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Parliamentary questions to the Chairperson-in-office of the Committee of Ministers

Parliamentary questions
by other members of the Assembly

1. Question from Mr Hunko (Germany, UEL)

In view of the numerous incarcerations of elected parliamentarians, mayors, journalists (see Assembly Doc. 12506), lawyers, party officials, unionists [and more than 2000 children] and the ongoing respective European campaigns, including hunger strikes of about 800 prisoners in Turkey and of 15 European Kurds in Strasbourg – has the Committee of Ministers discussed the reproving violations of democratic standards, the rule of law and human rights and notably the impact on the Kurdish part of the population in Turkey?

In particular, what action will the Committee of Ministers undertake to pursue the aim of the Council of Europe and to work for the maintenance and further realisation of human rights and fundamental freedoms in this case and does the Committee of Minister support the proposal to involve the Venice Commission in the development of the new Turkish Constitution, notably as the Venice Commission pays particular attention to countries which are going through a ethno-political conflict and could foster the settling of conflict through political agreements and a viable legal text?

Reply by the Chairperson of the Committee of Ministers

The Committee of Ministers expects all member States to respect the commitments and obligations which they have undertaken when joining the Organisation, in particular under the European Convention on Human Rights. This is of utmost importance where questions concerning political liberties are concerned.

The human rights situation in Turkey, inluding in the south-eastern part of the country, is monitored by various Council of Europe bodies. Firstly, the Committee of Ministers itself, under Article 46 of the European Convention of Human Rights, closely follows the execution of the judgments delivered by the European Court of Human Rights in cases concerning Turkey.

Other bodies, such as the Commissioner for Human Rights or the European Committee for the Prevention of Torture (CPT), have also paid continued attention to questions concerning human rights in Turkey. The report published by the Commissioner on 10 January 2012 following his last visit to Turkey has given rise to discussions within the Committee of Ministers. Discussions also took place when the Secretary General reported on his dialogue with the Turkish authorities regarding questions of freedom of expression and the media in Turkey.

Beyond the supervision of member States' obligations and commitments, the Committee of Ministers considers that the Organisation can be instrumental in lending its assistance for the alignment of domestic laws and practices with Council of Europe standards.

Clearly, the Venice Commission can provide most useful advice in this context. As the Honorable Parliamentarian may know, the Venice Commission has already provided extensive expertise to the Turkish authorities, including on constitutional matters, and is willing to offer any further assistance if so requested.

The Committee would also like to recall that, beyond the Venice Commission, a large number of co-operation activities are under way in Turkey, in particular for the training of judges and prosecutors regarding the European Convention on Human Rights as well as the penitentiary system. The Committee is willing to consider favourably any request for further assistance which the Turkish authorities may make.

2. Question from Mr Kürkcü (Turkey, UEL)

Has the Committee of Ministers noted that Turkey has yet to completely fulfill any of its commitments under Assembly Resolution 1380 (2004) for thorough reforms for broader rights and freedoms as well as for restructuring the country's political, judicial and administrative system in line with the principles of the Council of Europe and particularly of the European Charter of Local Self-Government (ETS No. 122), even eight years after the adoption of this resolution?

In view of the ongoing persecution of the members of the Peace and Freedom Party (BDP) – 6 000 arrests to date –, of the massacre of 34 inhabitants of the Gülyazı village of the Şırnak district in a Turkish Air Forces raid on 29 December 2011, of increased use of unproportional police force against workers' and student's demonstrations, of the continued imprisonment of nine MPs from three opposition parties in the parliament, is the Committee of Ministers considering "studying the situation in Turkey and the objectives that need to be fixed" as stated by Ms Josette Durrieu, Assembly rapporteur for the post-monitoring dialogue with Turkey, after her initial fact-finding visit to Turkey in January 2011?

Reply by the Chairperson of the Committee of Ministers

The Committee of Ministers notes that the question refers to a resolution of the Parliamentary Assembly, any follow-up of which falls directly to the Assembly and not to the Committee of Ministers.

With regard to the honourable member's reference to the application of the European Charter of Local Self-Government in Turkey, the Committee of Ministers would recall that the monitoring of the situation of local and regional democracy in member states by assessing the application of the Charter is a core mission of the Congress of Local and Regional Authorities. The reports prepared by the Congress in this respect are given full and due consideration by the Committee of Ministers, as well as by the state concerned. This is equally the case with regard to Turkey.

In response to the second part of the question, I would refer to my previous reply to the question of Mr Hunko with regard to the various bodies of the Council of Europe involved in monitoring the commitments and obligations of Turkey.

3. Question from Mr Montag (Germany, SOC)

What are the remaining obstacles and reservations as regards the accession of the European Union to the European Convention on Human Rights and what is the current time-frame for the accession?

Reply by the Chairperson of the Committee of Ministers

Accession by the European Union to the European Convention on Human Rights will ensure the coherency of fundamental rights protection across the wider European area. The entry into force of the LisbonTreaty and of Protocol No. 14 to the ECHR have made this possible.

Technical work on accession instruments has been conducted within the Steering Committee for Human Rights (CDDH), which was mandated by the Committee of Ministers to draw up the necessary legal instruments.

The CDDH tasked a group of experts to prepare a draft Accession Agreement for CDDH to consider. The group finalised the draft, which was considered by CDDH in October 2011. As not all issues were settled in the CDDH, it transmitted the draft instrument to the Committee of Ministers for further guidance.

This item has been on the agenda of the Committee of Ministers on several occasions. The Committee has been informed by the EU delegation that discussions are under way within the European Union to agree the European Union position on the draft. The Committee was recently informed that progress had been made in these discussions and we hope therefore that the Committee of Ministers will soon be able to resume its examination of the draft instrument with a view to its adoption.