

**14 Nisan 2008**

***Progress report of the Bureau of the Assembly and the Standing Committee – resumed debate***

Mrs MEMECAN (*Turkey*). – I was a member of the ad hoc committee that was in Armenia to observe the presidential elections. People of the small town to which I was assigned kept coming to the polling stations all day long and they experienced yet another election that was certainly not perfect but that was accepted by the international observing committees present.

Awareness and willing participation are of the utmost importance for young democracies to flourish. It takes many free election experiences for people to correct mistakes, improve the election system and to live and learn from the outcome of their votes so that they can understand the power of their votes. Therefore, the 70% overall participation rate was a good sign for democracy in Armenia.

The international community has a great responsibility to observe objectively, to criticise and to recommend accordingly so as to improve elections in the monitored countries. The protests that began after election day were a sign that people were not satisfied with the election system and were eager to voice their objections. With their protests, Armenians showed that they would not accept the next time round the flaws in this election and that they would seek ways to improve the election system and the conduct of elections. Awareness of the need for improvement is a healthy sign in a growing democracy. Unfortunately, what started out as peaceful demonstrations ended up in unacceptable violence and the death of many people.

As the PACE press release and the current report note, there was an apparent lack of confidence in the election system and the conduct of the elections. Statements made by the international election observer mission immediately after election day added to the frustration of the protesters. The generally positive assessment by the international observers, despite many allegations of fraud and the observation of flaws, caused frustration and led to questioning of the credibility of the international observer mission.

The mistrust in the election observation process added to the low level of public confidence in the electoral process. The Armenian experience should lead to discussions about reviewing standards and improving the international monitoring of elections. There is certainly a need for many improvements in the election system and the conduct of elections in Armenia. The report by Mr Prescott successfully details where improvements are needed and offers recommendations for free and fair elections in Armenia. Investigations should continue and shortcomings should be identified as soon as possible.

15 Nisan 2008

***European Muslim communities confronted with extremism***

Mr TEKELİOĞLU (*Turkey*). – Thank you, Mr President. I would like to start my speech by thanking our rapporteur, Mr Mota Amaral. I would also like to underline the point that the Committee on Culture, Science and Education broadly supports the report. In the past, my committee has dealt with similar subjects on many different occasions. Different reports have been prepared on issues that are closely related to the report that we are now discussing.

Muslim communities living in Europe have many problems, most of which stem from the problems of integration. Some countries in Europe have taken measures to speed up the integration process, especially after the 11 September attacks. However, these measures sometimes create risks rather than solving the problems of those communities. Education can play an important role in overcoming the problems and the extremism directed to Muslim communities. It can also help us to overcome the stereotyping of other religions and cultures. I should like to underline the importance of history teaching in this regard. School textbooks should not present a distorted interpretation of religious and cultural history, and should not base their portrayal of Islam on perceptions of hostility and menace. It falls to society at all levels from the schools to the media to avoid the promotion of stereotypes and antagonism. Sadly, today, we observe that some of the political parties in Europe have been intentionally abusing the Islamophobic and xenophobic tendencies in their societies. Politicians should be very careful about what they say, so as to avoid creating stereotypes of Islam and thus creating confrontation in society.

Many parliamentarians in our Assembly think that integration is the only solution to prevent the extremism directed to Muslim communities in Europe. I conceive integration as the active participation of migrants in the social, economic, cultural and political life of the host countries while maintaining their ties with their motherland, their mother tongue and their original culture. However, the new migration and integration laws that have come into force recently in some European countries are raising concerns with regard to the fundamental rights of these migrants, such as that of the family union. If people perceive these new laws to be against their fundamental rights, how can we stop them affiliating themselves with extremist ideologies? That is a valid question that needs to be answered.

Lastly, I would like to underline once again that my committee strongly supports Mr Mota Amaral's report and I urge member states of the Council of Europe to take the report, its resolutions and its recommendations into consideration when trying to solve the problems of Muslim communities.

16 Nisan 2008

## ***Access to safe and legal abortion in Europe***

Mrs KELEŞ (*Turkey*). – I thank Mrs Wurm for preparing such a comprehensive report on such an important subject, which is a matter of human rights and of gender equality. Abortion is a nightmare for almost all women, even in the countries where it is decriminalised. In some of those countries, there are still restrictions that make abortion almost impossible or unsafe in practice. It is true that abortion should not be considered as a means of family planning and that the right to life is the most important human right. We should remember, however, that abortion is related not only to the baby's right to life, but to the mother's right to life.

If legal and safe abortion is not available, the mother is condemned to take care of a child who will make her remember a very unpleasant experience or a miserable period in her life. In a way, she is condemned to live with miserable memories for the rest of her life. The pregnancy may have arisen from a wrong decision that she has made, or a mistaken assessment made when she was inexperienced and young. In other cases, however, abortion becomes a necessity after an experience imposed on a woman by force and with no contribution from her. Pregnancy resulting from rape is an example of that. In such cases, the mother has, or should have, the right to live without remembering that unfortunate and miserable experience, and in order to benefit from that right, she should have access to safe and legal abortion. Moreover, safe and legal abortion should be accessible not only to well-informed and well-to-do women, but to every woman who needs an abortion for physical or psychological reasons. Safe and legal abortion should be within the reach of women with limited financial means.

We should also bear it in mind that women usually have deep affection for their children, even during pregnancy. A pregnant woman will not opt for an abortion lightly: she will not make the decision unless she is obliged to.

I congratulate Mrs Wurm on her report, and especially on the draft resolution, which invites member states not only to lift the restrictions that prevent access to safe abortion, but to take the measures that are necessary to create the appropriate conditions for health, well-being and medical and psychological care, and to offer suitable financial cover. I hope that male parliamentarians will take a positive approach to this subject, with their daughters, sisters and other female relatives in mind.

## **Current affairs debate: The consequences of the declaration of independence by the Kosovo Assembly**

Mr TEKELIOĞLU (*Turkey*). – The status of Kosovo before independence created a serious instability for the region. The continuation of the status quo was inconceivable. The independence of Kosovo brings to a close the final stage of the

dissolution of Yugoslavia. The break-up of the former Yugoslavia gave the people of Kosovo the same opportunity that all the rest of the peoples of the former Yugoslavia had. It was the culmination of a long and unique process. It was inevitable.

Serbia is crucial for the consolidation of stability in the region. Serbia should not isolate itself from Europe because of the loss of Kosovo. The international community should encourage Serbia to continue on its way towards a western-oriented future and we should support Serbia in realising its European aspirations. There is a widely shared desire to welcome the region into the Euro-Atlantic community.

Kosovo, meanwhile, should embrace and guarantee the well-being of all communities of the country. The leaders of Kosovo face the tremendous responsibility of ensuring that their country remain a safe and hospitable home for all its citizens, particularly the Serb minority. The representatives of minority groups in Kosovo should engage and participate in the political process so that the very clear and specific guarantees on minority rights envisaged in the Ahtisaari plan can be exercised. Now that Kosovo's political status has been clarified, its leaders must focus on building a strong, healthy and self-sustaining economy. The challenge is immense.

Kosovo has an unacceptably high unemployment rate. It is plagued by corruption and has experienced limited economic growth. But it also has tremendous assets such as rich mineral resources, a young and dynamic population and a robust drive to succeed. The international community must devise an effective strategy to help boost Kosovo's economic development. The Serbian minority must be allowed to prosper and participate in the new country as well.

I am sure that the Council of Europe will continue to extend its support to both Serbia and Kosovo, in order for democracy, the rule of law and human rights to be developed and fostered in the region. The Council of Europe can continue to guide and monitor the adoption and implementation of the standards and principles which are our common values. Kosovo's success in ensuring those standards for all its citizens will allay the fears of Serbia. On the other hand, Serbia's success in continuing progress in these areas will help the consolidation of stability in the region.

Over a century ago, the geopolitical term "balkanisation" emerged to denote what happens when empires or countries fragment into smaller states that are often hostile to one another. It takes visionary leaders to alter the stream of history. I hope that this term will fall in disuse during the 21st century, under the able leaders of south-east Europe.

Mr KUMCUOĞLU (*Turkey*). – Kosovo, which declared its independence on 17 February this year, ended a decade of uncertainty as a UN protectorate and has been formally recognised by my country, Turkey, along with many other countries. While assessing the consequences of Kosovo's declaration of independence and its impact on the stability of the entire region, we should carefully look into conflicts of the 1990s and refresh our memory.

As we all remember, soon after taking power in 1989, Serbia's former and late leader Milošević used rapid nationalism to crack down on Kosovo's ethnic Albanian population, imposing oppressive and discriminatory policies and taking away their previously recognised autonomy. This finally forced NATO, as an international task force, to intervene militarily to stop the ethnic cleansing that was being carried out by Milošević and his troops against Kosovo's ethnic Albanians. The long-lasting efforts of Finnish President Ahtisaari, as a UN envoy, unfortunately failed. Kosovo went ahead and declared its independence while accepting the obligation embodied in the UN envoy's plan. Under these circumstances, the independence of Kosovo was the culmination of a long and unique process and therefore unavoidable.

While evaluating the current situation in Kosovo, we should not forget that this region has some peculiarities giving uniqueness to the issue. The unique and inevitable character of this process should be well understood and taken into account by all the sides involved. Taking everything into account, the international community should now focus on ways and means to alleviate the side-effects of this process.

In this context, Serbia is still crucial for consolidation of stability in the region. I sincerely believe that Serbia should not isolate itself from Europe because of the traumatic effects of the loss of Kosovo; Serbia must realise that its future lies with European values.

The Council of Europe has a very important role to play in this very sensitive issue. As a benchmark institution of human rights, democracy and the rule of law, the Council of Europe could and should lend its expertise to the people of Kosovo. I believe that when Kosovo does attain a sufficient level of improvement in these fields, it will automatically alleviate the fears that Serbia understandably has for the fate of Serbians living in Kosovo. The Council of Europe should continue to help Serbia to consolidate the progress it has made in these areas, which will further help to stabilise this country.

*17 Nisan 2008*

*Debate under urgent procedure: The functioning of democratic institutions in Armenia*

Mrs MEMECAN (*Turkey*). – The irregularities and shortcomings in the presidential elections in Armenia call for the Council’s immediate attention. The Council’s response to debate the matter under urgent procedure is an opportunity for Armenia to set itself back on the right track. The violations before, during and after the elections, which were observed by the international community, indicate that Armenia could use the Council’s close monitoring in their democratisation process. For basic democratic values to be internalised by the Armenians, their confidence in the elections and even in the democratic system needs to be restored.

The pre-election period saw violations of Council standards: biased publicity, a fraudulent election administration which lacked transparency, and an inaccessible appeals process. Many Armenian people rightly questioned the legitimacy of the elections and took to the streets to show their discontent. The mishandling of the street demonstrations by the authorities have added immensely to the crisis and further distracted the country from European values. Conducting an assembly has been banned, protestors detained and arrested on artificial charges, the arrested mistreated and the media harassed and silenced – all violations of individual rights and freedoms. Those are unacceptable measures for a country that claims to be on the way to democratisation. The people’s trust in democracy, human rights and the rule of law has been greatly damaged.

The report prepared by Mr Prescott and Mr Colombier details the problem areas that led to the current crisis and offers solid recommendations for the Armenian leadership to end the crisis and to lead the way to a more democratic Armenia. The first and foremost recommendation is to include all parties in the open dialogue, starting with an inquiry into the 1 March events, which caused 10 deaths and hundreds of injuries. However difficult that might seem, it is possible if the leaders have the will to do it. The immediate release of non-violent detainees is crucial for a healthy dialogue to begin and for a step forward in human rights. Improved dialogue will also help Armenian leaders, in their relationships with neighbouring countries, to end occupation and find solutions to long-lasting international disputes.

Armenian leaders should waste no more time in understanding the severity of the situation. Council membership is invaluable on the way to democratisation. However, the rights of the Armenian delegation will be suspended if progress is not made in the coming weeks. The leadership should review the Council’s recommendations and start implementing the constructive measures for the sake and the future of the Armenian people.

Our colleague mentioned the blockade in his speech, but no blockade is imposed by Turkey on Armenia. There are scheduled direct flights between Armenia and Turkey.

## ***The accession of the European Union/European Community to the European Convention on Human Rights***

Mr CEBECİ (*Turkey*). – On behalf of the European People's Party, I want to congratulate Mrs Bemelmans-Videc on her comprehensive report. We fully share her analysis and strongly support the draft resolution and draft recommendation advocating the accession of the European Union to the European Convention on Human Rights. This issue has been subject to long-standing discussions in our Assembly and in other forums. The Lisbon Treaty has finally provided the legal basis and the political mandate for this accession. There are still some legal and technical issues to be resolved but, given the Europe-wide consensus on the necessity of the EU's adherence to the ECHR, these issues should not impede a rapid implementation of the processes required.

The accession of the EU to the ECHR is necessary because we need coherence in the human rights protection system in Europe. At the moment, EU decisions and actions in the area of human rights and fundamental freedoms are not subject to an independent external review. This creates a major legal gap in Europe where the scrutiny of the European Court of Human Rights does not apply. Furthermore, it is an apparent contradiction that the ratification of the ECHR by candidate countries is a precondition for EU membership, while the EU itself, its legislation and its activities are exempt from the supervision of the European Court of Human Rights.

The accession of the EU to the ECHR will provide for the best possible protection of human rights and fundamental freedoms in Europe by bringing the EU institutions under the general supervision that all European states have accepted. At the same time, it will deliver a message of consistency on behalf of the EU on the uniform application of common European norms and standards in the area of human rights and fundamental freedoms. Overall, the accession will strengthen the EU's credibility in the human rights field.

We understand that the main argument against the accession is that “accession to the ECHR would be incompatible with the principle of autonomy of community law, including the position of the Court of Justice as the sole arbiter of that law.” Indeed, following accession, the European Court of Justice will remain the final authority on the interpretation of EU law. The European Court of Human Rights will only supervise the compatibility of EU law in the area of human rights and fundamental freedoms with the provisions of the ECHR. The mandates of both courts will be complementary to each other. Besides, with the accession to the ECHR, the EU will be able to represent itself before the European Court of Human Rights, instead of its member states being held responsible on its behalf. The EU's accession to the ECHR will also help to ensure harmonious development of the case law of the European Court of Justice and the ECHR on human rights matters.

On Tuesday, I was happy to hear from the German Chancellor that we have the backing of one of the leading countries in the EU with regard to the EU's accession to the ECHR. Taking into account all the advantages of the EU's accession to the ECHR without further delay, we join the rapporteur's call to the European Parliament as well as to the national parliaments immediately to proceed with the ratification of the instruments required for accession. We also call on the Committee of Ministers to launch preparations on behalf of the Council of Europe for the necessary arrangements for a rapid succession.

Citizens would then have recourse to the European Court of Human Rights if they felt that decisions in Brussels had infringed their rights. As Chancellor Merkel said in her address here on Tuesday, this would be an important development, although I, too, hope and expect that citizens of the Union will not often need to use that remedy.

I welcome this report and, subject to ratification of the Lisbon reform treaty by all EU member states, look forward to accession by the EU to the Convention. I should like to add that Ireland is the only state among the 27 in the European Union to hold a national constitutional referendum, which it will do in June. That gives us a tremendous responsibility. By agreeing today that discussions will be entered into between the European Union and the Council of Europe, I believe that we will enhance the attractiveness of the Lisbon reform treaty, which will assist its passage by the Irish electorate.