

Post-monitoring dialogue with Turkey
Rapporteur: Ms Josette Durrieu (France, SOC)
Main points of the fact-finding visit of 5-9 November 2012
12 November 2012

I carried out my third fact-finding visit to Turkey from 5 to 9 November 2012, in my capacity as rapporteur of the Parliamentary Assembly of the Council of Europe on the post-monitoring dialogue with Turkey. The visit focused on four main points:

- *Reception of Syrian refugees*

During my visit to the province of Hatay and the Yayladağı (5,900 refugees) and Altınözü (1,200 refugees) camps located 100 km from Aleppo, I was able to see for myself the measures taken by Turkey to accommodate the 110,000 Syrian refugees currently living in the camps. The reception of the refugees (whom the Turkish call “guests under provisional protection”) is outstanding, bearing in mind the extremely difficult material conditions (one of the camps is located in a former tobacco factory with individualised “containers”, and the other is a tented camp). Considerable effort has been made and the health and security aspects seem to be well under control. In particular, I noted the fact that schooling had been arranged along with care provision for children at all levels. We should applaud the action taken by Turkey – which is costing them over USD 500 million – and by the Red Crescent, and the exemplary solidarity of the Turkish people.

- *Freedom of speech and assembly*

The exercise of fundamental rights, in particular freedom of speech and assembly, remains a major concern. The long awaited 3rd judicial reform package does not appear to have produced the anticipated results, despite the progress that has been made (release of 20,000 remand prisoners, including 12 journalists, and the conditional release of 18,000 people). I had long talks with the Minister of Justice, Mr Sadullah ERGIN, whom I applaud for his determination to pursue the necessary reforms and incorporate the standards and case-law of the European Court of Human Rights. There is still no legal outcome to the pre-trial detention of members of parliament and local elected representatives. This clearly hampers the exercise of the mandates given to these elected representatives by citizens and requires a legislative solution. Once again we discussed the problem of journalists, students and academics who are also being held in pre-trial detention for long periods. I informed the Minister of Justice of the questions raised by the indictment of a young Franco-Turkish and Kurdish student, Sevil Sevimli, who was remanded in custody for three months before her conditional release, and is now under house arrest in Turkey. Her trial will be held on 19 November 2012. She could be given a heavy prison sentence (the prosecutor is asking for 32 years), like other students arrested after taking part in demonstrations.

- *The drafting of a new constitution*

Following a 50-year period, during which there was a succession of coups d'état relating to the guardianship of the military, Turkey entered a period of transition. The current period is marked by some major trials, such as the Ergenekon affair. It is in this context that Turkey has begun redefining the very bases of its democracy.

I fervently hope that the process of revising the constitution, based on the participation of all political groups in parliament and on broad participation of civil society, can come to fruition. It is up to Turkey to clarify the parameters of its future democratic system while ensuring the institutional balance of powers, establishing checks and balances, and ensuring respect for everyone's fundamental rights and individual freedoms. I would encourage Turkey to draw on the expertise of the Venice Commission for assistance in this process, having regard to the forthcoming presidential elections (2014) and parliamentary elections (2015).

- *The Kurdish question*

The Kurdish problem is the most difficult one that the country has to deal with. Right now, we are particularly concerned about the hunger strike initiated by numerous Kurdish detainees, which is gaining momentum day by day. Some of them are now in the 62nd day of their hunger strike and this is bound to have dramatic consequences. There has to be an immediate end to this situation and the door must be opened to dialogue.

We denounce and condemn the acts of violence perpetrated by the PKK, which particularly affect civilians, even in schools. There can only be a political solution to the Kurdish question. Current claims, particularly regarding the ability of plaintiffs to use their mother tongue, must be addressed by means of a government bill. This is a positive response. All the other problems relating to the Kurds fall quite naturally into the debate on reform of the constitution and should therefore find the requisite political response, including in the context of devolution in accordance with the European Charter of Local Self-Government.