

## AVRUPA KONSEYİ PARLAMENTER MECLİSİ GENEL KURULU

20 – 24 NİSAN 2015

20 Nisan 2015, Pazartesi

### ***Free debate***

Mr DİŞLİ (*Turkey*) – The tragic consequences of the First World War are still relevant today as a matter of historical controversy between Turks and Armenians, despite centuries of peaceful co-existence. The background to this prolonged controversy differs in the national narratives, as well as in the personal memories of Turks and Armenians. However, by any measure it is not fair to say, “Turks would gladly forget what happened 100 years ago.” On the contrary, I believe that what happened in 1915 needs to be understood fully, so that the memory of the lives lost can be properly respected.

Turkey is ready to welcome co-operation with third countries and believes that a scientific, objective study of the archives of Turkey, Armenia and other relevant countries and institutions will be instrumental in revealing the historical truth. We have already declared our commitment to accepting the outcomes of the work of such a commission. A peaceful common future between Turks and Armenians can be built on a solid basis only through dialogue, and we are determined to take further steps towards the normalisation of relations between the two nations. In that respect, we are ready to host the Catholicos of All Armenians, Karekin II, in the liturgy to be held at the historical Armenian church in Akhtamar Island, in Turkey, in September. That is set to be another milestone.

Unfortunately, on the eve of April 2015, the Armenian authorities intensified their anti-Turkish activities, and they stand ready to seize any opportunity against Turkey in the context of 1915 events. Turkey will continue its efforts to save the future generations from the domination of this bitter rhetoric and hostility, without forgetting the difficult periods in our common past. We sincerely hope that Armenia will adopt a constructive approach towards normalising relations with Turkey, instead of holding on to political slogans demonising Turks. I thank you all for listening.

### ***Free debate***

Mr DENEMEÇ (*Turkey*)\* – The term “genocide” was first legally defined in the Convention on the Prevention and Punishment of the Crime of Genocide in 1948. As the International Court of Justice has recently underlined, the genocide convention is not retroactive. For the ICJ, the threshold for applying the legal concept of “genocide” is extremely high. In order for genocide to be established, a

specific intent must be present and convincingly demonstrated. According to the case law of the ICJ, deportation or displacement of the members of a group is not necessarily equivalent to destruction of that group and nor is such destruction an automatic consequence of the displacement.

In the case of *Perinçek v. Switzerland*, the European Court of Human Rights expressed doubts about the alleged existence of a general consensus concerning the legal characterisation of the events of 1915 as genocide. On the other hand, the various human rights protection mechanisms put an emphasis on the incompatibility of laws with the respect for freedom of expression that is a pillar of democratic societies based on pluralism and freedom of thought. The *Perinçek* case is an example of how such laws, through their vague and sweeping wording, violate freedom of expression. The essential ground for Mr Perinçek's conviction by the Swiss courts was the apparent existence of a "general consensus" concerning the legal characterisation of the events of 1915. The ECHR expressed doubts about the existence of such a general consensus and is not satisfied that the general consensus can be relied on in relation to the notion of genocide, which is a precisely defined legal concept.

The best way of avoiding uncertainties and abuses seems to be to limit criminal liability and punishment to cases of denial of genocides that have been established by a final decision of a competent international court on a clear legal basis, such as the 1948 genocide convention and the Rome Statute of the International Criminal Court. The use of such a very narrow legal term is best assessed by a competent international court.

Mr SELVİ (*Turkey*) – Dear colleagues, in Turkey we have been commemorating the start of the naval battles as Martyrs' Day, which is marked on 18 March every year. The date of 25 April marks the anniversary of the start of the land battles in Çanakkale, and is observed as Anzac Day in Australia, New Zealand and several other Commonwealth states. So that Anzac Day is not overshadowed and we capitalise on the international presence in Turkey on that day, the day before, 24 April, has been established as International Day for more than a decade. Commemorative ceremonies are held on that day.

On the 23rd of this month, leaders of the countries that fought in the Çanakkale battles will come together in a peace summit to send a message of global peace to the entire world. The following day will be devoted to commemoration ceremonies marking the 100th anniversary of the Çanakkale land battles. However, this ordinary sequence of events is unjustly being exploited by the Armenian side, which is deliberately attempting to create confusion between the commemoration ceremony to be held in Çanakkale and the ceremony being held in Yerevan on the same day.

The Armenian allegation that Turkey has deliberately organised the Çanakkale commemorations on 24 April in order to overshadow the ceremony to be held in Yerevan is baseless and overlooks the fact that previous Çanakkale ceremonies have been organised jointly on 24 April for many years. We expected that, by participating in the ceremony, Armenia could, alongside Turkey, represent those Ottoman Armenians who lost their lives in Çanakkale while defending the homeland. Unfortunately, Armenia has once again failed to seize the opportunity and shown that it is far from sharing in the more open-minded approach.

21 Nisan 2015, Sali

***Questions to Mr Jagland, Secretary General of the Council of Europe***

Ms BİLGEHAN (*Turkey*)\* – Secretary General, your launching of the Council of Europe platform for the protection of journalists at the end of 2014 ushered in a glimmer of hope for journalists, who are under pressure in a number of Council of Europe countries. What has been the follow-up to that initiative?

***Humanitarian consequences of the actions of the terrorist group known as “Islamic State”***

Mr GÜR (*Turkey*) – I thank Mr Bockel, the rapporteur, who has brought this important issue to our attention again. Refugees are the forgotten people. You met people in the camps, Madam President. Thanks to Turkey, people were able to build lots of camps, but the refugees there are the small proportion who receive good service. Unfortunately, millions do not, and we should not forget those who still do not get any assistance from the world.

The IDP problem is another disaster. Today, in Iraq and Syria, millions of IDPs face a humanitarian crisis, but unfortunately none of them gets any assistance from the world because of conflict and the brutal attacks of ISIS on Iraqi and Syrian people. Millions of refugees are waiting for our warm hand and millions of them, including women and children, need urgent support.

In Kobane and Shingal, where Yazidi people live, millions of people have been forcibly displaced by that brutal and barbaric organisation, ISIS. In Kobane, the only real resistance against them in the name of humanity came from the Kurdish people, together with their supporters, who saved the lives of hundreds of thousands. Now, people want to return to Kobane to rebuild their city. That is why I call on all member States to have the courage to rebuild Kobane as a home for

refugees. Two hundred thousand of them live in Turkey and hundreds of thousands of them want to return to their land, but they need assistance.

As a final point, ISIS has not only committed crimes against humanity and war crimes, but destroyed our civilisation. Tens of museums and hundreds of pieces of our heritage have also been destroyed by that barbaric organisation. We must stop it, so I call on all member States to help us to help people to help the refugees and to stop these brutal attacks against humanity.

***Humanitarian consequences of the actions of the terrorist group known as “Islamic State”***

Mr DENEMEÇ (*Turkey*) – I thank Mr Bockel for his report. He had the opportunity to observe the conditions on the ground during his fact-finding mission to Turkey. As the report rightly underlines, the international community should step up its assistance to address the needs of people fleeing the dreadful acts of Da’esh and the Syrian regime.

I would like to stress that Islam, a religion of peace, does not correspond to acts of terrorism. It is unacceptable to use these two words together, especially to describe the most ruthless terrorist organisation history ever witnessed, so the Assembly should refer to this terrorist organisation as Da’esh.

Turkey shares nearly 1 300 km of border with Syria and Iraq. Da’esh constitutes a direct threat to Turkey’s national security. As long as the Assad regime stays in power, stability, security and prosperity for Syria will remain obscure. Turkey has made it clear time and again that the international coalition’s air operations will not be enough. Bringing stability back to Syria requires a comprehensive, swift and action-oriented strategy. We have stated that Syria and Iraq should be treated as a single theatre in the fight against Da’esh. No-fly zones and safe areas should be an essential part of any such strategy. A comprehensive approach would also help us to ease the humanitarian disaster and the immigration pressure facing regional countries and Europe.

There are three tracks to the Turkish Government’s humanitarian operations. First, we maintain an open border policy. Currently, there are more than 256 000 Syrians registered in 25 shelters in Turkey, whose needs are provided by the Turkish Government. Secondly, we assist the Syrians who live in various towns in the region outside those shelters. The third track pertains to extending humanitarian relief to the northern parts of Syria. Syria’s neighbouring countries, including Turkey, have so far assumed an unfair share of the humanitarian burden of the Syria conflict. They should not be left alone to cope with this humanitarian crisis. It requires a genuine historical partnership among all members of the international community.

## **Humanitarian consequences of the actions of the terrorist group known as “Islamic State”: resumed debate**

Mr GÜR (*Turkey*) – The Bureau recently adopted a declaration on Kobane. If we really want to help refugees, we need an interim corridor, so we support the amendment.

Mr SELVI (*Turkey*) – We are strongly against the amendment, mainly because the mentioned declaration does not reflect the reality on the ground. It contains elements that counteract reports of the United Nations Office for the Coordination of Humanitarian Affairs on the situation of Syrian refugees. The report touches upon a very important issue: the humanitarian consequences of the ongoing crisis in Syria and Iraq.

We thank the rapporteur once again for his hard work, but we should refrain from any attempt to miss the focus of the report and diminish its potential impact.

22 Nisan 2015, Çarşamba

### ***Communication from the Committee of Ministers***

Ms ERKAL KARA (*Turkey*)\* – We are all concerned about the withdrawal of the broadcasting licence from ATR, the television channel for Tatars in Crimea. Mr Jagland responded to that and said that media plurality and diversity of content were just as important in Crimea as everywhere else in Europe. What specific measures have you put in place to guarantee media freedom in Europe in accordance with the European Convention on Human Rights?

### **Current affairs debate on**

#### **The political and security situation in Ukraine and its implications**

Mr DIŞLİ (*Turkey*) – The crisis in Ukraine is a strong reminder of why we need to strive relentlessly to uphold the values of the Council of Europe. The international community should put more effort into addressing the deteriorating humanitarian crisis in Ukraine, and particularly the dire situation of the Crimean Tatars.

Turkey supports all efforts to find a peaceful solution to the crisis, based on territorial integrity and the sovereignty of Ukraine. The military escalation in recent days in eastern Ukraine is a cause for concern. The cease-fire must be honoured by all parties. In that regard, full implementation of the Minsk Agreements is urgently

needed. According to the World Health Organization, the death toll in Ukraine is over 4 800. We need to ensure that this crisis does not claim more lives.

Turkey has expressed its strong political and economic support for the Ukrainian government. In this context, Turkey will extend a \$50 million soft loan to Ukraine, as well as \$10 million of humanitarian aid to IDPs in Ukraine. I firmly hope that international assistance to Ukraine increases as soon as possible.

The situation in eastern Ukraine should not divert our attention from Crimea. The human rights situation in the peninsula is deteriorating. Crimean Tatars are undergoing pressure from the *de facto* authorities in Crimea. The arrest of Ahtem Çiygöz, the Deputy Chairman of Tatar Milli Majlis, in January, and the subsequent shutdown of the Crimean Tatar ATR TV in April demonstrate the constant pressure and intimidation exerted against the Tatar community. On 1 April 2015, Crimean Tatar media outlets, including the ATR television channel, the QHA news agency, the Avdet newspaper and others, were forced to cease their activities in Crimea by the *de facto* authorities of Crimea.

Amnesty International states: “This blatant attack on freedom of expression, dressed-up as an administrative procedure, is a crude attempt to stifle independent media, gag dissenting voices, and intimidate the Crimean Tatar community.”

Freedom of the press is a fundamental right of pluralistic and democratic societies. Crimean Tatars, Crimea’s main community, should enjoy their fundamental rights without suppression. In this regard, such suppressions constitute clear violations of the basic principles of the Council of Europe. The human rights situation in Crimea must be followed closely.

### ***Discrimination against transgender people in Europe***

Ms BİLGEHAN (*Turkey*)\* – For the first time, we are called upon to take a stand on discrimination against transgender people. I, too, congratulate the rapporteur, Ms Schembri, on her excellent work and her many recommendations. I also thank the Secretariat for the hearings that took place at the Committee on Equality and Non-Discrimination. They allowed us better to understand the daily lives of transpeople and the extent of discrimination that they have to deal with.

We were moved by the personal experience of one of our colleagues who spoke earlier. Transpeople are victims of multiple forms of discrimination in all walks of life – particularly in access to work, health care, housing and education. In recent years we have been witnessing greater awareness of the need to fight discrimination on grounds of gender identity. Ms Schembri’s report and the resolution stress the

lack of awareness among the public at large on this issue. Moreover, national policies are poorly tailored to the needs of these individuals.

The resolution highlights the many violations against the fundamental rights of transpeople. It calls on States to take appropriate measures – specifically, to prohibit discrimination on grounds of gender identity in national legislation. Transpeople’s privacy and dignity should be respected and everyone’s fundamental rights should be recognised, irrespective of how they define themselves. I call on everyone to support the resolutions and I thank members for their contributions.

Ms BİLGEHAN (*Turkey*)\* – The committee felt that it was advisable to include in the text of the draft resolution a specific reference to the interests of the child as indicated in Amendment 9. However, the committee proposed the oral sub-amendment in order to use exactly the wording that appears in the United Nations Convention on the Rights of the Child.

### ***Social services in Europe: legislation and practice of the removal of children from their families in Council of Europe member States***

Ms ERKAL KARA (*Turkey*)\* – I thank the rapporteur for her excellent job, and I very much hope that governments will consider the recommendations in the report.

In some European countries, the removal of children in accordance with legislation is carried out only when there are severe difficulties. However, when the families involved are migrant families, the social services tend to be less tolerant. Each culture has its own nuances when it comes to the perception of the parental role, and social services often do not take those cultural differences into consideration. Erroneous decisions – or deliberate wrong decisions – can have terrible consequences. Families are torn asunder and children are taken away from their mother tongue and their mother culture.

Youth agencies in the Netherlands, Germany and Austria have wide-ranging powers. According to experts in the field, including legal experts, the exercise of those powers is not subject to sufficient control by the national authorities. Parents can be in a weak position in their relations with those agencies, because they have language difficulties and cannot communicate their problems. Furthermore, when children are removed from a family, parents do not see their children for a long period and cannot speak freely with them even if they are authorised to see them, because they are under strict supervision. The rupture caused by putting a child with a host family or foster family is a violation of the rights of the child concerned. In a number of cases, the European Court of Human Rights has also underlined the fact that family links must be maintained, unless the circumstances are truly exceptional.

I wish to emphasise the fact that in order to end discrimination against migrant families, removal of children should not be decided by administrative bodies but rather by judicial bodies. That would be in the best interests of the child and the family.

23 Nisan 2015, Perşembe

***Debate under urgent procedure: The human tragedy in the Mediterranean: immediate action needed***

Ms ERKAL KARA (*Turkey*)\* – It is terribly sad that these people are losing their lives in the Mediterranean and the humanitarian situation of irregular migrants is of grave concern. Last year, 3 500 people died in the Mediterranean and the figure this year is already up to 1 600. That requires urgent, concerted action to be taken by the international community in order to prevent other humanitarian tragedies.

Irregular migration is a worldwide problem with worldwide consequences, so we need to adopt a global overall approach with all countries involved and acting. It is obvious that security measures are one of the pillars to combat irregular migration. We need to combat smugglers and traffickers in human beings, and that must be intensified. However, to concentrate only on security measures without attacking the deeper root causes of this migration, such as economic, social and political instability in various conflicts would result in only limited and temporary success. Consequently, a sustainable solution will be found only when we manage to deal with the root economic, political and social causes of irregular migration.

It is extremely important that the host countries support peace processes in countries affected by conflict and increase their humanitarian and development aid to the countries of origin and the countries of transit in order to raise living standards in those countries. Furthermore, new measures must be adopted to intensify search and rescue operations so that we can avoid further loss of life in the Mediterranean. However, some target countries suggest that responsibility for saving lives must be put on the shoulders of transit countries or front-line countries. That is not only unfair, but it would also not achieve the desired result. Saving and helping these people in distress must be seen as the common responsibility of humanity as a whole.

As a member of the Turkish delegation, I wish to share some statistics that underscore the seriousness of the challenge that we must meet. In 2014, almost 15 000 irregular migrants and 106 smugglers and traffickers were arrested by the Turkish authorities. In 2015, the Turkish coastguard has already saved 1 500 migrants who were in distress at sea.



24 Nisan 2015, Cuma

***The effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond***

Mr DİŞLİ (*Turkey*) – I will make just a few short remarks. First and foremost, I congratulate the rapporteur. In the name of the Committee on Legal Affairs and Human Rights, I pay tribute to the contribution that the European Court of Human Rights has made to the protection of human rights in Europe. In so doing, I associate the position taken by the committee with what was said by President Brasseur at the recent high level conference organised by the Belgian chairmanship of the Committee of Ministers on 26 and 27 March in Brussels.

It is important to emphasise the effective implementation of the European Convention on Human Rights and our shared responsibility in ensuring that the extraordinary success story of the Convention system is maintained and reinforced. In other words, we must clearly recognise that the supervisory mechanism in Strasbourg is subsidiary and that it is primarily the role of national authorities – namely the governments, courts and parliaments – to guarantee the effective protection of human rights.

I wish to stress the important role that we parliamentarians can play in, for example, improving the effectiveness of domestic remedies and examining carefully whether our legislation is compatible with Convention requirements. In the name of the committee, I sincerely hope that both texts we put before you this morning will be adopted unanimously by the Assembly, as they were in our committee. I thank you for your attention.

By the way, regarding our Armenian friends, there was no Ottoman Turkey in history. There was only the Ottoman Empire and then, after 1920, there was only Turkey.