunate incident and the report which is about the violence against Christians? Such strained inclusions only make the report weaker in addressing its real cause. What is more improper is to call on Turkey to take actions in this incident. It is obvious that it is the wording of Greek Cypriots. That is a fallacy. In this august body, for so many years, we have among us the elected representatives of the Turkish Cypriots. So I urge you to be more coherent with the policy of this body.

With all the considerations I have expressed, I urge you all to ensure that paragraph 13 of the draft recommendation is taken out because murders and massacres cannot be put in the same basket as a non-violent event, where no one was hurt or injured.

Mr CEBECİ (*Turkey*). – I add my voice to those of all the other colleagues who spoke against the violent attacks that recently occurred in the Middle East causing the loss of many innocent believers. This House should speak loudly against all forms of violence directed against people of all faiths, races and cultures. Such attacks that target people because of their religious belief are unacceptable and we, the Europeans, should stand united against such appalling crimes. Unfortunately, intolerance and discrimination are on the rise, resulting in violence and hatred among individuals, believers and peoples. Regardless of their religions, individuals, be they Christian, Muslim or Jewish, suffer from such extremism and violence just because of their belief. Identities continue to be shaped in contrast to each other and

exclusion, rather than inclusion, and diversity is increasingly affecting our societies. Yet, this is an extensive issue that needs to be analysed separately. It is not the subject of our urgent debate today.

The recent attacks against Christians in the Middle East, which gave rise to this urgent debate and this report are a cause of concern for all. Turkey has been outspoken in its condemnation of these attacks in various forums of the Council of Europe. It is natural that the Assembly, which stands for the protection of human rights for all, reacts quickly to such events and shows its concern by preparing a report on these grave assaults. Yet, this report seems to be drafted in a hasty way. Thus, it unfortunately not only misses the real point we would like to make about the recent events in the Middle East, but also undermines the graveness of these events by including issues which are totally out of context or not relevant for the purpose of this report.

I particularly draw attention to paragraph 13 of the draft recommendation. In this paragraph, Turkey is called upon to bring to justice those responsible for the interruption of the celebration of a religious Mass taking place at a church in the Turkish Republic of Northern Cyprus. I find this paragraph totally inconsistent and irrelevant for the subject at hand.

The incident that this paragraph refers to is without doubt regrettable. However, I gathered from our Turkish Cypriot colleagues in this Assembly that this incident occurred only because the TRNC authorities were not given adequate time to take the necessary precautions needed for the public safety and security of the worshippers, due to the late notification of the collective Mass. Therefore, I understand that it is purely a procedural hurdle that has nothing to do with violence, hatred or murder.

There is also another dimension to this: the paragraph calls on Turkey to clarify the issue. I would like to remind all colleagues that it was this Assembly which decided to empower the elected representatives of the Turkish Cypriots to appear among us, so that they can speak for themselves on matters of concern to them. I also know that they have been doing that regarding this specific incident mentioned in the report in the last couple of days. That is why paragraph 13 of the draft recommendation is a total anomaly which is unacceptable for our delegation.

The explanatory memorandum part is no less controversial. Paragraph 4 stipulates that Europe, our own continent, is not free from violence against Christians either. I could not agree more with this statement. However, it is interesting how the report chooses to pinpoint examples only from Turkey and the Turkish Republic of Northern Cyprus. I am wondering whether Mr. Volontè is in possession of any Europe-wide statistics justifying his interesting choice.

Unfortunately, such inclusions in the report weaken its value and cause the intended aim of the report to go unnoticed by distracting the attention and emphasis away from the violent crimes recently committed against the Christians in the Middle East.

With a different report which displayed our solemn condemnation of the recent attacks in the Middle East, instead of putting together issues of differing nature and proportion, we could have turned this urgent debate into a real opportunity to discuss the real issue at hand and show our unity in opposing a common and genuine threat to humanity. I regret to see that this opportunity is lost.

Debate under urgent procedure: The situation in Tunisia

Mr TÜRKEŞ (*Turkey*) – On behalf of the European Democrat Group, I congratulate the rapporteur on the challenge that she has taken up in addressing this important issue. She has drafted an outstanding report, and done so at short notice.

Although it is not within the geographical scope of our Organisation, today we are debating, under the urgent debate procedure, the situation in Tunisia. We are doing so not only because we have a sizeable Tunisian migrant population living in Europe, but because we want democracy, human rights and the rule of law not only for our own people of 800 million Europeans but for all those who feel deprived of these fundamental values. It is our responsibility to spread our values to the regions that are in need of them, starting with our immediate neighbours through our Organisation's enhanced co-operation so that we can ensure that there is sustainable stability in our continent as well.

We see that increasing numbers of people around the world are protesting high unemployment and poor living conditions. They are expressing their dissatisfaction with acute social and economic problems and with regimes that have failed to provide them with wealth and prosperity.

A recent example of this often desperate yet heroic struggle has been acted out in Tunisia. Unfortunately, in return for slow but steady economic growth, the majority of Tunisians have accepted restricted political rights, a police state and an élite that is accused of corruption.

The country has been a safe place in which to invest, as well as a source of cheap labour. However, this model seems to have failed, or perhaps it was always unsustainable over the long term. Large numbers of unemployed graduates – frustrated at the lack of freedom and the excesses of the ruling class, and angry at

police brutality – seem to have come together to spark an unstoppable wave of public anger.

We do not know whether the riots were organised, manipulated or politically motivated. Nor do we know the final political destination of the riots. However, we do know that the Tunisian people are not happy with the way in which they have been governed for years, and that they therefore want change.

We therefore pay tribute to the Tunisian people in their search for a better future and their pursuit of happiness. At the same time, however, we are concerned about the news of looting, disobedience, chaos and anarchy in the country. We hope that order and stability will be restored immediately and that the Tunisian people can overcome this transition period without further suffering.

The recent events in Tunisia have shown once again the importance of democracy, the rule of law and human rights, and how vital these fundamental values are for a properly functioning state mechanism.

A democracy gives people the opportunity to have a say in their own affairs and the power to hold accountable those who, they believe, have failed to honour their commitments. In most of the cases witnessed recently, people's deprivation of the very right freely to choose their own leaders has aggravated the level of tensions in the countries in question.

We believe and very much hope that this report and our efforts will help Tunisia and the friendly, peace-loving people of the country to complete successfully the political process ahead of them. In this respect, we support the draft resolution and draw particular attention to paragraph 13, in which the rapporteur underlines the importance of co-operation between the Council of Europe and Tunisia.

28 Ocak 2011

Monitoring of commitments concerning social rights

Ms KELEŞ (*Turkey*) – The Committee on Equal Opportunities for Women and Men has considered the report by the Social, Health and Family Affairs Committee and congratulates the rapporteur, Mr Bernard Marquet, on his work. It is a comprehensive report that highlights the importance of social rights and how they should be implemented. The report mentions that social, civil and political rights are indivisible and that they should be handled together. That is true. Therefore the Parliamentary Assembly of the Council of Europe should play a more important and effective role in the implementation of social rights, especially as they are closely related to the three main principles that the Council of Europe promotes.

The report also refers to the importance of social rights during the economic crisis and the process of globalisation, but there is no reference to the special position of women in those contexts. Both in developed and in developing countries, women suffer more than men in these contexts. Therefore, when we talk of social rights during crisis and globalisation, we should address the special position of women.

The European Social Charter contains gender-related provisions such as equal pay for equal work for both women and men, the right of employed women to protection in respect of childbirth and the rights of mothers and children to social and economic protection. The revised European Social Charter extends its scope by introducing new rights that cover major social issues, and the right to equal opportunities and equal treatment for women and men in employment and occupation, without discrimination. The charter also provides a system for collective complaints, but organisations working for the defence and promotion of women's rights should be informed about both this system and how to register as an international non-governmental organisation entitled to lodge a collective complaint.

It is very important for women to have equal status with men, but equality with men in education, in working life and in political life is also very important in respect of both democracy and human rights. Council of Europe members should accept the importance of the implementation of the provisions of the Social Charter with regard to democracy, human rights and the rule of law. The ratification of the Social Charter is also important for the election of nine out of 15 members of the European Committee of Social Rights, which is responsible for monitoring compliance by the state parties to the charter.

The Committee on Equal Opportunities for Women and Men shares Mr Marquet's view that defending social rights is especially important in difficult times of economic crisis and in the current context of ongoing globalisation. A visionary approach is essential to strengthen the role of the European Social Charter as an

effective instrument for the promotion of social rights, complementary to the European Convention on Human Rights.