

### ***The situation in the Middle East***

Mr TEKELİOĞLU (*Turkey*). – Mr President and dear colleagues, I would like to thank Mr Fassino for his painstaking efforts, including a recent visit to the region, to follow up and report on the developments in the Middle East. The current security situation in the Middle East remains fragile. Unless a viable solution to the Arab-Israeli conflict is reached, the current situation could still trigger large-scale conflicts, leading to further chaos and instability in the region.

In order to ensure a lasting peace in the region, the plight of the Palestinians in Gaza should be effectively addressed. UN Security Council [Resolution 1860](#) should be implemented in full and without further delay. If we want the peace process to be revitalised, settlement activities must be halted and restrictions on the movement of Palestinians must be lifted. House evacuations and land confiscations in East Jerusalem and the demographic status and character of the city must be increased. Moreover, no one should neglect the importance of intra-Palestinian unity. If Palestinian reconciliation is not ensured, neither the peace dynamics nor the rationalisation of the Palestinian political system can be successfully launched, maintained and brought to a conclusion.

Peace in the Middle East can be achieved only through dialogue and negotiations. The peace process should therefore be revived in all its aspects. With this understanding, we support the US efforts to relaunch the peace talks.

We as the Parliamentary Assembly should give full political support to the ongoing international endeavours for a viable and comprehensive settlement in the region. In this vein, I believe that there is still room for improvement in the Tripartite Forum, which brings together members of the Knesset and the Palestinian Legislative Council. We can make further efforts to turn the Tripartite Forum into a more effective and influential parliamentary-level dialogue mechanism for the parties to the conflict.

### ***Address by Mr Papandreou, Prime Minister of Greece***

Mr KUMCUOĞLU (*Turkey*). – Mr Prime Minister, given the anti-Turkish sentiments that I felt from your speech today, I cannot help asking this question. There are eight – I repeat, eight – rulings from the European Court of Human Rights regarding the ban on the use by Turkish Muslim minority non-governmental organisations of the expressions “Turkish” or “minority” in their titles, and the non-recognition of the elected Muftis of the Turkish minority in Greece. When will your government take action to implement those Court decisions?

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

Mrs TÜRKÖNE (*Turkey*). – I, too, congratulate the rapporteurs on their very comprehensive report.

Developments in Bosnia and Herzegovina have reached a crucial juncture. Important challenges and milestones lie ahead of us. If they are not handled carefully, we may be faced with serious consequences in the entire Balkan region. Besides the need for constitutional reform, the European and Euro-Atlantic community must take steps that will encourage, and instil hope and confidence within the Bosnian people. The disappointment caused by the exclusion of Bosnia and Herzegovina from the EU's visa liberalisation regime, and subsequently by the deferral of NATO-MAP status should be remedied without further delay. However, full compliance of the 5+2 objectives and conditions are not there yet. Therefore, we are concerned about an early decision to close the Office of the High Representative and about the lack of arrangements to monitor Dayton in the post-OHR period. This issue must be addressed thoroughly in close consultations with non-EU actors such as Turkey, the US and Russia. Moreover, the EU and US-led constitutional reform package has not been endorsed by Bosnia and Herzegovina stakeholders.

There are also other issues related to state property, the election of high officials and transition from a presidential system of government into a parliamentary one. These are basic questions that require consensus in the country. Artificial deadlines and undue pressure on Bosnian leaders have not been realised.

The aim must be to achieve a successful conclusion that is satisfactory for all parties. Strengthening cohesion among different ethnicities and institutions, enhancement of the understanding of common destiny, forging a functioning central administration and contributing to stability in the Balkans through the reflections of the process in Bosnia and Herzegovina are vital in this regard. Otherwise, as I said, failure may affect the entire region in a very negative manner.

Especially in a time when the general elections are soon to be held, in October 2010, it is crucial to maintain security and stability Bosnia and Herzegovina. With this in mind, it is imperative that international efforts contribute to the preservation of territorial integrity and the country's internationally recognised borders.

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

Mr TEKELIOĞLU (*Turkey*). – Mr President, dear colleagues, the security situation in Bosnia and Herzegovina remained calm though the political crisis continues to be serious and calls for close attention since it has the potential to negatively affect overall stability in the Balkans and in Europe at large.

Full compliance of the five plus two objectives and conditions have not been achieved yet. There has been little progress in terms of European and Euro-Atlantic integration. The exclusion of Bosnia and Herzegovina from the European Union's visa-free regime caused disappointment in Bosnia and Herzegovina.

The EU-US led constitutional reform package – Butmir process – has not been endorsed by Bosnia and Herzegovina stakeholders, thus did not yield any concrete results.

There are also other open questions such as the state property, elections of high officials, transition from a presidential system of government into a parliamentary one, which are yet to be resolved. These are basic issues which require consensus in the country.

Creating political reconciliation among the entities and constituencies, reinforcing the national identity and forging a functioning state structure remain of vital importance in this regard.

The High Representative maintains that the international community will need to guide the country forward towards Euro-Atlantic integration through meaningful constitutional reform, while simultaneously preventing the country from going backwards in order to maintain Bosnia and Herzegovina's sovereignty and ensure stability. A failure to address these issues would weaken the international community's credibility in Bosnia and Herzegovina, negatively affect Bosnia and Herzegovina's further progress towards Euro-Atlantic integration, and may lead to serious instability.

In Turkey in recent months we have refocused our attention on the Balkans with a view to contributing to the lasting peace and stability in the region. Trilateral consultation mechanisms that we developed with Bosnia and Herzegovina and Serbia on the one hand, and with Bosnia and Herzegovina and Croatia on the other, will serve this purpose. We believe that we can only appropriately address the questions of the Balkans if we can build up on regional ownership and be inclusive.

## ***Discrimination on the basis of sexual orientation and gender identity***

Mrs MEMECAN (*Turkey*). – Mr Gross’s report as a whole has a strong awareness-raising dimension on discrimination on the grounds of sexual orientation and gender identity. We unfairly tend to judge people on who they are, and we tend to have negative attitudes towards people who are “different”. Lesbian, gay, bisexual and transgender people certainly get their share of being “different”. Negative attitudes and perceptions of LGBT people damage their psychologies, alienate them from society and incite sometimes deadly violence against them.

Discrimination on the basis of sexual orientation and gender identity can be magnified for those of certain sexualities and genders. Lesbian, bisexual and transgender women in particular run an increased risk of suffering from discrimination and violence. They violate the common expectation that people will conform to generally accepted concepts of gender and gendered roles in two ways: both as women, and as lesbians, bisexuals or transgender women. In other words, lesbian, bisexual and transgender women experience double discrimination. The statistics show that transgender women are the victims in approximately four out of five transgender-related murders worldwide. Transwomen are also more likely to be the victim of random attacks, while transmen who are attacked are almost always assaulted by people they know. Femininity in transsexual women is noticed and punished much more harshly than the same behaviour in non-transsexual women.

The LGBT community likes to see itself as particularly modern and tolerant, but the truth is that even the LGBT community is not immune to sexism, discrimination and violence. Indeed, as with heterosexual relationships, same-sex relationships can turn violent. Arguing that they were “born women”, many non-trans feminists resist associating with trans-people in public spaces, by sharing resources, or in other ways.

Mr Gross reminds us of the international law that states “all human beings are born free and equal in dignity and rights”. We should simply add to that that it is okay to be different. We, the parliamentarians at the Council of Europe, have the duty to send a clear message of respect and non-discrimination so that everyone – whether the same or different – can live in dignity in all our member states.

## *Judicial corruption*

Mrs TÜRKÖNE (*Turkey*). – Mr President, this report presents a valuable opportunity to discuss and elaborate on a very important issue because no democratic society can function if its judicial system is affected by systematic corruption. Judicial corruption undermines the rule of law and other democratic principles such as equality before the law. A corrupt justice system is an obstacle to our efforts to combat all other forms of corruption, thereby providing a fertile breeding-ground for organised crime and even terrorism.

The rapporteur rightly points out in his report that laws and sanctions alone are not enough to eradicate judicial corruption. In many instances, corruption remains an invisible offence with no specific victim. It is therefore difficult to detect. I concur with the rapporteur's view that a strong political will is fundamental to making judicial reforms, with a view to guarding the judiciary against external influences and restoring public trust in the system.

The report refers to two main types of judicial corruption: political interference by the Executive or legislature in judicial proceedings and the use of bribery. The report places too much emphasis on external political interference. In my view, the report omits to mention internal influences over judges and prosecutors. In some countries, judicial corruption emanates from the judiciary itself.

Judicial corruption is fed from various sources and by different forms of dirty business, including Mafia gangs and various groups holding big capital interests. Moreover, the judiciary itself is the ultimate organ in judging both politicians and those dirty relationships. Unfortunately, when it comes to revealing these complicated and illegal organisations and relations, terms such as “judicial impartiality” and “judicial independence” are used to conceal this type of corruption.

Of course, the independence and impartiality of the judiciary constitutes the main pillar for combatting judicial corruption. However, they are not enough if they are not supported by other measures, such as providing reasonable wages; promoting clear, transparent, apolitical and non-partisan recruitment, promotion and dismissal procedures for judges and prosecutors; providing judicial authorities with sufficient human and material resources; providing the judiciary with specific anti-corruption and ethnics training; and establishing effective checks and balances in respect of the separation of powers. However, it is most important that judicial immunity must not constitute excessive obstacles to the effective prosecution of corrupt members of the judiciary.

Finally, I wish to add my voice to that of the rapporteur, Mr Sasi, in stressing that we cannot afford to turn a blind eye to corruption wherever it occurs. A well-

functioning justice system is part and parcel of the rule of law and an effective safeguard against impunity. Thank you.

***Freedom of religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace (Eastern Greece)***

Mr KUMCUOĞLU (*Turkey*). – Thank you Mr President. Dear colleagues, the report before us indeed draws our attention to issues that are highly important and very sensitive. Although we are not fully satisfied with the report's findings, I acknowledge the fact that Mr Hunault has shouldered an important task and I thank him.

The report addresses the human rights situation of the Turkish Muslim minority in Greece. This is the first of its kind. The Turkish minority in Greece has long complained in vain of violations of its rights and freedoms. I am glad to see that our Assembly has finally addressed this issue. Naturally, we wish that this part had been improved to better reflect the real situation on the ground.

At this stage, I would like to draw your attention to the point raised yesterday by Mr Papandreou, the Greek Prime Minister, when he spoke before this august body. After referring to some rulings by the European Court of Human Rights on the Cyprus issue, Mr Papandreou clearly said: "Turkey must implement its judgments in full". However, in regard to the rulings of the same court in connection with the rights of the Turkish minority in western Thrace, his position changed notably. He said: "there have been complications concerning...The rulings that Greek Courts have made on this issue". I am greatly disturbed by the double standard displayed by His Excellency, the Greek Prime Minister, before this esteemed body yesterday.

Here we are aware of the fact that we are not able to ask the Greek Government to intervene in the business of the national judiciary. However, we have the right to ask it to correct its laws and regulations in line with the convention on human rights. That is what the responsible authorities in Greece refrain from doing. Moreover, I would also like to draw your attention to another unfortunate statement that Mr Papandreou made here yesterday. He said: "In this region and many other parts of Europe, minorities have often been used as a Trojan horse for irredentist aspirations." If this really is Mr Papandreou's perspective on the issue of minorities, I am afraid that we cannot expect much from him or his government in the foreseeable future. Indeed, it is a very risky position to take in dealing with the complexities of the issue.

Mrs KELEŞ (*Turkey*). – Thank you, Mr President. Distinguished members of the Parliamentary Assembly, I would like to thank the rapporteur for writing a

comprehensive report that covers important, critical problems. However, while some aspects of the report reflect the reality, other aspects are not covered.

The problem of land and immovable properties owned by the Turkish minority is one issue. In 1920, the Turkish minority of western Thrace owned 84% of the land. The proportion is now below 25%. This was the result of extra-beneficial credits to citizens of Greek origin to encourage them to purchase real estate from the Turkish minority, expropriation, land consolidation, non-recognition of Ottoman land titles and possessions, confiscation of the Turkish minority's land and the settlement in western Thrace of Greeks who were brought from the republics of the former Soviet Union until the 1990s.

Expropriations were the greatest cause of the reduced land ownership of the Turkish minority. Ottoman titles are valid in Greece but they are usually not recognised where the minority is concerned. They are sometimes distributed to Greek farmers, and sometimes they are taken away despite the existence of a title under the Ottoman system operating since 1872. What is more, in some cases it is claimed that the title deeds were collected in the 1950s under the pretext of replacing them with Greek titles. But that never happened.

Turkey recently had a very liberal law addressing the minority foundations in the country. This law gives so many rights to minority foundations that similar laws covering minority foundations and rights in Greece and in other countries lag far behind.

In the paragraphs about the Orthodox Patriarchate in Istanbul, the rapporteur notes in parenthesis that it styles itself the Patriarchate "of Constantinople". The secular nature of the Turkish constitution does not allow religious communities to have legal personality, and cities are not named according to the preferences of individuals. This lack of legal personality applies also to those who belong to the Muslim faith. Before the Republic of Turkey was established, the sultans held the highest Muslim religious position of a caliphate. After accepting secularity as one of the four main characteristics of the state, we have refused to retain this title in Turkey.

In the Lausanne agreement, Turkey allowed the Patriarchate to reside in Istanbul, on the conditions that his services should relate only to the religious and spiritual needs of the Greek Orthodox minority in Turkey and that patriarchs should be Turkish citizens. This does not create any restrictions on the religious rights of the Greek minority in Turkey. Absence of the legal personality of the Patriarchate has nothing to do with the community properties under the aegis of their respective waqfs.

Halki Theological School is another problem. According to the Turkish constitution and relevant legislation, religious instruction at higher, intermediate and elementary levels is under the supervision of the state. This constitutional principle applies to all religious communities in Turkey. Turkish authorities have proposed various formulae to restart various educational activities at the Halki Theological School. The Patriarchate did not welcome the proposal to open the school under the aegis of one of the Turkish universities. There is no interference by the Turkish authorities in the composition of cadres within the Greek Orthodox Patriarchates.

There are other problems affecting the Turkish minority that should be solved. I am sure that other colleagues will deal with them later in the debate.

Mr KOÇ (*Turkey*) said that it was not for the Assembly to rename religious institutions. The Patriarchate had given up its executive powers and, for that reason, the use of the word “ecumenical” was not permitted, but he understood that it was a controversial matter.

Mr KOÇ (*Turkey*). – According to Turkish legislation, religious instruction at the higher, intermediate and elementary levels are possible only under the supervision of the state. The restriction applies not only to the Greek Orthodox community, but to the whole religious community in Turkey.

Mr KOÇ (*Turkey*) said that, as he had already explained, the Assembly was not there to rename religious bodies. The amendment was not in line with the 1923 Treaty of Lausanne. The word was not even accepted by everyone in the Greek Orthodox Church.

Mrs TÜRKÖNE (*Turkey*). – The Aya Sofya, which the amendment refers to, was originally built as a church and it was then converted to a mosque during the Ottoman era. Later, in 1927, this place of worship was converted into a museum. We need to be aware that it was a cathedral 600 years ago. If we are not careful, we will have to look into the status of churches in Spain, for example, and I wonder whether we are ready to convert them back into mosques. I call on my colleagues to oppose this amendment.

Mrs TÜRKÖNE (*Turkey*). – I feel obliged to say again that the basis of this report is to discuss minority issues related to Turkey and Greece. Let me remind you once again that Syriac minorities are not included in the provisions of the Lausanne Treaty. That is why we should oppose this amendment. I should also like to say that legal proceedings in respect of the property claims of the Syriac community are still ongoing.



Mr CEBECI (*Turkey*). – Dear colleagues, these people are called a religious minority, but they are real people – they have daily lives – and no one can tell me that someone wanted to teach this language to their children but the state prevented them from doing so. However, you want the state to offer official education to less than a few thousand people out of 73 million people. You have to be reasonable, friends. Thank you.

Mr KUMCUOĞLU (*Turkey*). – Thank you, Mr President.

Dear colleagues, we fully support the work of the Council of Europe on protecting journalists and the media. We deplore the fact that attacks on journalists and the media have recently increased in Europe and condemn the perpetrators of these acts. Freedom of expression and media freedom are protected by the constitution and other relevant legislation in Turkey.

Mr President, I am a deputy from the opposition in my country, and I feel disturbed when our Prime Minister misuses government funds to support one of the medial conglomerates to favour his position in the government, or he asks my people not to read some newspapers that falsely report the difficulties in our country and falsely concentrate on one point.

In compliance with the European Convention on Human Rights a new penal code was introduced in 2005, with a more liberal approach to issues concerning the freedom of expression. On 8 May 2008, an amendment to article 301 of that penal code was put into force to overcome certain difficulties in its implementation. With this amendment, guarantees of the freedom of expression are further strengthened with a new safeguard, as prosecution under article 301 is now subject to authorisation by the Minister of Justice. However, Mr McIntosh's report continues to assert erroneously that the new article still violates Article 10 of the European Convention on Human Rights.

The European Court of Human Rights is the only authority to issue judgments on what violates the European Convention on Human Rights and what does not, and the court has made no judgment in respect of this article of the penal code. Therefore, we suggest that the words in question be deleted from the text. I feel a little uneasy about the fact that, instead of concentrating on the main problems that we are facing in Turkey, the report concentrates on article 301 of the penal code. Thank you very much.

Mr TEKELIOĞLU (*Turkey*). – Thank you, Mr President. I should like to thank the rapporteur for this report, which addresses a major issue regarding the media. Fair, independent and free media are a vital part of democracy. Free media are

necessary for the public to get the objective information and objective observations needed to make their own assessments of the world that they live in.

As indicated in the report, journalists come under a lot of pressure while conducting their jobs. I condemn the assassination of journalists who have become victims because they have freely expressed their views of observations.

I would like to remember our journalist, Hrant Dink, who was killed three years ago. The complicated case against the murderers is still going on. As one of the followers of this murder case, I am confident that the people involved will be brought to justice.

When we talk about media freedom, the independence of the media should be a major concern. Media owners who also have other businesses in the private and public sectors may become too dependent on advertisers to support their public businesses or too dependent on politicians to support their public businesses.

As potential power centres, some owners can deviate from plain journalism by manipulating news to form public opinion at the expense of creating a misinformed, confused public. Their dependence may become apparent as pressure on their own journalists.

Many media companies around the world have gone beyond the limit in the political area and are being accused of acting as political parties. When a media company starts acting like a political party, politicians treat them as competition. The unfortunate outcome is limited and biased information for the public, and damage for democracy.

The Council of Europe already has Recommendation No. R(99) 1 from the Committee of Ministers, which recommends guidelines for media independence and freedom. Laws, rules, regulations and regulatory bodies are necessary to provide the infrastructure required for free media. However, it takes dedicated and responsible journalists to institute and sustain media freedom. Their commitment to their core business, and their determination for truth, reality and fairness will set the acceptable standards of the business.

Mr ÜNAL (*Turkey*) thanked the rapporteur and commended the work of the Council of Europe in protecting the rights and safety of journalists. Violence against journalists was increasing. An independent judiciary should be able to investigate such cases. Freedom for journalists was guaranteed under the Turkish constitution and Turkey had also signed the European Convention on Human Rights. As a result, Turkey had amended Article 301 of its penal code in 2008 to ensure that freedom of expression was guaranteed. There had been some negative

comments about the Turkish Prime Minister earlier in the debate but, contrary to what was stated in the draft recommendation, the European Court of Human Rights had never given judgment against Turkey about Article 301. A free media was very important.

Mrs KELEŞ (*Turkey*). – Distinguished members of the Parliamentary Assembly, I would like to thank the rapporteur for writing an important report about both democracy and human rights. The issue of equality between women and men started to take an important place in the international agenda during the last quarter of the last century, and there were several international meetings and conventions.

When we talk about equality, we generally mean equal opportunities for women and men. But there is a big difference between the status of women and men in some countries. In such cases, “equal opportunities” are not enough. The big difference should be corrected through positive discrimination. The aim should be to ensure equality in the political arena and in decision-making bodies. The figures in the report show that, worldwide, women still hold fewer than 20% of parliamentary ministerial seats. Furthermore, fewer than 5% of heads of state are women.

Democracy and human rights, together with the rule of law, are very important principles of the Council of Europe, but they cannot be realised if women are not represented equally in parliaments. No one can claim that there is pluralistic and participatory democracy in a country if women, who make up 50% of the population, are not represented in political life in a comparable ratio. The resolution and recommendation of the report point to important deficiencies in the existing system and to what can be done to solve the problem. Positive discrimination measures – quotas – are a must if we really want a solution. In addition, both the electoral system and the law of political parties should be changed.

It is also true that changing the electoral system is not enough. Young ladies should have equal chances with regard to both education and jobs. Some countries that have very high ratios of women in political posts use positive quotas, not only in politics but in professional life. That is important.

It is true that the attitude, customs and behaviours that still exist in most societies, and disempower women in public life, discriminate against women and condemn them to being role models and stereotypes.

To overcome this situation, young ladies should be informed about politics and about what they should do to get into politics. Most women are not aware of the

fact that they can go into politics and be successful. There should be special funds and NGOs to support women candidates because some women who want to be politicians will not be able to realise their aim if they have no financial means for the necessary expenditure.

Women are very successful in technical jobs and very sophisticated professions. There is no reason why women, who can get nearly half the positions in academic life, should not perform in the same way in politics if the necessary regulations are provided.

Mr KOÇ (*Turkey*). – I would like to thank Mr Hunault for his report.

I would like to remind you that the plight of ethnic Turkish communities in Greece is not only limited to Western Thrace. There are 4 000 people in the Turkish minority living in Rhodes and Kos.

Their plight is totally denied on the grounds that those islands did not belong to Greece in 1923 when the Lausanne Peace Treaty was signed.

I have visited Western Thrace four times and observed the difficulties that the Turkish minority encounter in their daily lives. Western Thrace is one of the poorest regions in the European Union and it is encouraged to use structural funds of the EU. The lion's share of the EU funds is going to the immigrants of Greek Orthodox origin who are settled in the region.

The rate of unemployment is the highest in Greece and those in the minority are not provided equal opportunities in education. There are many other important problems including denial of ethnic identity, religious rights and the election of religious leaders – Muftis. Other problems include the administration of foundation owned by the minority, forced migration, problems in education, socio-economic problems and political representation.

Despite the obligations arising from bilateral and international treaties, there are many restrictions and double standards vis-à-vis the identity of the Turkish Muslim population and their minority rights.

*(The speaker continued in French)* M. Hunault notre rapporteur a fait beaucoup d'effort pour balancer les deux cotés (la Turquie et la Grèce). Mais il faut aussi mettre en évidence et souligner les cas les plus importants parmi ceux que vous avez décrit.

*(The speaker continued in English).* – Mr Hunault, there are eight rulings of the European Court of Human Rights regarding the ban on the use by Turkish Muslim minority bodies of the expression “Turkish” or “minority” in their titles

and the non-recognition of the elected religious leaders – the Muftis – of the Turkish minority.

We must ask clearly why a country which has been a member of the European Union for about 20 years does not take action to implement these court decisions.

Mrs TÜRKÖNE (*Turkey*). – Mr President, dear colleagues, we are here today to finally discuss an important debate, which has been postponed until today due to various reasons.

Did Mr Hunault have an easy task in dealing with such a highly contested minority issue? By all means, no. Has he been able to come up with balance report accurately depicting the situation of these minorities? I am afraid this last question raises a big question mark in my mind.

I regret to tell my colleagues that, in my view, the rapporteur's co-operation with the parliamentary delegations of the concerned countries left a lot to be desired. However, our rapporteur opted for moving ahead without taking on board the support of the concerned delegations only to end up in presenting us today with a report which still bears factual mistakes.

To name some, I invite my fellow colleagues to have a look at paragraph 19.1 which requests the Turkish authorities to solve a problem which has already been solved. The call for granting work permits for foreign members of the clergy in this paragraph is no longer an issue in my country – and not just because I say so. The Greek Orthodox Patriarchate has voiced appreciation in contacts with the Turkish authorities.

Furthermore, contrary to what is stated in paragraph 19.8, the legal process concerning the murder of the Catholic priest Andrea Santoro in Trabzon in 2006 was finalised long ago and the murderer was sentenced to an imprisonment of over 17 years.

Having said that, I feel obliged to say that the report before us today does not constitute a good basis for discussing minority issues which relate to Turkey and Greece. Therefore, I believe that it would be neither meaningful nor useful to open up an extensive debate on these issues on the basis of this report.

After having seen the debate in the committee, with so many biased amendments put forward, I am unfortunately ever more convinced that this report has no value at all in addressing the main thrust of the matter. It has been altered by unfortunate motives outside the scope of the report itself. Thank you.

## *Detention of asylum seekers and irregular migrants in Europe*

Mrs KELEŞ (*Turkey*). – I congratulate the rapporteur on having written such an excellent, detailed report on one of the major challenges currently facing us. The number of asylum seekers and irregular migrants in Council of Europe countries is rapidly rising. The fact that some developed countries need a young labour force encourages people in developing countries to migrate to them, yet all the while these developed countries introduce ever-stricter measures against migration. That leads to an increase in irregular migration, and it also creates the problem of detention. One issue in this regard is that, because of the lack of statistics on the number of irregular migrants, it is very difficult to estimate how many people might need to be detained. Also, states that resort to detention incur a high financial cost in doing so, especially if they detain people for long periods. This is an even bigger problem for nations that are both receiving and transit countries. The report points out that detention should be the last resort, not the first, but in practice countries usually use detention without considering alternatives.

The report says that both the 10 obligations under the international human rights and refugee law and the 15 European rules governing minimum standards of conditions for the detention of migrants and asylum seekers should be implemented. The report also underlines the importance of considering alternatives to detention, and states that less restrictive alternatives should be used first. The Council of Europe is held responsible for ensuring that such alternatives are accessible in domestic law and in practice, and that they are applied without discrimination. These alternatives should be clear and accessible, and detention should not be in any way arbitrary. These recommendations are reasonable, and they are necessary.

There is another very serious problem for countries such as Turkey. There are migrants from Turkey, but there are more migrants for whom Turkey is both a target and a transit country. It has such high numbers of irregular migrants because of its geographical position, wars and instability in neighbouring countries, and the length and condition of its borders. Turkey accepts that it is important to provide the shelter, food and health care needs of these people, and new legislative amendments and co-ordination and construction activities have been introduced to improve the current conditions.

The European Union wants to send irregular migrants back to the countries they have come from, by signing readmission agreements with the source and transit countries. I think a distinction should be drawn between a source country and a transit country. The readmission of such people is naturally right for a source country, but it would be unfair to ask a transit country to accept them. The responsibility of transit countries may be to protect its borders and shores better so that irregular migrants cannot enter and leave it so easily. In order for them to

do that, border security and the necessary buildings and equipment should be provided. The cost of that might be expensive, if a country's borders are long and hard to protect. Therefore, European countries should share these expenses. The burden that the transit country will undergo will benefit those target countries more than the transit country itself.

Turkey strictly complies with the principle of “non-refoulement”, as laid out in the Geneva Convention. Asylum seekers who are not granted refugee status but are assessed as being at risk of persecution in their countries of origin are not deported and are allowed to stay temporarily in Turkey within the “subsidiary protection and protection with humanitarian considerations” criteria.

### *Solving property issues of refugees and displaced persons*

Mrs KELEŞ (*Turkey*). – Thank you, Mr President.

Distinguished members of the Parliamentary Assembly, I thank the rapporteur for writing a comprehensive report on the property issues of refugees and internally displaced people. These issues have become one of the challenges of our time because the number of people affected by this problem has increased very rapidly. The statistics vary and the problem is not a simple one. If the abandoned property is occupied or has been confiscated, restoring the legal right of the previous owners – in other words, to ensure the restitution of the properties – becomes more complicated. There is always a chance that compensation may be paid, but that does not provide the satisfaction of restitution.

The refugee system has become distorted because of the liberal migration policies that have been implemented in the European Union for many years, the social rights of migrants and the fact that they have the right to apply to become a refugee apply to every person without discriminating between regular refugees and irregular ones.

The 1951 Convention gave the right to migrate only to individuals who face torture, but European Union members, as well as Canada and the USA, enlarged the scope of this measure. However, they had the necessary measures to protect their borders and the return people who migrate illegally.

Strict border controls and different visa measures push people who want to become regular refugees into being exploited by refugee traffickers who ask high prices for their help. Such people are exposed to different dangers. Strict protection measures end up changing the target country and increase the number who go to peripheral countries such as Turkey.

The immigrant quotas of European countries and some other countries serve as an encouraging factor for migration. In developed countries, there is usually a need for a young, cheap and unqualified labour force. This need also encourages people who want to migrate to go to one of the developed countries. The Pinheiro principles on housing and property restitution of refugees and IDPs, and Recommendation (2006)<sup>6</sup> on internally displaced persons made by the Committee of Ministers in 2006, provide guidance and confirm the rights of IDPs.

There are internally displaced people in Turkey, but for reasons that are different than in most other countries. Internal displacement in Turkey is the result of terrorism. It started in the mid-1980s with the PKK's terrorist activities. All Turkish Governments have encouraged the successful return of the displaced people and have had various projects to do so.

The return to villages and rehabilitation project was launched in 1994. The project tries to establish the necessary social and economic infrastructure for those who want to return voluntarily to their various settlements. If they do not want to return to the properties that they owned before displacement, the project also tries to improve their economic and social conditions in their current settlements.

Another project relates to compensation for losses resulting from terrorist acts and to the measures taken against terrorism. Damage assessment commissions were also formed. Another project, called the internally displaced people support programme was implemented in co-operation with the United Nations Development Programme and was very successful. Thank you.

Mrs TÜRKÖNE (*Turkey*). – Dear colleagues, I should like first to thank the rapporteur, Mr Poulsen, for his concise and comprehensive report. He adopted all the amendments we proposed and examined the issue. The result is an excellent, balanced and satisfactory report. As you may remember, Mr Greenway also prepared a report on this issue. It had the remarkable title, “Europe's forgotten people: protecting the human rights of long-term displaced persons”. The expression “forgotten people” is appropriate and points to the core of the problem.

In this often difficult world, the main goal of every person is to return home from wherever he or she has landed or settled. Home is our final destination and it is the goal of every journey we take either inside or outside ourselves. “Forgotten people” therefore exactly describes people who have lost their homes but hope to return to them. In Europe currently, about 2,5 million people have been affected by this issue. It is clear that a range of action needs to be taken to tackle the problems of refugees and displaced persons. Although the problem is basically the same in all cases, the reasons leading to the problem and the challenges differ from country to country. In any case, the core problem against which we are fighting is the same. The problems affecting IDPs should be temporary, but as



long as governments do not take the necessary action, there is always the danger that the problems will become permanent.

There is obviously no magic formula for tackling the problem that will work for all countries. But, whatever the details of the issue, member states have to find their own way in building effective policies on return that are tailored to their specific conditions. Turkey can be a very good model, as Mr Walter Kälin, the representative of the UN Secretary-General for the human rights of internally displaced persons stated when hosting a very successful project. In Turkey, the term “internally displaced persons” became relevant when there was an upsurge in violence in the south-eastern provinces of our country which threatened our people. The terrorist organisation the PKK has conducted an indiscriminate and bloody campaign of terror against the people of Turkey since the 1980s, and this led to the displacement of about 1 million people, most of them citizens of Kurdish origin, at the height of the conflict in the south-east in the 1980s and 1990s.

Governments of Turkey have taken numerous steps in relation to the IDPs in eastern and south-eastern Anatolia. The return to the village and rehabilitation project and the cabinet decision of 17 August 2005 are among the measures taken in this regard. Moreover, with enactments of the law on the compensation for losses resulting from terrorist acts and measures taken against terrorism, the Government of Turkey has undertaken considerable efforts to guarantee access to financial and other forms of compensation.

Significantly, the governorate of the city of Van, which was deeply affected by internal displacement, has given concrete form to the return to the village and rehabilitation project, and provides model services for IDPs in urban areas. This action plan has been prepared in co-operation with the UNDP and has been shaped by intensive consultation with the relevant local stakeholders as well as internally displaced people.

This is my country’s story and I hope that it can provide a beneficial set of ideas for countries that have just started this work. We believe that our model can contribute to other countries’ endeavours when implementing parallel projects.

We are on a learning curve and we will make some mistakes along the way, but we are determined to reach our target in the end.

Home is undoubtedly always the safest place. We should develop more projects to enable all people to enjoy the right to be at home and to feel safe. Thank you for your attention.

Mr AÇIKGÖZ (*Turkey*) said that the report contained important information about the political situation in Albania. Peace was needed in Albania to ensure the

stability of the whole region, and for Albania's entry into the European Union. Recent political problems were an unfortunate development and had made constitutional reforms impossible. All politicians needed to work together to resolve the problem. The Council of Europe needed actively to engage with Albania; indeed it had a responsibility to do this. The Venice Commission also needed to encourage Albania to reform its electoral system. The Assembly should support the amendments to galvanise change in Albania.