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# Monday, October 10, 2016

## Progress report of the Bureau and the Standing Committee

***Mr KOX (Netherlands, Spokesperson for the Group of the Unified European Left) – I compliment Ms Schou on her very relevant progress report. As she discusses in her report, a lot has happened in our area and neighbouring areas in the Council of Europe. I will comment on some of those developments.***

      On the negative side, there has been the coup d’état in Turkey and its aftermath. We compliment all our Turkish colleagues on their firm and brave stance against the coup, but we in the Group of the Unified European Left are shocked by the ongoing suppression of fundamental freedoms in Turkey with the false excuse that such violations would not be necessary if not for the failed coup d’état. The coup seriously threatened Turkey’s democracy, but I am sorry to say that the way that the Turkish authorities are acting now is doing the same. I therefore urge all our Turkish colleagues to stand firmly for the protection of human rights, the rule of law and democracy in their country.

      Also negative are the continued non-implementation of the Minsk agreement and the ongoing civil war in Ukraine. I urge all parties involved to overcome their difficulties and comply with the agreement, including, first and foremost, the Ukrainian Government and Parliament, which are the authorities responsible for guaranteeing fundamental freedoms and rights for all Ukrainians.

      On the negative side as well, people continue to die in the Mediterranean while trying to reach Europe, and European states continue to refuse to share the burden. Greece is bearing most of the refugee burden. It is to be complimented for sheltering so many, but it is a shame that the rest of Europe is unable to organise international solidarity on that issue.

Fortunately, there is also some positive news. I congratulate all colleagues who participated in the election observation missions to Belarus and Jordan. I hope that we will soon receive the new delegation from Jordan, and that one day we will also receive a delegation from Belarus when it is willing and able to meet its obligations.

Finally, I wholeheartedly support the attempts by the President of this Assembly to bring together once again elected representatives of all member states in this Chamber. In the opinion of the Group of the Unified European Left, it does not make sense to exclude parliamentarians from this Assembly as long as their governments participate fully in the Committee of Ministers of the Council of Europe. I therefore hope that we will welcome a new Russian delegation in the January part-session. In these dangerous times, we are in dire need of an Assembly in which the parliaments of all member states are represented and participate.

## Questions to Mr Thorbjørn Jagland, Secretary General of the Council of Europe

***Mr ÖZSOY (Turkey, Spokesperson for the Group of the Unified European Left) – The Unified European Left is extremely worried about the freedom of the press in Ukraine, Hungary and, in particular, Turkey. The Turkish Government has been exploiting the failed coup attempt of 15 July as an opportunity to silence all opposition voices in the country. A key target of the ongoing witch-hunt is the press. The number of arrested journalists has increased from 30 to 120 in the past two months. Most recently, 23 media outlets – mostly Kurdish and Alevi – were closed down by government decree, including Zarok TV, which broadcasts cartoons for Kurdish children and has nothing to do with the coup. What is your position on the issue? Do you have any concrete plans to help improve the freedom of the press in Turkey?***

      Mr JAGLAND – Thank you for that question, because it gives me the opportunity to say that I, too, am very concerned. That is why we are doing a lot of work with the Turkish authorities on that issue. Other issues related to terrorism legislation were on the table before the attempted coup, but, following it, we need to speed up the process. Other questions include how the Turkish authorities are taking on those behind the attempted coup.

      Last week, therefore, on Thursday, I had a meeting with the most important press organisations in Europe, which are part of a platform that we have established with them where they can post alerts about threats against freedom of expression and against journalists. In particular, they informed me about the situation in Turkey and gave me some important information.

      In concrete terms, what we are doing is related to a number of judgments by the European Court of Human Rights against Turkey on how it applies terrorism legislation, in particular, so as to violate freedom of expression. There are a number of Court decisions in that respect, and there is an ongoing process in the Committee of Ministers, which is responsible for getting member States to implement Court judgments. Normally, the Court requires an individual measure, which is often to do with compensation to the individual whose right has been violated, as well as general measures, such as changes to the legislation – or in its application – that has led to the violation of a certain article. That is what we are dealing with now in the Committee of Ministers.

      The Committee of Ministers has made several decisions and, in a special working group that includes the Turkish authorities, we are discussing how Turkey can implement the judgment of the European Court of Human Rights by changing either the application of its existing laws or the laws themselves in order to bring everything into conformity with the judgment. This has already been in the media, so I can say that that is also interesting for the visa liberalisation negotiations between the European Union and Turkey, because the European Union has made demands of Turkey in that respect.

      In general, we have had very concrete interactions with the Turkish authorities about the measures taken after the attempted coup. We are going through all the decrees that have been issued under the state of emergency. It is important for us that the authorities put in place judicial safeguards for all those who have been arrested, investigated or prosecuted, or who have been suspended from or lost their jobs. There has to be due process, and a fair process, for those people.

      I have reminded the Turkish authorities about the following: even in a state of emergency, the rule of law exists and the European Convention exists. There might be some misunderstanding here – that the Convention can be suspended. That is not true. One may derogate or deviate from certain articles under a state of emergency, but all Turks have the right to go to the European Court of Human Rights in Strasbourg to complain about any wrongdoing by their authorities. It is important to know that, because if the Turkish authorities are not acting in conformity with the Convention and the case law of the Court, and we cannot get them to do so, the risk is that we get thousands of applications to the Court. Last week, we heard how nearly 20 000 applications had arrived in the Constitutional Court of Turkey, and if it does not deal with those properly, they will come here.

      We have to do everything we can in co-operation with Turkey to avoid that situation. That is what we are doing, and that is why it is important to speak about the matter you raised.

***Mr HUNKO (Germany)\* – My question concerns the situation in Turkey. Today, there is a commemoration of the first anniversary of the dreadful terrorist attacks that took place on 10 October, but those involved in that commemoration are being attacked with water cannon and gas by the Turkish police. Of course we need to co-operate with the Turkish authorities, but why are you avoiding giving a clear statement regarding what is happening in Turkey? It is important that we send out a clear message, and that you do the same.***

***Mr KÜRKÇÜ (Turkey) – My question is this. Turkey has declared that it has derogated from the European Convention on Human Rights in total. Is that probable? Does that mean that Turkey has derogated from the right to property, the right to free speech and the right to organise? Is that acceptable, and does it correspond to the presumed threat that the country is fighting? Please clarify.***

***Mr JAGLAND – Mr Hunko asked about the recent crackdown on the attempted commemoration of what happened a year ago in Turkey. I, too, find the methods that were used unacceptable. When such things happened in Gezi park some time ago, I was on the spot immediately and speaking with the Turkish authorities. I do not find it very pleasant to see things being done that we agreed at the time should not be done, so you can be sure that that will be raised. In general, however, I cannot comment daily on all the things that are happening, because we have a constructive dialogue with the Turkish authorities and we need to go through everything. Turkey is in a difficult situation. I cannot be a judge; I am not a courtroom. I must now work with Turkey on our mandate – namely to put in place judicial safeguards for all those who are being prosecuted, to see that their rights are met and that there is due process in the Turkish judiciary.***

That brings me to the next question, from Ms Schou: what can we do to ensure that there are fair trials in Turkey in the aftermath of the attempted coup? We from the Council of Europe or the Secretariat cannot intervene in the process in the courtroom. We have a principled position that we cannot be directly involved in, for instance, observing the trials. Others can do it, however, and many will, for sure. It is extremely important that this is done so that there is full transparency where full transparency is possible in these trials.

I did not understand the question about NGOs or foreign agents in the Russian Federation, but if it was about Memorial being put on the list of foreign agents in Russia, I immediately protested and said the same as I have always said. Yes, this conforms to Russian law but therefore the Russian law should be changed. I recognise that all nation states have the right to say that NGOs should explain where their funding comes from. It is very important, if you receive funding from abroad, that you should make it public. However, to call those who get money from abroad foreign agents is wrong. This has a clearly chilling effect on the NGO community. It is very harmful for an NGO to be branded like that. We all start to think about what happened in the past. That is why I have said – and will say again when I visit Moscow in December, taking it up with the State Duma – that they should start the process of changing the law on this point.

I was very glad to get the question about derogation from the European Convention on Human Rights in Turkey. No, the Convention as a whole cannot be derogated from. Certain articles in it cannot be suspended or derogated from, including Article 2, on the death penalty, Article 3, on ill treatment and torture, Article 4, on forced labour and slavery, and Article 7 on judicial processes. You cannot set aside these articles. As I said, derogation must be limited in time and scope. It is the Court here in Strasbourg that decides whether the measures under a state of emergency are proportionate and conform to the rule of law. So the European Convention on Human Rights applies in Turkey; all Turkish citizens have the right to go to the Court. The measures under the state of emergency must be brought to the courts in Turkey and to the constitutional court. If the constitutional court does not rule on this, the European Court of Human Rights here will get the applications and deal with them.

It is a misunderstanding that the whole Convention can be derogated from. I see that there has recently been a discussion in the United Kingdom on a specific point. I got the impression that someone was talking about reserving parts of the Convention – this is not possible. You cannot make a reservation as you can in the European Union; you can, for instance, reserve certain fields of European Union co-operation. When it comes to the European Convention, however, there is no right to reservation. You may derogate from some of the Convention’s articles for a limited time and the measures you take in this limited time must be proportionate. It is the Court here that decides whether measures are proportionate. If you do not follow this, the risk is that there will be complaints to the Court and condemnation, which would be very bad.

# Tuesday, October 11, 2016

## The Organisation for Economic Co-operation and Development – enlarged debate

***Mr HUNKO (Germany, Spokesperson for the Group of the Unified European Left)\* – Thank you for the report. To recall the history of the OECD, it was founded after the Second World War to assist in the rebuilding of Europe, like the Marshall Plan, which worked and from which my country profited. However, what we see today, following the latest financial and economic crisis, does not suggest a similar reconstruction. Instead, rather than economic co-operation, economic competition between member states is increasing, and austerity rather than development is writ large, particularly in Europe, and Europe is suffering considerably from those policies. We need to connect with the previous history of the OECD. We need a reconstruction and development plan for Europe, particularly for southern Europe.***

I welcome the fact that you have concentrated on inequality. You discuss income disparities. Compared with the 1980s, income disparity has risen considerably. I am rapporteur for this Assembly on income disparity. It is an important issue, because it has many consequences, first and foremost economically, because inequality can lead to economic instability, but also politically, as you were saying.

      One of the consequences is the rise of right-wing populism and populist forces, which we are seeing in Europe. That is a symptom, not a cause, of something dysfunctional that is not working. What practical solutions do the OECD advocate to tackle issues such as income disparity? It is important to hear such proposals. You might also want to say a word about another important area: our report on the Panama Papers and their sequel, the Bahamas leaks.

      I would also like to hear you comment on the deregulation of the banking sector. That was a problem in the 2008-09 economic and financial crisis, and we need to tackle that. It affects the German banking sector and that in other countries. The sector is out of kilter and we have not been able genuinely to reform it.

As Mr Davies said, CETA and TTIP are big issues. As things stand, I do not see how those agreements can get to grips with the kinds of problems that you talked about. I fear that those free trade agreements will exacerbate inequality and disparity, and weaken our democracy, because multinational enterprises will have more power than democratic societies.

## Address by François Hollande, President of the French Republic

***Mr President, you have the floor.***

      *Mr François HOLLANDE (President of the French Republic)\* – Mr President, Secretary General, ladies and gentlemen, honourable members of parliament, your excellencies, ambassadors, my presence here today is designed to reiterate France’s profound commitment to your institution, the Council of Europe, here in Strasbourg, a capital of Europe. However, I am fully aware that the particularly grave circumstances in which we find ourselves add specific overtones to my visit.*

*The values promoted by the Council of Europe should be a constant source of inspiration to us. François Mitterrand, who attended the Hague Congress in 1948, always reminded us that what Europe is really about is safeguarding hard-won freedoms and extending them to all. This has been the work of the Council of Europe over the years since. The Council of Europe now brings together 47 countries and 820 million citizens. All its member states have solemnly committed to ensuring that human beings are at the very heart of their legal systems. The Council of Europe is the depository for 211 conventions, of which France has ratified 135. At the very pinnacle of this construction is the Convention for the Protection of Human Rights and Fundamental Freedoms in Europe. France has always endeavoured to respect all the principles set out in that convention.*

*I would like to take this opportunity to commend you for your constant efforts to promote freedoms further, not only by pushing back the borders of Europe as you have done but by extending the scope for protection of freedoms at the same time. In that way, you have extended your remit to ethical questions, such as banning human cloning. You have also worked on the issue of human trafficking. You have fought hard against gender violence and worked tirelessly to protect personal data, as part of our right to privacy.*

*Over and beyond those principles, however, we need binding mechanisms to ensure that we achieve compliance. That is the primary task of the European Court of Human Rights, whose president I have just met. I stress that France will carry out its duty when it comes to respecting the rulings of the Court. France has supported all reforms designed to improve the way in which the Court operates. In particular, I refer to the most recent protocols, namely Protocols 14 and 15, which France ratified. We are also preparing definitive adoption of the 16th Protocol. Our support for the Court is also designed to ensure that we achieve full implementation of those decisions. That is why we have adopted a law to ensure that we simplify procedures for delivering on criminal condemnations of France by the Court. That will also apply to the field of civil law. Decisions pertaining to individual civil status will be subject to re-examination every time a Court decision condemns France. That will apply, for example, to sex changes and changes to people’s civil status.*

*Every time the Court has adopted a decision, France has always ensured that our legislation is changed. In 2013, we introduced a specific offence regarding human trafficking. In 2014, our rules regarding pre-trial detention were subject to root-and-branch reform, so as to guarantee better rights for the defence during investigation. More recently, we have instigated the right to professional representation for members of the armed forces. Not only have we recognised that right; we have actually delivered on it.*

*I am also fully aware of France’s duty when it comes to the state of our prisons. We are fully aware of the implications of prison overcrowding and the need to move towards individual cells. The government recently announced a plan, with funding of more than €1 billion, for building new prisons. However, our prison policy involves a second problem, namely that of alternatives to imprisonment.*

*Those are just a few reasons why I believe so strongly in the role of the Council of Europe. You have done so much to promote the rule of law and to ensure that we all live up to the promises we have made. I pay tribute to the work of the Commissioner for Human Rights and the Venice Commission, both of which have played such an important role since 1990 in the transition in central and eastern Europe, in particular in the Balkans and today in Ukraine.*

*I also salute the work of the Council of Europe Development Bank. It is not sufficiently known, but it funds eminently social projects in 41 member States. Recently the Bank set up a specific fund designed to promote support for refugees and migrants. France feels honoured to be one of the three main shareholders of the institution.*

*Over almost 70 years, the Council of Europe has done an enormous amount to build a continent of peace, co-operation and freedom without precedent or equal elsewhere in the world. However, let us be aware of the fact that this movement could come to a brutal stop. It is subject to a series of threats such as terrorism, as well as the upsurge in populism and extremism, promoted to an extent by the refugee and migration crisis. We have heard all about nationalism and the rise in sovereignist movements, which give people the idea that individual countries can find all the answers they need. Even your role is starting to be questioned. Some people suggest that you are not in a position to protect your fellow citizens, as if freedom could be conceived as a limit and as if a state of emergency could adequately replace the rule of law.*

*Terrorism undermines the principle of democracy – it threatens it. Our principles, freedom and fundamental values are being targeted by these fanatics. France has been targeted several times, with horrific consequences and symbolic moments, including on 14 July, and in places where the attacks were designed to create the idea of a war of religions, including when a priest had his throat cut in a church. In other words, these terrorists are targeting our well-being. Young people were attacked because they wanted to spend an evening together in happiness.*

*France is not the only country that has been attacked; there have been many others within and beyond Europe. Many of our European neighbours have been attacked by the evil of terrorism, and no country is safe.*

*The Council of Europe has done its duty by drafting protocols on, for example, the prevention of terrorism, as well as by addressing the issue of foreign fighters. After the terrible attacks on 13 November, France was forced to invoke Article 15 of the Convention, which provides member States with the possibility of taking special measures under judicial control within the framework of emergency legislation. I did that following the attacks on 13 November. However, together with my government and Prime Minister Manuel Valls, I have been vigilant to ensure that all measures taken are proportionate, so as to ensure that the authorities have everything they need to ensure that house searches and house arrests involving dangerous individuals can be done in full compliance of the law.*

*A series of laws have been adopted in France since 2014, so as to strengthen our fight against terrorism. All of that legislation has been approved by the Constitutional Court. Moreover, you as members of this Assembly have also scrutinised that legislation. We have also committed to providing a legal framework, for the very first time in our history, for the activities of our intelligence services. It will be a comprehensive framework, so as to ensure that they can act effectively but, once again, in compliance with the law.*

*We cannot act alone when it comes to fighting Internet propaganda that encourages radicalisation. This is an issue that you in this Chamber have to deal with. You have an essential role to play when it comes to protecting privacy, but privacy can be circumvented by fanatics so as to peddle their propaganda. That is such a terrible danger for young people in our countries, encouraging them to leave for jihad.*

*France has taken the responsibility of closing down what some people referred to as prayer rooms, but which were in fact centres for propaganda for promoting hate. France has spearheaded efforts to expel hate preachers who use the freedom of speech to promote the most virulent forms of violence.*

*We will do our utmost, however, to ensure that nobody can stigmatise other communities, in particular Muslims. We will ensure that there is no confusion between our duty to protect our citizens and the need to guarantee religious freedoms in our country. We can never allow anybody to question those religious freedoms.*

*I have talked in the past about the importance of laïcité – secularism – here in France. It is a fundamental principle. According to the rules of laïcité, state funding of any religion is prohibited. Secularism gives every individual in our country the right to believe or not to believe and the right to practise their faith as long as they respect the principles of public order. Those rules are not the fruit of hastily adopted legislation. They are founded in principles that were first enunciated more than a century ago. Those same principles allow us to ensure that we can guarantee respect for freedom of conscience, while at the same time being free to prosecute those who provoke society and threaten our ability to live together in peace.*

*I feel that we have found the right balance and it is enough now to simply ensure that existing legislation is applied. Security is an essential need for our citizens. Our people want to be protected. However, security at the same time has to be compatible with the values of the rule of law. In France, for example, there is no question of opening detention centres for people being investigated by the intelligence services. That would be a violation of the rule of law, as one of its principles is that only judges can order the imprisonment of an individual.*

*I can also promise you that France will not be adopting exceptional legislation to tackle terrorism. That would be dangerous. We have specific judges and courts who are responsible for following procedure and who are doing an excellent job. Existing legislation allows us to act effectively. That is my message on behalf of a country that is caught up in fighting terrorism while safeguarding our fundamental principles. Clearly legislation has to change, but our legislation will remain in full compliance with our constitution. In the face of this threat and the efforts of terrorists to divide society and turn us against each other, exceptional measures will be taken against those who are trying to undermine our freedom, if necessary. Terrorists are trying to destroy our freedom, and we have a duty to defend it.*

*For several months, Europe has faced an unprecedented influx of refugees and migrants. The Syrian crisis has led to millions of refugees being forced to flee their country. Many fled to camps in Jordan, Lebanon and Turkey. I commend the efforts of those countries that have done so much. Other refugees and migrants have chosen to travel to Europe. I say “chosen”, but in fact they had no other option: they were fleeing violence and were forced into exile.*

*Europe took too long to find a common response. Our common response must be based on effective control of our external borders. That is a vital prerequisite if we are to provide a dignified reception for these refugees while establishing clear rules that they have to respect. That involves effort on sharing the burden of the refugees. Without effort on all these fronts, which involve the border control forces and legislative and non-legislative measures – I am talking about the right to asylum – Europe will be torn apart. The refugee question could tear Europe apart. France has done its duty. We will have accepted 30,000 refugees from Greece and Turkey by 2017. In parallel, we continue our resettlement programme in Jordan and Lebanon set up in co-operation with the High Commissioner for Human Rights.*

*France also has a large number of migrants and refugees within its borders. I know that the Assembly is aware of the tragic events in Calais. For far too long, a camp with at least 7,000 inmates has been home to people living in horrific conditions – people who have been forced to flee their countries. That is why I recently decided with my Government to dismantle the camp in Calais to ensure that we can provide dignified humane accommodation for the people who live in that camp. All the people who live in that camp will be entitled to accommodation during the period of their asylum request. As I have said so often before, people who are not entitled to seek asylum will be provided with travel back to their countries. We have a duty to deal fairly with asylum seekers.*

*We also have a duty to ensure that unaccompanied minors are dealt with in a fair, dignified and responsible way. We are addressing that question with the United Kingdom. Talks are under way to find solutions so that those children with family members in the United Kingdom can join their families. That is another prerequisite for removing the Calais camp. The dismantling of the camp will be a humanitarian action. Every inmate will be provided with accommodation elsewhere. We have put in place all the infrastructure necessary to deal with the problems of the camp in Calais and elsewhere, including Paris. Every person from the camp will be provided with a solution. France recognises its responsibility, but at the same time, however, this is a shared responsibility for all of us. We have to realise that we cannot dismantle the Calais camp without providing solutions throughout the country.*

*The values of the Council of Europe also underpin France’s diplomatic action beyond the borders of our country. In Ukraine, the illegal annexation of Crimea by Russia and the destabilisation of the east of the country have created thousands of victims and thousands of displaced persons. As part of the Normandy format, I have personally undertaken, together with Chancellor Merkel, to seek a diplomatic solution to the conflict. This is the Minsk Agreement. I admit that progress has been too slow from the outset. We have to work hard to establish the political and security conditions necessary to ensure that elections are held in the east of the country under Ukrainian and international law, in line with the Minsk Agreement. Together with Chancellor Merkel, we are ready at any time to reconvene the Normandy format together with President Poroshenko and President Putin to ensure that we can fully deliver on the Minsk Agreement. Ukraine has to adopt the reforms promised, and the Council of Europe has an essential role to play in helping it do that.*

*France has certain major disagreements with Russia. For example, there is disagreement on Syria. The Russian veto on the French Security Council resolution prevented us from bringing an end to the bombing of cities and instigating a truce. The primary victims of that failure to act are the civilian population—the people who live and die under constant bombing. That is why I am convinced that we have a profound need for dialogue for Russia, but that dialogue must be firm and honest, otherwise it is pointless and a sham. That is why I reiterate my willingness to meet President Putin whenever he deems necessary. We have a duty to work together to promote peace, to bring an end to the bombing and to instigate a truce.*

*I also call for dialogue with Turkey. Turkey has borne the bulk of the burden in welcoming refugees. Turkey is a lynchpin when it comes to finding a solution to the conflict in Syria. On 14 and 15 July, Turkey was hit by a coup d’état. Turkey dealt with that coup and now has to ensure that our fundamental values prevail in the aftermath. That is France’s position: we are always committed to dialogue and to seeking peace. France’s position is to invoke the primacy of the Security Council, which is why we recently tabled our resolution. I remind the Assembly that the Russian resolution got just three votes, and the Russian veto prevented us from bringing the bombing to an end. Dialogue, responsibility, and seeking peace: that is what we believe in.*

*I felt that I had to talk about Syria today. Syria is a monumental challenge in the international community. Our very honour is at stake. Either we can live up to our honour by finding a solution or we will have to face the eternal shame of watching millions of Syrians leave their homes and suffer massacres, and allow terrorism, which has found a new breeding ground there, to put down deeper roots. That terrorism comes to us from Syria, both through its ideology and the terrorists which are sent here from Syria. In Aleppo, the very conscience of humanity is at stake. We have to do our utmost to ensure that Aleppo does not join the terrible list of martyred cities.*

*Ladies and gentlemen, I felt I had to share that message with you here today, because in this Chamber the values of principle, hope and democracy were established. Just after the Second World War, it was in this Chamber that we were able to launch those appeals for peace. Here in this Chamber, the first efforts for reunification were announced—efforts to bring together and reconcile countries which up until then lived under the yoke of totalitarianism and dictatorship.*

*The unstinting work of the Council of Europe is not yet completed, though – very much the contrary. In the difficult circumstances I have just described, we need the Council of Europe and its values more than ever. In 2019, the Council of Europe will be celebrating its 70th anniversary. France will be holding the chairmanship of the Committee of Ministers. We will also be organising the fourth summit to chart out the future of your Organisation.*

*So, ladies and gentlemen, that is my message to you – my message about the values which bring us all together. France stands shoulder to shoulder with the Council of Europe, and I am convinced that the Council of Europe will stand shoulder to shoulder with France in our untiring efforts to promote peace, freedom and democracy. Thank you. [Applause.]*

*The PRESIDENT\* - Mr President, thank you very much indeed for your address, which was incredibly interesting for all Members in the Chamber. A number of colleagues have questions they would like to put to you. I remind them that questions must be limited to 30 seconds and no more, and that they should not be speeches, but questions only.*

***Mr PSYCHOGIOS (Greece, Spokesperson for the Group of the Unified European Left) – Thank you for your presence in our Assembly today, Mr Hollande. Under the European Convention on Human Rights and the European Social Charter, fundamental social and economic rights must be guaranteed within member States. However, recent reforms in various countries, including France, have led to further deregulation of the labour market and collective bargaining. How is that compatible with the standards set by the Council of Europe, taking into account the fact that that recipe proved totally unsuccessful when applied to other countries, such as Greece?***

      Mr HOLLANDE\* – Let me reassure you that French laws and the French labour code recognise the existence of trade unions and, indeed, even strengthen trade unions. The principles of collective bargaining and social dialogue are required at company level and sector level. All the rules and standards of the International Labour Organisation are followed in France. If there is a single country in Europe or the world that has genuine protection of workers, providing for an appropriate balance between the protection of workers and labour productivity, it is France. It will continue to be such a country as long as I am the President of France.

## Communication from the Committee of Ministers

***Mr HUNKO (Germany, Spokesperson for the Group of the Unified European Left)\* – The coup in Turkey and all the terrible incidents since then have taken place during your chairmanship. Thousands of judges were dismissed and institutions were closed down. Most recently, a commemoration of the country’s greatest terrorist attack was closed down yesterday. Dozens of politicians from the HDP in the southern part of Turkey have also been arrested. What is the Committee of Ministers doing to make sure that we can stop the transformation of Turkey into an autocratic regime?***

      Mr LIGI – I think that most of the answer to that question has already been given to you in written form. I am afraid that I cannot add much to that. The answer is too long to read out. The report of the Commissioner for Human Rights on the fight against terrorism shows that we need more human rights, more rules of law and more democracy and transparency, not less.

## Children’s rights related to surrogacy

***Mr JÓNASSON (Iceland, Spokesperson for the Group of the Unified European Left) – It is understandable that emotions run high on this issue and that should be respected. This important topic poses fundamental moral questions and questions about exploitation and the rights of children born through surrogacy. Those were the concerns of the rapporteur and I commend Petra de Sutter on how she handled things, on her professionalism and on her willingness to compromise. I sit on the Committee on Social Affairs, Health and Sustainable Development and she has been the victim of intimidation as I understand it.***

      I have reservations about surrogacy and am categorically against for-profit surrogacy – we are united on that – but surrogacy is a fact. Children exist who were born through surrogacy. We cannot vote them out of existence. We had a comprehensive recommendation about the rights of the child, but it has now been reduced to the bare minimum. We are asking the Committee of Ministers to consider the desirability and feasibility of drawing up European guidelines to safeguard children’s rights in surrogacy arrangements and to collaborate with the Hague Conference on Private International Law to defend children’s rights. However, the amendments would turn the text into a categorical condemnation of surrogacy. It is a small step from such condemnation to the deprivation of human rights. Who are we to deprive a child of his or her human dignity? We have no right to do that. I will vote against the amendments. If they are accepted, I will vote against the recommendation.

# Wednesday, October 12, 2016

## Sport for all: a bridge to equality, integration and social inclusion

***Ms JOHNSSON FORNARVE (Sweden, Spokesperson for the Group of the Unified European Left) – On behalf of the UEL, I thank the rapporteur, Ms Quintanilla, for an excellent report.***

      Millions of people around the world are engaged in a variety of athletic endeavours. Sports improve both physical and mental well-being. Sport has also been shown to strengthen our capacity for learning. The importance of sports to our societies cannot be overstated. Today, I would like to speak to you about a glaring issue in how sports are thought of and funded throughout the world: gender equality.

      Gender equality is a prerequisite for the democratisation and development of sports activities in all areas, at the organisational level and for the individual. Neither society at large nor sports are yet gender equal. Modern sporting movements were started by men, for men, and they still mirror our societies in many ways, showing us male norms and power structures. There are many examples of this. For one, young girls have fewer opportunities to get involved with sports, for cultural and funding reasons. Female professional athletes earn much less than their male colleagues. Women receive less training time and under worse conditions as compared with men. There are significantly more male than female coaches. Women have lower representation on the boards of sports organisations at all levels, and this is especially clear at the highest levels.

      We need to ensure that young girls start participating in sports activities of their choosing, and that they also have the means to continue later on in life. This means having access to sports facilities that welcome both genders equally, but also increasing the pool of female coaches across our societies, and ensuring that we increase the number of women in decision-making positions in sports at all levels. National Olympic Committees across the globe have, on average, less than 20% of their boards made up of women. There is no doubt that there is a need for more women in decision-making positions in sports organisations. We recently saw how bad it can get where men control things: I need only mention Sepp Blatter and Michel Platini and you know what I mean.

      There are of course other inequalities in sports that must not be overlooked. Factors such as economic hardship, sexual orientation, disabilities and religious or cultural background should not hinder children or adults from finding their way towards participating in sports and athletic activities. It is therefore important to educate sport leaders and athletes on issues of equality, whether that means lesbian, gay, bisexual, and transgender issues, disability, gender or cultural diversity. To achieve all that, all the different forces in society must work together at various levels, including communities, schools, sports organisations and parents.

      Sport needs to be welcoming to all, as we all need sport. Through sport we can build bridges, new friendships can be formed and people can find a way to build communities and learn from one another. The Olympic games was held recently, and the Paralympic games in particular are a good example of inclusion of people with various forms of disabilities. I take this opportunity to ask Mr Bach how he and the International Olympic Committee will work to make it possible for more people with disabilities to participate in sport in future and how he wants to increase gender equality in sport, especially when it comes to decision-making positions in sports organisations.

***Ms KERESTECİOĞLU DEMİR (Turkey) – I thank the rapporteur, Ms Quintanilla, for her report on the inequalities women face in sports. I also thank my special high school gym teacher who encouraged me in sport for a lifetime.***

      Gender discrimination is prevalent in sport, as it is in other areas. Gender inequalities in sport are just as great as those faced by women in offices or factories, but for some reason they fail to incite the same degree of outrage. Today, many women and girls quit sports due to discrimination, sexual harassment, wage inequalities or hierarchy in sports. The number of female athletes and trainers is comparatively low. At this point, what really matters is the struggle of women themselves against all types of discrimination in sports. Every step female athletes take for equality strengthens our belief in a better world.

      The role of government should be to follow in the footsteps of those women’s inspiring struggle. Women and girls should be supported to have an active life. Member States should implement policies to make sure women and girls can be engaged in all ranges of sports in a safe environment. We should increase the number of accessible open-air and free playing fields, to give women an opportunity to play sports. Peer exclusion among children also discourages young girls from actively engaging in sports, so member States should encourage girls to join gym classes.

      The media’s role is also important. As female athletes acquire more media visibility, families become more inclined to support, or at least accept, their girls’ involvement in sports. The fact that many cultural codes are constructed and reproduced in the sports industry is reason enough alone to put more emphasis on gender equality in sports. In Turkey, some men often ask women if they understand the offside law, not only to intimidate them, but to imply that it is not a woman’s place to know much about sport.

      Strict gender codes in sport are also a part of the commercialisation of sport. In commercialised sports, values like collectivism and solidarity are fading, while motives such as making money and violent ambition are promoted. This creates disappointment and frustration among the youth.

      Finally, I declare my admiration for the female athletes’ struggle and state that I will vote in favour of the report.

## Address by Mr Mevlüt Çavuşoğlu, Minister for Foreign Affairs of Turkey

***Mr ÇAVUŞOĞLU (Minister for Foreign Affairs of Turkey)\* – Thank you, Mr President. Mr Secretary General, dear members, it is a great pleasure to be with you today.***

      Mr President, I extend to you my deepest gratitude for your kind invitation. The Parliamentary Assembly of the Council of Europe – I take pride in being its Honorary President – has been a school for me, as it has been for most members. I learned a lot here. We had heated discussions in committees and group meetings, but we also managed to agree with and understand each over a cup of tea or coffee. We have a saying in Turkish: one remembers a shared cup of coffee for 40 years. It looks like we will remember each other for thousands of years. We have made very important decisions and resolutions together, and we have tried to find answers to what more we can do for our people. I have made many valuable friends here, and it is a great pleasure to see most of them here today.

      The Council of Europe and its Parliamentary Assembly continued to be important to me after I became Minister for Foreign Affairs of Turkey. Since my time as President of the Parliamentary Assembly, I have been familiar with the budgetary issues of this Organisation. Since taking office as a minister, one of my priorities has been to increase our contribution to the budget of the Council of Europe. Turkey is now a grand power and is contributing to the work of the Parliamentary Assembly with more members. As a result, Turkish has become one of the working languages of the Parliamentary Assembly.

      It is not only me who has benefited from the Council of Europe; my country has benefited, too. The Council of Europe has had a significant role in Turkey’s progress in the past 15 years. In 2003, when I first came to the Parliamentary Assembly as an MP, Turkey was under the monitoring process. We had many shortcomings in many areas, but as a government we were resolute and determined. With the contribution of the Council of Europe’s recommendations and proposals, we managed to get through the monitoring process in a year. I remember that the leaders of the political groups said in discussions at the time that they had been prejudiced against the government, but that the pace of the reforms had been head-spinning, and they apologised.

      After the monitoring process, we were determined to fulfil the recommendations. We have enlarged the scope of constitutional rights and introduced mechanisms to protect those rights. Today, everyone enjoys the right to make individual applications to the Turkish constitutional court. We have established the ombudsman office. Thanks to democratisation packages, we have made it easier for political parties to set up local organisations. We made it possible for private schools to educate people in languages and dialects other than Turkish. We have enlarged the scope of discrimination law. We have become a party to the revised Social Charter of the Council of Europe. Becoming party to more and more of the Council of Europe’s conventions and protocols has been one of the most important pillars of our reform efforts. As the Minister of Foreign Affairs, I am personally following up on that issue.

      Turkey is among the countries that have become party to the highest number of Council of Europe conventions. In short, we have reinforced democracy and the rule of law. While fulfilling the recommendations of the Parliamentary Assembly, we have completed the first benchmark for unopened chapters in the European Union negotiation process.

      When we look at what is going on in Europe and around Europe, we see threats against the Council of Europe’s fundamental values and reconciliatory culture. Racism, xenophobia, Islamophobia, anti-Semitism and anti-Christianity are on the rise in the world and in Europe. Our common values are being shaken to the core by people who are against all who are different. In such an environment, we need the experience and expertise of the Council of Europe all the more. When I was the President of the Parliamentary Assembly, I prioritised reinforcing our understanding of how we live together and dialogue across cultures and religions. In April 2011, representatives of five different religions came together here and offered a message of tolerance. Unfortunately, I regret to say that that message was not followed.

      The culture of living together with other people is being weakened and alienation is on the rise. Alienation causes radicalisation, and radicalisation triggers terrorism. Turkey has been fighting all forms of terrorism for years, and the bloodiest form of terrorism was experienced in Turkey on the night of 15 July. It began as a fine summer night, and nobody would have imagined that a coup would be attempted. The members of the Fethullah terrorist organisation targeted our constitutional order, all our elected authorities and our democratic organisations with their treacherous attempted coup. They tried to overthrow our president and government, and fighter jets bombed our parliament. If the terrorists had succeeded, the Turkish MPs who are here today would not be here. Turkish people were run over by tanks, fired on and were bombed. They were massacred, but our brave people made history and stopped the attempted coup. I honour the memory of our martyrs with gratitude.

      We have put aside all our differences from that night and have staked a claim on our democracy and the future of our country. We have the same determination today. In Istanbul, 5 million citizens came together at the Yenikapı rally for democracy. There was a historic meeting with the leaders of opposition parties. Through the rally, we sent a message of unity and togetherness to the enemies of democracy. We are taking all the necessary measures to avoid a similar coup happening in the future. We have declared a state of emergency based on our constitution to eliminate this threat, which was aimed at the very existence of our people, the continuity of our state and our common values.

      I want to emphasise one thing here: before the attempted coup, even when there were intensive terrorist attacks from the PKK, PYD, YPG and Daesh, we did not declare a state of emergency. We avoided doing that. More than 80% of our people support the state of emergency, and we had no other option in the face of this alliance of evil. We have to do whatever is necessary to clear the FETÖ elements from our state institutions and elsewhere where they have infiltrated. While fighting against this organisation, we act within the boundaries of the rule of law. We act in line with our international obligations, which mainly stem from the European Convention on Human Rights.

      In that process, we continue to work in close co-operation with the Council of Europe. The first European leader to visit Turkey following 15 July was Secretary General Jagland. Right after his visit, Ms Kaljurand and President Agramunt visited Turkey. I express my gratitude to them. They have been excellent examples of solidarity and co-operation. Evidently, they ask questions and voice any concerns they have, and we told them what happened in all sincerity. We responded to their questions.

      The first international organisation I visited after the coup attempt was the Council of Europe. I addressed the Committee of Ministers on 7 October and responded to some of the questions. Following the coup attempt, Turkey started to work in even closer co-operation with the Council of Europe. The Commissioner for Human Rights visited Turkey, as did representatives of the European Committee for the Prevention of Torture. The Venice Commission is also working in close contact with us. We also have technical dialogue with experts from the Council of Europe. They visited Ankara, and our experts visited the Council of Europe. We inform the Council of Europe about all the steps we take, and we put special emphasis on transparency in the process. We take all recommendations to heart and try to take steps while considering such recommendations. We are always for more dialogue and co-operation. Turkey never compromises on its reforming initiatives. We continue to reform our constitution with the contribution of all political parties. We want to ensure that the reforms become more institutional and we want to strengthen civil democracy. We will continue to take into consideration the recommendations of the Council of Europe.

      In this difficult process, we had support from many friends, but there were people who did not, or did not want to, understand the severity of the problem we faced. After visiting Ankara, they sincerely said that they had no idea how serious the situation was. We wanted to ensure that they all came to Istanbul and Ankara to see exactly what happened. We wanted to tell them that the terrorists violated the rights of the 241 people whom they massacred. We wanted them to hear the pain and suffering of our citizens. More than 2,000 people were injured, including people crushed under tanks and people who lost their organs. After visiting Turkey, many better understood the reality of the coup attempt and the real face of the Fethullah terrorist organisation.

      Turkey’s terrorist threat is not one dimensional. Turkey is fighting against the PKK, PYD, YPG, Daesh and FETÖ. All those terrorist organisations threaten our stability, our security and our common values. We will continue to fight against those terrorist organisations, regardless of what their qualities may be. One cannot simply say, “I sympathise with the PKK’s ideology but I do not sympathise with the ideology of Daesh.” They are all evil; they are all terrorist organisations. We must fight against all of them. We should not let the terrorist organisations have absolute control over our fight. We say that Daesh cannot represent Islam. Members of Daesh are terrorists. They are not Muslims; they cannot be Muslims. We will continue to support this line. We must make sure that we topple their ideology so that they do not find new fighters. No country is safe unless all of us are safe.

      Today, we all face another test involving the inflow of migrants and refugees. The committees of the Assembly and the Assembly itself put a lot of emphasis on this issue. Turkey is doing more than its fair share. Turkey is the country that hosts the highest number of refugees. We share our food with 2.7 million Syrian brothers and sisters who are fleeing terrorism and persecution. We host 3 million brothers and sisters, and we do our utmost to meet all their needs, including their health and educational needs. However, we must all work together to do more to improve their quality of life. Everyone must do his or her fair share. We must find solutions to the problems that caused millions of people to leave their homes. We must find a permanent solution to issues such as the Syrian problem.

      Distinguished parliamentarians, dear friends, the tests that our peoples in Europe face are not limited to these tests only. There are problems that pose a threat to the stability of democracy in Europe, such as those in Crimea, Nagorno-Karabakh, South Ossetia, Abkhazia, and Transnistria. We must continue our involvement in the western Balkans, and continue to ensure sustainable peace and development in the region. We hope to see a permanent solution in Cyprus this year. We support the efforts of the leaders on the island. We feel that this is an opportunity that should not be missed.

      In the face of all these tests, the role and values of the Council of Europe have become increasingly important. The Council of Europe, and the Parliamentary Assembly of the Council of Europe, should continue the reform project to ensure that it can contribute to the solution of these problems. We must overcome our budget problems and create a common vision for the future of Europe. Therefore, we would like to see the realisation of the leaders’ summit that is already on the agenda of the Parliamentary Assembly. Last night I talked to Rapporteur Nicoletti and stated Turkey’s support for the summit. I would like to take this opportunity to state that I am very happy to see the contributions of the Partnership for Democracy. The Council of Europe has monitored democratic elections in Morocco, and I congratulate it on what it did. We see that the Parliamentary Assembly is an institution where common wisdom creates common solutions. We will overcome all these problems based on our common values. Turkey is always ready to do its fair share in this process. Turkey is ready to do whatever it takes. Thank you very much, ladies and gentlemen.

***Mr KOX (Netherlands, Spokesperson for the Group of the Unified European Left) – I am glad and grateful to see you here alive and sound, Mr Çavuşoğlu, with your daughter, after that horrible and criminal coup d’état. However, I am really sad that, since then, tens of thousands of your citizens have been sacked and arrested in what looks like a disproportionate way. Among them are thousands of HDP members, who stood firm with you against the coup, but are now being treated as traitors. Your prisons are crowded, many media are closed and the European Convention has been put on hold. I hope that Turkey returns to normality soon. Will your government allow the immediate publication of the report by the Committee for the Prevention of Torture on the situation in your prisons?***

      Mr ÇAVUŞOĞLU\* – I am glad to see you, too.

      When one is confronted by that sort of threat in such a coup attempt, it is the responsibility of the state to take necessary measures to prevent any recurrence. We must do that within the law, based on the constitution. Those who supported and were involved with the coup were arrested, and proceedings to establish their involvement are ongoing. Other people were not part of the coup, but were proved to have connections to a particular terrorist organisation, so we are taking measures to suspend or dismiss them from state institutions. We cannot have people loyal to a terrorist organisation working for the state, and those who have run tanks over people are capable of doing anything.

      In my ministry, 500 people were found to have connections with that terrorist organisation. My ministry does important and confidential international work, so how can I trust such people if they stay in my ministry? As you know, they stole questions from the central civil service examinations – changing the type of questions asked to multiple choice – and their adherents were given the answers so that they could enter state institutions. Some people left their positions in the police, for example, and were willing to work for less money, in places such as my ministry, but in crucial positions, such as in intelligence and communications. Their allegiance, however, was to the person in Pennsylvania. They work for and are paid by the state, but their loyalties do not lie with the state. The state would be continuing to pay their salaries from the taxes it collects – that is not going to happen.

      When the two Germanys reunited, a question mark was put by the names of some people who worked for the state but might have been agents or foreign agents. Five hundred thousand people were suspended because of a single question mark. In Turkey, about 1.5% of the total civil service has been suspended or dismissed. The actual numbers might be higher than you would have in a smaller country, but we have a large civil service.

      The people who have been expelled have been in the civil service for a long time, infiltrating it, but they still have legal rights, such as the right to petition the Constitutional Court. We had to do something about the situation, however, because we cannot work with people who hold allegiance to a terrorist organisation. That is why we have been taking careful steps. We look at every single case very carefully – in favour or against – and we have commissions that review each one, so more than 3 000 people have been restored to their posts. Yes, mistakes were made, but it is also our responsibility to correct those mistakes, because we have to act within the law. That is what we believe in. There is also divine justice.

      For a long time, we have been working in close collaboration with the CPT. Our policy has been one of zero tolerance for torture, and that policy has yielded significant results. CPT reports actually reflect the progress made by Turkey, which has been cited as an example for other countries in that respect. To this day, we have allowed all CPT reports to be published. Our Minister of Justice will also be coming to the Council of Europe and he will certainly have discussions about the recent CPT report. Thereafter, all CPT reports will continue to be public, because transparency is important to us. We have full confidence in the institutions and organs of the Council of Europe, which I know will be objective and balanced.

## Joint debate: Political consequences of the conflict in Ukraine and Legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities

Mr HUNKO *(Germany, Spokesperson for the Group of the Unified European Left)*\* – On the conflict in Ukraine and the situation in Crimea, there are two universes that seem to be moving further apart. One universe is that with which we have just been presented, but there is another. I am not saying that it is the correct version, but it does exist and it is the Russian view of the conflict. It is regrettable that this Assembly cannot have a proper debate, because the Russian delegation is not present.

      I have been to Russia and had discussions there. They say that, in 2014, President Yanukovych’s Government of Ukraine was illegally overthrown. That was a violation of the constitution and there was an uprising in Crimea. *[Interruption.]* Some people do not want to hear what I am saying, but I do not think that there is a great deal of interest in having an exchange. There was a referendum in Crimea and the majority voted to join the Russian Federation, and then there was a conflict in Donbass in Ukraine, which followed on from the coup d’état in Ukraine in 2014.

      I am not saying that that is the correct version of what happened; I am saying that there are two different versions and that this Assembly would be well advised to take account of both of them, so that we can have a proper debate. If we consider only one point of view, which is what is happening here, I fear that we will contribute to the escalation of the situation.

My impression is that the two reports are rather one-sided, and I have some examples to illustrate that with regard to the implementation of the Minsk agreements. At present, Minsk II is the most important instrument we have to de-escalate the crisis. Paragraph 8 of “Political consequences of the conflict in Ukraine” refers only to what the separatists and Russians have to implement; it makes no reference to what the Ukrainian side has to implement. That is important. The Minsk agreements relate to constitutional reform, which is supposed to provide a basis for the elections in Donbass, but the report does not refer to it.

I am concerned that this report will not help the work of the OSCE on negotiations relating to the Minsk agreement. We have to have a more balanced discussion. I fear that the amendments that suggest changing the report’s title so that it refers to Russian aggression would exacerbate the situation and that this could be a black day for this Assembly.

*Amendments*

Mr KOX *(Netherlands)* – We have been dealing with this report for more than a year. The title as it is mentions “the conflict in Ukraine”, but at the very last moment, we have had a proposal from part of the Ukrainian delegation to totally change the title – to “Russian aggression” or something like that. I have been in this Assembly now for 13 years and I have never seen such a thing happen. I am very disappointed that the rapporteur accepted that the title of her own report should be changed at the very last moment. This is not how we should conduct business here.

## Co-operation with the International Criminal Court: towards a concrete and expanded commitment

Ms KERESTECİOĞLU DEMİR *(Turkey, Spokesperson for the Group of the Unified European Left)* – First, I thank the rapporteur, Mr Destexhe, on behalf of the Group of the Unified European Left, for bringing this important topic before the Council. The report is very critical as it calls for action from six member States that have not yet ratified the Rome Statute and affirmed their commitment to the ICC. Turkey promised to ratify the statute after implementing it in national legislation in 2002 and 2004. However, although Rome Statute crimes were included in national legislation, the statute remains unsigned by Turkey to this day.

The ICC can be a very effective institution for universal jurisdiction over war crimes and crimes against humanity. However, the court is not capable of playing this important role right now. Nationals of member states that have not ratified the statute are immune from any investigation and prosecution. As there was no Security Council referral, we could not even expect the Office of the Prosecutor to have jurisdiction over crimes against humanity and war crimes carried out in many countries. Moreover, the sad truth is that the leaders and nationals of NATO member states and their allies will probably never have to answer in an international court for the perpetrations of their military.

We all know that the liberal interventionists’ drive is not safe from political and economic relations. Otherwise, those who branded Slobodan Milošević “the butcher of Belgrade” would also react for folks in Syria and Iraq and the Kurds in Turkey who witnessed war crimes. If the ICC Office of the Prosecutor were to investigate crimes against humanity in the war in Syria, I wonder who would take responsibility. Will those who mistreated the refugees, those who supplied weapons or those who smuggled oil also be held responsible for the crimes they committed?

The need to strengthen an independent judicial institution is urgent. However, we should ensure that this court has the power to work independently; otherwise, politically motivated war crime indictments will have no benefit to humanity but will cover the crime itself.

Finally, I re-emphasise the importance of the call to action in the report, which invites those member States that have not done so to ratify the statute. I ask all member States to ratify the Kampala amendments and invite all members to vote in favour of the report..

# Thursday, October 13, 2016

## Current affairs debate: Situation in Turkey in the light of the attempted coup d’État

 Mr ÖZSOY *(Turkey, Spokesman for the Group of the Unified European Left)* – The question is not whether Turkey has the right to struggle against the coup attempt, but how that struggle should be waged. Initially, there was consensus among the four political parties in the parliament: we all took a clear stance against the coup. I am a member of the HDP. The coup attempt could have been used as an opportunity to democratise Turkey’s society and politics in a pluralistic and inclusive way, but the government chose otherwise and put into practice what we view as a counter-coup to reshape Turkey according to the ambitious wishes of President Erdoğan. On Monday, Commissioner Muižnieks shared his findings about Turkey, detailing grave violations of fundamental rights and freedoms. I urge Mr Ian Liddell-Grainger, who introduced the debate, to have a brief look at Commissioner Muižnieks’ memorandum about violated rights and freedoms.

      Yesterday, the Turkish Minister of Foreign Affairs talked about the situation and painted a totally different picture of post-coup attempt developments in the country. The government declared emergency rule with the promise of purging the Gülen community from State institutions. Yesterday the Turkish Minister said in this very Chamber that no other citizen was negatively impacted, but that is simply not true. Universities, the courts, the media, local government, civil society, commercial firms and companies, and opposition political parties are under tremendous repression, as documented by various independent observers, European Union authorities, and Council of Europe authorities. There is absolutely no separation of powers, no rule of law, no impartiality of the courts, and no constitutional rule in the country.

      I am not going to give you a lot of numbers, but at least 130 000 civil servants and 3 000 judges and prosecutors were dismissed overnight. Many Kurdish TV channels were closed down, even Zarok TV, a Kurdish cartoon TV channel for children, in the name of fighting terror and the coup. More than 60 elected Kurdish mayors were dismissed, and trusties were appointed by the central government. Yesterday and the day before, 180 HDP executives were taken into custody, and all our offices are regularly raided by the police.

      The reality is that in the name of fighting terror and the coup, the government is terrorising society, producing a climate of fear, chaos and insecurity with which to rule the country and consolidate Erdoğan’s one-man rule.

Mr KÜRKÇÜ *(Turkey)\** – Having listened to the initial speeches, I should like to mention some aspects of this Assembly. This is a forum of representatives of people from across Europe but it is not an intergovernmental coalition for defence and security based on geopolitical and strategic concerns, like NATO. It is a people’s forum, based on democracy, human rights and the rule of law. As the people’s representatives from Turkey, we expect PACE to regard the situation in Turkey from the point of view of the prospects of democracy and human rights. The Council of Europe is not the place to barter rights and freedoms for profits and benefits, as implied in the opening speech.

As for the failed coup of 15 July, there is an alternative narrative. Who was responsible for the coup? One thing is absolutely true: there was an attempted coup on 15 July. But who was behind it? They say it was the Fethullah Gülen terrorist organisation. And who placed members of the Fethullah Gülen terrorist organisation in very influential posts? The Turkish National Security Council’s 2004 report declared the Gülen sect a domestic threat and said that measures should be taken against it. When this document leaked in the press in 2013, the responsible ministers in the AKP government said that they had never put that document into practice. This means that for nine successive years the AKP government collaborated with the Gülen movement to occupy very influential posts in the administration, the judiciary, the military, universities and so on. Then, on 15 July, came the so-called Gülen coup but it is the people of Turkey who are now paying the price in terms of their rights and freedoms. This point should be considered.

Secondly, when the attempted coup occurred, there was not a full-scale working democracy in Turkey. Domestic colonial war was being waged on the Kurdish provinces, according to a so-called crackdown plan that was leaked to the press in 2015. According to this plan, the Turkish Government aimed for a crackdown that would end with 15 000 killings. Turkey is not heading towards democracy. A state of emergency will be a permanent way of ruling Turkey. When we look at the recent preparations for the Ministry of Justice –

The PRESIDENT – Mr Kürkçü, I need to interrupt you; you are over your time.

Mr KÜRKÇÜ – May I finish?

The PRESIDENT – No, I am sorry; we need to stay on time. You may leave your speech with the table office and it will table it.

## Address by Mr Frank-Walter Steinmeier, Federal Minister for Foreign Affairs of Germany

Mr STEINMEIER *(Federal Minister for Foreign Affairs of Germany)*\* – Mr President, fellow members of parliament, excellencies, ladies and gentlemen, thank you very much indeed for inviting me here to the Council of Europe in Strasbourg. I assure you that it is not only an honour but a pleasure for me to be able to address you here today.

      As the German Foreign Minister, I am particularly happy to come to Strasbourg, because in Strasbourg you can get a tangible sense of what it means to contain war through law, through understanding, and through the protection of individual freedoms. Travelling through the streets of Strasbourg, as I did this morning, one thought that sprang to mind is that it is quite amazing to imagine that once upon a time Strasbourg was at the very heart of French-German conflicts in the 19th century, and at the heart of the terrible world wars of the 20th century. It is, and remains, a miracle that a German Foreign Minister is here today in the Council of Europe in Strasbourg as a partner among partners in the house of common values.

      Please do not worry, colleagues—that is the end of the history lesson. We have enough problems to deal with today, and we need to discuss them today. If you look at what has happened in the past, including in Strasbourg, you can understand more easily the reasons for the development of these structures that have had decisive importance in creating peace over the past seven decades. This is even more important because we are living in an era in which the world seems to be falling apart—in which the world order fought for so hard is under threat, with wars and conflicts all around Europe.

      Peace in Europe is at risk because of the illegal annexation of Crimea by Russia. Centrifugal forces are putting huge pressure on the togetherness of the European Union, emboldened recently by the vote for Brexit in the British referendum. Last but not least, there are growing tensions – even divisions – within our societies and in a number of countries, including Germany.

      What answers can we come up with to ensure we have lasting, sustainable peace? Part of an answer can be found in the words “peace and order” – in other words, peace through order. We need peace in which the world lays down rules and in which we place emphasis on the strength of law and not on the law of the strongest. We need to develop a multilateral system based on international law. I do not mean one in which relations between States are settled, as that does not go far enough. If we want to develop structures that are robust and internally stable, so that tensions can be defused peacefully and solutions can be found through pluralist, open discussions, we cannot avoid the issue of the internal make-up of our societies.

      To put that in more concrete terms, this is about human rights. Human rights violations are not only a consequence of war and conflict. Violations and restrictions on fundamental rights are far too often not the consequence of war and conflict, but the cause of it. Let there be no doubt that human rights, as far as we concerned, are not an instrument that can be used when desired on the path to peace. Far more than that, they are the bedrock on which an effective international system is predicated. The advances of human rights achieved together by Council of Europe States should be non-negotiable for us and all members of the Council of Europe, and they should remain non-negotiable.

      In any conflict throughout the world that calls for difficult diplomatic work and unceasing negotiations, it is always very important for us to say loud and clear that defending human rights is not incompatible with the aim of securing external stability and reconciling interests between States. On the contrary, they are mutually dependent. That is why we need to look at that closely and give ourselves the instruments to enable us to gauge the human rights situation in a State and within a society. That should be done as early and as permanently as possible. That is why the Council of Europe has such an important role to play: it provides the 47 member States – and the 800 million people, believe it or not, that they represent – with a human rights bedrock and common binding principles. It sheds light on the human rights situation in our countries and looks, if you like, behind the scenes.

      The message I have for you today is this: the Council of Europe is not simply a watchdog for standards. It is also an Organisation that has a key role to play in times of crisis by providing an instrument for implementing those standards. An example is Turkey, which I will discuss later, and the Council of Europe has clearly demonstrated that important function in that respect. I would really like to commend this organisation for doing so and I encourage it to carry on.

      As my German colleagues know well, I am a lawyer. Perhaps for that reason, but not for that reason alone, I am a realist. If there are rules and laws, there will always be transgressions, which is why I am really not surprised when rules are broken. However, I confess that the fact there are 76 000 pending applications to the European Court of Human Rights has really struck me. Violations need to be dealt with legally as quickly as possible, of course, but they do not call into question the regulatory joint framework, the Council of Europe or the European Convention on Human Rights. Rather, it is due to the fact that we have those common standards that violations become apparent and can be clearly identified.

      Let me be clear        with you: in Europe, we need to ask ourselves self-critically as partners in the Council of Europe whether we are doing enough to foster and strengthen this unique, binding system of protection based on international law. Are we doing enough to prevent irreparable harm from being done to the system? Put simply, in the cold light of day, there are parts of Europe in which the values and standards of the Council of Europe – human rights and the rule of law – are under severe pressure.

      Several months ago, Secretary General Thorbjørn Jagland published his annual report on the collective situation in respect of human rights in Europe. It was very helpful but significant, unfortunately, in flagging up structural shortcomings and saying exactly what they are. These shortcomings can undermine the common bedrock of the Council of Europe. For example, freedom of expression and freedom of assembly are subject to huge curbs in member States. Civil society critics are subject to smears or intimidation. Minorities are finding huge curbs being placed on their rights. Critics and opponents are regularly subject to questionable charges and, without an independent judiciary, would be unable to rely on having a fair trial. In some countries, democratic rules, particularly when elections are held, continue to be insufficiently respected. To add to that list, I am very concerned that a whole series of member States, for some years now, have been failing to execute or not sufficiently executing judgments handed down by the European Court of Human Rights. A large number of existing problems would have been solved some time ago if judgments handed down by the Court had been effectively enforced, as is provided for by Article 46 of the European Convention on Human Rights.

      As I am talking about crises that we face today, I want to mention the conflict in Ukraine. Who among us could have imagined that at the beginning of the 21st century, a European country would have had part of its territory illegally annexed by another State? Who could have imagined that the question of war and peace is returning to our continent’s agenda, due to the Ukraine conflict? In the European Union and NATO, we have taken decisive action following the annexation of Crimea and Russia’s military involvement in the east Ukraine conflict. In these turbulent times, Germany has taken over the OSCE chairmanship. As I am sure you know, we are working through the Normandy format with France, Russia and Ukraine with a view to finding a political solution for east Ukraine, as laid down in the Minsk agreements.

      I am aware that the Council of Europe is not designed to be a rapid response unit for operational crisis management. That said, when it comes to the crisis in Ukraine, it is clear that the Council of Europe cannot stand helplessly by in the face of the violations that are taking place. The Council of Europe has effective and efficient instruments, such as the Venice Commission, which is carrying out excellent work. There is the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Commission against Racism and Intolerance, and the Commissioner for Human Rights, Nils Muižnieks, whose work I pay special tribute to.

      I welcome the Council of Europe’s strong, active role in Ukraine. The advice provided by the Venice Commission has proved incredibly important and the Council of Europe “Action Plan for Ukraine” is playing a part in driving forward Ukraine’s democratic transformation. I support all the Council of Europe’s efforts to secure regular access to Crimea for its monitoring bodies to observe the human rights situation. This is about not only Crimea, but South Ossetia, Abkhazia, Transnistria and Nagorno-Karabakh. There should be no blank areas on our continent where human rights are not observed.

      The Parliamentary Assembly has always been the forum of the Council of Europe where political debates are held on the most important issues of our time. The subjects discussed are sometimes very controversial, but that is right in an era marked by major conflict and significant tension. In the context of our efforts to secure a peaceful solution to the Ukrainian conflict, I hope that we will be able to create in the medium term the conditions for the Russian delegation to return and take part in the meetings and work of the Parliamentary Assembly, but Russia clearly has its part to play for that to be possible. The Parliamentary Assembly has set rules to which we must adhere – all members must stick to them. Any breaking of the rules cannot be ignored and the Parliamentary Assembly stripped the Russian delegation of their voting rights as a result. Following the Duma elections in Russia, we clearly cannot accept Russian MPs representing the illegally annexed territory of Crimea. I assume that the European Union will come up with unambiguous rules about that. Dialogue and parliamentary understanding are important and useful but only if they remain faithful to the fundamental values and statutes of the Council of Europe.

      We were all horrified and shaken by the bloody attempted coup in Turkey. Fortunately, it failed rapidly, but it was an unacceptable attack on Turkey’s democratically elected institutions. I express my condolences to those who lost loved ones and fully respect the courage shown by civil society in the face of the attack. It is not only legitimate but necessary for the attempted coup to be thoroughly investigated in compliance with the rule of law and with the values to which all members of the Council of Europe subscribe, and Turkish members of parliament here have confirmed that. I commend the Council of Europe on its constructive role in this difficult situation in Turkey and it should continue to play that role. Secretary General Jagland was one of the first people to travel to Turkey to condemn the attempted coup. He initiated dialogue and offered support for the post-coup investigation. I am also thinking of the ad hoc visit by the CPT. I welcome Turkey’s acceptance of the offer of help, which was confirmed by the Turkish Foreign Minister when he spoke to the Parliamentary Assembly yesterday. It is important that the Council of Europe continues to work with Turkey to ensure that the investigation is implemented effectively. Turkey must co-operate in compliance with its commitments.

      In these troubled times of upheaval, the Parliamentary Assembly has an important role to play, so this Organisation needs a smart and committed new generation of parliamentarians. International policy plays such a key role and is higher up the agenda than in previous years, so it is vital that we attract the most promising parliamentarians from the different national parliaments. I say that because I was the head of a parliamentary group for four years – my SPD colleagues will remember – and I committed myself to the next generation, so the issue remains close to my heart, particularly in today’s world with all its risks and dangers. Please have in mind the next generation of those who will shape foreign policy in our democracy. Do not forget them. Draw their attention to the work of this Organisation. This crisis-ridden world needs this new generation and this invaluable Organisation has earned them.

Mr VILLUMSEN *(Denmark, Spokesperson for the Group of the Unified European Left)* – On Tuesday, the President of France called for a new summit of the heads of State and government of the Council of Europe. Do you support that call? Do you agree that especially in a time of crisis for the European Union, the Council of Europe could play an important role in Europe’s future?

      Mr STEINMEIER\* – My answer to both questions is yes. In my conversations with the President and the Secretary General of the Parliamentary Assembly, I have stressed that I support the proposal to organise a summit in 2017. I am delighted that in this Assembly, President Hollande not only supported such a proposal but suggested it himself.

      That takes me to your second question about the role of the Council of Europe, and specifically the Parliamentary Assembly. As you know, this is my second stint as Foreign Minister – the first time was between 2005 and 2009 – so I can look back quite a long way, and never in the last 10 or 15 years have I experienced such close and effective co-operation between member States of the European Union and the Council of Europe. That co-operation underlines a point I made in my address about the critical situation in Turkey, and I express my gratitude to the Council of Europe for having stepped up to the plate and acted so appropriately in that crisis.

Mr HUNKO *(Germany)*\* – Foreign Minister, the Council of Europe is an Organisation based on conventions. In addition to the European Convention on Human Rights, the other most important convention is the Social Charter, particularly at a time when so many people are turning their backs on Europe, primarily for social reasons. The revised Social Charter has been ratified by 33 Council of Europe member States but Germany does not figure among them. Can you announce ratification by Germany before the end of this term of office?

Mr STEINMEIER\* – First, on ratification of the revised European Social Charter, I remind my colleague of the position reiterated by the German Government in the most recent talks. We have not yet decided to move forward quickly with ratification of the instrument. We are still observing the process and we need to ascertain properly what the implications of the Charter’s considerably broadened scope are. In particular, we need to examine the various implications of these changes in the light of German law, to ensure that they are carefully weighed and examined.

## Female genital mutilation in Europe

Ms JOHNSSON FORNARVE *(Sweden, Spokesperson for the Group of the Unified European Left)* – I thank Ms Fresko-Rolfo for an excellent report. Some 200 million girls and women worldwide are living as victims of genital mutilation. Genital mutilation often leads to devastating physical and mental problems and can, among other things, lead to major complications in pregnancy and childbirth. In societies where genital mutilation is carried out, it is often seen as a necessary precursor for a girl becoming a woman, as an expression of purity and as a prerequisite for her to marry. It can also be an expression of control over female sexuality.

      A lot of work must be done to change attitudes and behaviours among women and men who continue with the practice of genital mutilation. That must be done in the countries where it is practised through international co-operation and development assistance projects, but important preventive work must also be done in those European countries that receive immigrants from countries where genital mutilation is common. In this work it is important to involve the entire community, including representatives of civil society and religious, political and traditional leaders, in creating conditions for sustainable change. I agree with the rapporteur on the importance of raising public awareness and running information campaigns in the languages most spoken by the communities practising female genital mutilation. It is also important to provide support, including financial support, to the initiatives of non-governmental organisations in this field.

      It is important to strengthen girls by increasing their access to knowledge about their rights, including the right to be protected against genital mutilation. It is important to create social networks outside the family. I completely agree with the rapporteur about the urgent need to criminalise the act of subjecting a woman or girl to genital mutilation, including where it is practised by healthcare professionals. In Sweden, female genital mutilation is prohibited by law. If you live in Sweden, it is also illegal to have the surgery carried out abroad. It is important that all countries in Europe take action and enact laws that completely prohibit female genital mutilation. It is also important to support and help girls and women subjected to female genital mutilation. We must offer sufficient resources to provide training for healthcare professionals that enables them to diagnose female genital mutilation and provide appropriate care for women and girls suffering from the physical and psychological consequences of genital mutilation.

## Harmonising the protection of unaccompanied minors

Mr VILLUMSEN (*Denmark, Spokesperson for the Group of the Unified European Left*) – On behalf of my group, I underline the importance of this issue. Millions of people are forced to flee their homes. Just outside the border of Europe, a terrible civil war is taking place in Syria. Daesh and the Assad regime are committing terrible war crimes. Our aim should be to prevent war and ensure that no one is forced to flee their home, but as long as people are, we have a common responsibility to take care of them.

The most vulnerable are unaccompanied minors. I agree with the rapporteur that standards are in place to manage the situation, but I also agree that those standards are not always met. Allow me to point out that the rights of the child include not being put into a detention centre. Unfortunately, that is occurring. It violates the legal framework of the Council of Europe, but it is occurring. I participated in the ad hoc visit to Greece, where despite great efforts by the Greek authorities, a humanitarian crisis is taking place, inside the European Union. Unaccompanied minors are in detention centres, behind barbed wire. I take this opportunity to appeal to you. We need action, not just words. Greece cannot handle the situation alone. We can and must do something. Through family reunification and the redistribution of children in camps, the crisis can be solved. It is not an impossible task if we take it upon ourselves collectively.

Dear rapporteur, you have produced a good report. Let us vote it through, but let us also go home and take action to give the most vulnerable of the vulnerable a helping hand. Let this report be the first step, not just in words but in concrete action.

# Friday, October 14, 2016

## The impact of European population dynamics on migration policies

Ms SANDBÆK *(Denmark, Spokesperson for the Group of the Unified European Left)* – I thank the rapporteur on behalf of the Group of the Unified European Left for this important report. There is a political crisis across Europe as a result of the massive numbers of people fleeing their countries due to war and climate change, but our governments unfortunately lack the political leadership and courage to find mutual solutions to common problems. We need political action and brave political leadership to find the tools to solve this crisis. The report has the potential to play a significant role in that regard because it clearly shows that we need people to move to our countries if we want to maintain our current welfare levels.

      The report suggests that we need to make it more attractive for families to have more children. That is no doubt an important issue but I would have liked the report to have focused chiefly on the role that immigrants, specifically refugees, can play. It is vital that member States carry out the necessary analysis and have political plans to integrate refugees and migrants into the work force and communities. Studies by scientists from Stanford University, Zurich University and the London School of Economic show that for every year a refugee is kept waiting to obtain asylum, their working capacity diminishes by 20% due to the strain.

      The Group of the Unified European Left welcomes the report’s call for member States to view migrants and refugees as a resource instead of a burden and to understand that integration relates to the labour market, local communities and social and cultural life. Integration is about not only what we need as countries, but protecting refugees’ human rights and making it possible for them to integrate into our societies. Proper integration will require entrepreneurial thinking and the political will to invest in migrants and refugees. We therefore welcome the report’s call to eliminate national legislative obstacles to migrants quickly and smoothly entering the labour market. We need to be more aware of the qualifications of refugees and migrants, and recognise their qualifications and skills.

      We welcome the report’s focus on the development of long-term political strategies based on the needs of the labour market, but we also urge member States not to lose sight of the creativeness and entrepreneurial thinking in the education of the migrants and refugees, in order to keep evolving our labour markets. Let us act now to reduce the discrimination and xenophobia that we see today before they get worse.

## Free Debate

The PRESIDENT\* – Thank you, Ms Günay. I remind you, however, that we debated Turkey this week and had a statement from its Minister for Foreign Affairs. I see that there are nine speakers from Turkey on the list, so it is important that you indicate the topic you wish to speak on.

      I call Mr Kürkçü.

      Mr KÜRKÇÜ *(Turkey, Spokesperson for the Group of the Unified European Left)* – I am going to follow up the debate on Turkey. Our group is not satisfied with the explanation of the Foreign Minister—

      The PRESIDENT\* – Mr Kürkçü, we are not supposed to be going back over issues that have already been dealt with during the week. I said at the beginning that in the free debate we should not go back over subjects that have already been dealt with in the course of the week. You have pretty much the whole Turkish delegation down to speak during this debate, but we do not want a re-run of a debate we have already had. That is not the purpose of the free debate.

      Mr KÜRKÇÜ – I am not speaking on my own behalf. I am not speaking exclusively on Turkey, but I am expressing the opinions of the Group of the Unified European Left regarding the previous debate. Is this allowed or not?

      The PRESIDENT\* – You say you are going to be talking about Turkey. The Assembly rules that we have all agreed for the free debate do not allow people to address issues we have already dealt with in the week. We have had a wide-ranging debate on Turkey this week. President Hollande talked about Turkey, as did the Minister from Germany. We had the Turkish Minister of Foreign Affairs here, so we are not going to come back to the topic during the free debate, which is designed for people to raise other issues. If you want to speak on behalf of your group about something other than Turkey, I am very happy to give you the floor. Otherwise, I am afraid I cannot. Is that okay?

      Mr KÜRKÇÜ *(Turkey) –* I want to talk about something that has not been said in debates, so may I speak?

      The PRESIDENT\* – Go ahead, but we do not want to hear 50 different statements on the same subject. You have two minutes and 35 seconds left. Please confine yourself to subjects that we have not dealt with this week.

      Mr KÜRKÇÜ *(Turkey)* – We have not spoken this week about the exodus of intellectuals and professionals from Turkey to Europe and the United States. Despite that, Turkish officials claim that after the clampdown on the junta, the situation in Turkey has improved so much that 80% of the Turkish population is very happy with it. However, reports from the United States and Germany state that applications from Turkey for asylum have doubled in Germany and tripled in the United States. An influx of people from Turkey to Europe and Germany is what is at stake, and this is a matter of concern for those countries. Furthermore, the United States-based Scholar Rescue Fund has declared that there is an “unprecedented” demand for asylum in US universities and the United Kingdom-based Council for At-Risk Academics says that there are three times as many applications for asylum in Britain.

      The issue facing us is not one-sided, but multi-faceted; it has become a problem for Europe and the United States. The Council of Europe and the Assembly have to embrace the issue as one that is not on the outskirts of Europe, but at its heart. The Turkish Government should take the recommendation from the Parliamentary Assembly of the Council of Europe to adopt a more inclusive approach to changing Turkey’s anti-terror laws and open a path for criticism without any hindrance. That is our group’s position.

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