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**INFORMATION NOTE  
ON  
HUMAN RIGHTS ISSUES IN TURKEY**

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## **Abstract**

*The views expressed in the notes are based on the results of the assessment done by the European Commission and published as "Turkey Progress report 2008" on 5 November 2008. Points of view differing from this Report are indicated as such with reference to the origin of the information.*

A new impetus now needs to be given to reform, in order to strengthen democracy and human rights, to modernise and develop the country and to bring it closer to the EU. The rules on political parties, constitutional reform, freedom of expression, and women's rights require particular attention.

Experts and human rights groups say there is still room for improvement in numerous fields such as freedom of expression, civilian control of the military, the rights of non-Muslim religious communities, the fight against corruption, women's and children's rights, judicial reform and trade union rights.

### **Torture and ill treatment**

There have been limited efforts as regards the prevention of torture and ill-treatment.

A comprehensive set of safeguards is in place. However, allegations of torture and ill-treatment during detention or outside official places of detention are a cause for concern. The efforts to prevent torture and ill-treatment need to be enhanced. The ratification of the OPCAT and the fight against impunity are key in this context.

### **Judicial system, anti-corruption policy and access to justice**

The work to date on the draft judicial reform strategy has been a positive development. The Ministry of Justice needs to continue and expand the consultations with all stakeholders, including civil society, and build the necessary broad support for the strategy. However, concerns remain as regards the independence and impartiality of the judiciary. Reforms in the area of the judiciary are a priority of the Accession Partnership.

There has been limited progress in the area of anti-corruption. There has been limited progress towards strengthening the legal framework and institutions set-up to fight corruption. The continuing absence of an overall strategy, action plan and coordination mechanism is a cause for continuing concern in this area. Turkey needs to develop a track record of investigations, prosecutions and indictments of allegations of corruption.

### **Improvement of prisons**

Good progress was made on improving infrastructures and on staff training. However, shortcomings as regards restrictions on prisoners' conditions, on solitary confinement and on occasional ill-treatment remain to be addressed.

### **Freedom of expression**

With the amendment of Article 301 there has been some progress in the efforts to strengthen the safeguards for freedom of expression, which is a priority of the Accession Partnership. However, only a consistent track record of implementation will show whether or not the revised article is adequate. Moreover, further legislative reforms are needed to ensure full respect of freedom of expression, in law and in practice, in line with the ECHR and the ECtHR case law. Against the background of pressures on the press and electronic media, there is a need to guarantee an atmosphere conducive to full respect of the freedom of the press.

### **Freedom of assembly and association**

Further efforts are needed to ensure freedom of assembly in practice in line with European standards, as arbitrary limitations and disproportionate use of force against demonstrators still occur.

There were improvements to the legal framework on freedom of association. However, some associations faced disproportionate administrative difficulties or judicial proceedings.

### **Freedom of religion, thought and conscience**

There has been some progress, in particular as regards adoption of the Law on foundations. However, the implementation of the Law, together with the resolution of the outstanding property-related issues regarding non-Muslim minorities remains a challenge.

Furthermore, Alevis continue to face the same problems, including on education and places of worship. A legal framework in line with the ECHR has yet to be established, so that all non-Muslim religious communities and Alevis can function without undue constraints.

Turkey needs to make further efforts to create an environment conducive to full respect for freedom of religion in practice and to carry out consistent initiatives aimed at improving dialogue with the various religious communities.

### **Minority and cultural rights**

Turkey has made no progress on ensuring cultural diversity and promoting respect for and protection of minorities in accordance with European standards, and some limited progress on cultural rights. However, restrictions continue, particularly on the use of languages other than Turkish in broadcasting, in political life and when accessing public services. There are no opportunities to learn these languages in the public or private schooling systems. There has been no progress in the situation of the *Roma*, who frequently face discriminatory treatment in access to adequate housing, education, social protection, health and employment.

### **East and Southeast**

The government's decision to complete the South-East Anatolia Project is a step in the direction of addressing the economic and social difficulties of the region.

Further efforts are needed in order to create the conditions for the predominantly Kurdish population to enjoy full rights and freedoms.

### **Internally displaced persons (IDP)**

Compensation of internally displaced persons (IDPs) has continued. However, the government lacks an overall national strategy to address the IDP issue. The village guard system still has to be phased out.

### **Gender issues**

The legal framework guaranteeing women's rights and gender equality is broadly in place. However, further significant efforts are needed to reduce the gap between men and women in economic participation and opportunity, educational attainment, access to healthcare, and political empowerment. Efforts to prevent honour killings and domestic violence have continued.

### **Rights of the child's**

There has been progress on access to education, social services and the juvenile justice system. However, efforts need to continue in all areas related to children's rights, including administrative capacity, education, the juvenile justice system and child labour.

### **Socially vulnerable and disabled persons and the principle of non-discrimination**

As regards socially vulnerable persons and/or persons with disabilities, the State will pay the social security premiums for people with disabilities to promote their employment. There was an increase in the resources allocated to care services for people with disabilities. However, people with disabilities are not receiving adequate public services. This is mainly due to lack of awareness of the available services and problems in accessing the services, especially physical barriers.

### **Trade union rights**

On labour rights and trade unions, the pending legislation amending the Trade Unions and Collective Bargaining, Strike and Lockout Laws has not moved forward substantially.

Turkey needs to ensure that trade union rights are fully respected in line with EU standards.

### **Property rights**

Adoption of the Law on foundations has been a welcome step forward. However, implementation of the Law will be crucial. The outstanding issues also need to be addressed. Finally, the quality of the dialogue between the authorities and the communities concerned will be instrumental in creating an environment conducive to achieving progress.

### **Asylum seekers**

In the area of asylum, limited progress has been made. Turkey continues to impose its geographical limitation on the 1951 Convention relating to the status of refugees and the related 1967 Protocol.

The Ministry of Interior has also initiated the internal administrative procedures to set up an asylum management unit, as the first step towards a dedicated authority able to manage both reception and integration issues.

### **Promotion and enforcement of human rights**

Human rights defenders have faced criminal proceedings because of their work. Some faced threats from extremist groups, and were subsequently placed under police protection.

The institutions for the promotion and enforcement of human rights lack independence and resources. The introduction of an Ombudsman is overdue and is of key importance to prevent tensions in society. Furthermore, threats to personal safety and occasional criminal proceedings have an adverse effect on the work of human rights defenders.

### **Ratification of Human Rights instruments**

Turkey has continued to make progress on the execution of ECtHR judgments. However, further efforts are needed in this context. Furthermore, there has been no progress on ratification of international human rights instruments, including in particular OPCAT.

### **Civilian oversight of the security forces**

No progress has been made in ensuring full civilian supervisory functions over the military and parliamentary oversight of defence expenditure. Senior members of the armed forces have made statements on issues going beyond their remit.

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# 1. Civil and political rights

## Torture and ill-treatment

**The rights of detainees are protected by a comprehensive set of safeguards which serve to prevent cases of torture and ill-treatment in custody.** This includes medical examinations of detainees in police custody. Efforts are ongoing to ensure compliance with these provisions.

The Ministry of Interior continued its work for the establishment of an independent national mechanism to investigate citizens' complaints against law enforcement officers. As a next step the establishment of this mechanism requires public consultations on its structure and function. The Council of Forensic Medicine is preparing for ISO quality accreditation, which will enhance the credibility of its reports. The Council has seven branch offices, and efforts are ongoing to increase the resources for forensic medicine in the country through the creation of units in each of Turkey's 81 provinces.

However, **the number of applications to NGOs in relation to cases of torture and ill-treatment has increased**, in particular outside official places of detention, notably during apprehension, transfer, or in the open with no detention registered. Furthermore, there are cases where the legal safeguards in place failed to prevent or stop the occurrence of torture and ill-treatment while in custody or in prison. These developments are a matter of concern.

Amendments to the law on the duties and legal powers of the police, adopted in 2007, provide that the police are not entitled to use force unless confronted with resistance. These amendments, together with the instructions given to members of the security forces, appear to align the Turkish legislation with the ECHR standards. However, there are concerns that the implementation of this law has resulted in cases of ill-treatment during routine identity checks. Strict implementation of the amended provisions needs to be monitored by the Turkish authorities in order to prevent human right violations.

Pending the ratification of OPCAT<sup>1</sup>, that requests Parties to designate or establish an independent national preventive mechanism for monitoring places of detention, there is no such mechanism in place. Visits by the Human Rights Boards are often not followed up and the boards do not have sufficient expertise.

Victims of torture and ill-treatment rely essentially on rehabilitation services provided by NGOs. This is partly due to the lack or inaccessibility of State-sponsored services for victims of torture and ill-treatment.

### ❖ Fight against impunity of human rights violations

As concerns **impunity**, the Minister of Justice expressed a public apology for a recent case of death following torture in detention. However, impunity for human rights violations is a cause for concern. There is a lack of prompt, impartial and independent investigation into allegations of human rights violations by members of security forces. None of the 70 complaints submitted to the prosecutor in relation to the Diyarbakir incidents in March 2006 have been closed so far.

Furthermore, judicial proceedings into allegations of torture and ill-treatment are often delayed by the lack of efficient trial procedures or abuse of such procedures.

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<sup>1</sup> Optional Protocol to the UN Convention against Torture (OPCAT).

### **Judicial system, anti corruption policy and access to justice**

The Ministry of Justice has been working on a draft judicial reform strategy, which it presented in spring 2008. The document is comprehensive and covers issues related to the independence, impartiality, efficiency and effectiveness of the judiciary, enhancement of its professionalism, the management system and measures to enhance confidence in the judiciary, to facilitate access to justice and to improve the penitentiary system.

In 2007, a total of 846 judges and prosecutors were appointed. The total number of judges and prosecutors on 1 May 2008 was 6,914 (6,785 on 1 May 2007) and 3,917 (3,744 on 1 May 2007) respectively. On the same date, the total number of vacant posts for judges and prosecutors was 4,166. The funds available to the judiciary in 2007 totalled € 865 million. This covers salaries and social security payments for all members of the judiciary, plus services and real estate acquisition for the judiciary. However, there have been no developments on establishment of the regional courts of appeal. This is a matter of concern. Under the law, these should have been operational by June 2007. In addition, there is a need to strengthen efforts to ensure that interpretation by the judiciary of legislation related to human rights and fundamental freedoms is in line with the ECHR, with the case-law of ECtHR and with article 90 of the Turkish Constitution.

**Concerns remain about the impartiality of the judiciary.** On some occasions senior members of the judiciary made public political comments which may compromise their impartiality in future cases. As regards independence, there has been no progress on the composition of the High Council of Judges and Prosecutors<sup>2</sup> or on the reporting lines of judicial inspectors<sup>3</sup>.

#### ❖ Anti-corruption policy

Turkey has implemented one third of the recommendations made in GRECO's 2005 joint first and second round evaluation report. It has made efforts to ensure practical implementation of the existing anti-corruption legislation, inter alia by enhancing training on corruption detection and investigation for law enforcement officers, establishing guidelines on seizure and confiscation and developing systems for monitoring the impact of anti-corruption measures. However, **the Government failed to prepare a comprehensive anti-corruption strategy. Policy making in this field has not received adequate political support.**

Furthermore, several of GRECO's most important recommendations have not been addressed, such as the recommendation to entrust an oversight body, involving civil society, with the responsibility of overseeing implementation of national anti-corruption strategies and of proposing new strategies. Corruption incidents, involving in particular real estate agencies, local government and universities, were frequently reported by the media. As a result, law enforcement agencies have conducted a series of high-profile corruption investigations in various agencies. In the context of a fraud case against the charity association Deniz Feneri in Germany, the Regional Court of Frankfurt am Main convicted three charity's managers for having misused funds collected as donations. The Court also stated that part of the funds have been channelled to entities based in Turkey. In this context, an Ankara prosecutor initiated an investigation, and asked the Ministry of Justice to request the necessary documents from the German Court.

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<sup>2</sup> The composition of the High Council is not representative of the judiciary as a whole: only senior members of the judiciary from the Court of Cassation and the Council of State are members of this Council.

<sup>3</sup> The judicial inspectors, who are responsible for evaluating the performance of judges and prosecutors, are attached to the Ministry rather than to the High Council.



There has been no progress on limiting the immunity of Members of Parliament and there is no legislation in place on election campaign financing. The European Court of Human Rights noted in a ruling that that no objective criteria had been set to define the conditions under which immunity could be lifted. No progress has been made regarding new legislation on the Court of Auditors. There has been no progress on strengthening Parliamentary oversight over public expenditure.

❖ Access to justice

As regards access to justice, reports indicate that in urban areas most detainees have access to a lawyer immediately after detention. In rural areas, however, in particular in the South-East of the country, there have been cases where defendants have not had access to a lawyer on terms equivalent to those in urban areas.

**Infrastructure of prisons**

The improvement of the physical **infrastructure of prisons**<sup>4</sup> as well as the training of staff continued (the trainers have been trained under the EU's judicial modernisation and penal reform (JMPPR) programme). Greater transparency was introduced to the operations of the Penal Institutions and Detention Houses Monitoring Boards. These boards carry out regular visits to prisons and the findings of their reports are now publicly accessible. Furthermore, the Law provides for the publication of an annual report on the activities of the Penal Institutions and Detention Houses Monitoring Boards.

However, the national framework for prison monitoring falls short of the requirements of the Optional Protocol to the UN Convention against Torture (OPCAT).

Implementation of the circular on high-security F-type prisons has failed to remedy the shortcomings as regards communal activities for inmates. Proper implementation of the circular depends on increasing the numbers and training of staff, and making more rooms available for the activities of different groups of prisoners.

Provisions regarding the application of solitary confinement for persons sentenced to aggravated life imprisonment remain in force. Furthermore, cases of ill-treatment by prison staff have occurred.

**Freedom of expression**

As regards freedom of expression, open debate continued in the Turkish media on a wide range of issues, including those perceived to be sensitive by Turkish society.

In April, the Turkish parliament adopted amendments to Article 301 of the Turkish Criminal Code with the intention of strengthening the safeguards for freedom of expression in Turkey.

However, the wording of Article 301 remains largely the same and the prior authorisation requirement opens up the possibility that the **article will become subject to political consideration**.

Other legal provisions that restrict freedom of expression remain a cause of concern. For example, Articles 215, 216 and 217 of the Turkish Criminal Code, that criminalise offences against public order, and the Anti-Terror Law have been applied to prosecute and convict those expressing non-violent opinions on Kurdish issues.

Turkish judges and prosecutors apply a wide interpretation of the provision on "incitement to violence" or "public interest", in particular as concerns Kurdish-related issues. This is not in line with the ECtHR case law on freedom of expression and implies in particular a lack of differentiation between violent and non-

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<sup>4</sup> Twelve new prisons have been completed and a further 22 new prisons are under construction.

violent opinions. Moreover, press articles on ongoing judicial proceedings have led to prosecutions and convictions under Article 288 (attempt to influence a fair trial) of the Turkish Criminal Code or under the Press Law. Similarly, public statements on the right to conscientious objection are prosecuted under Article 318 (discouraging the people from military service) of the Turkish Criminal Code.

Furthermore, there have been statements by senior figures strongly criticising the press, in particular following press reports on alleged corruption cases and the fight against terrorism.

Another problematic area is the frequent website bans, which are disproportionate in scope and duration. Along with other websites, the popular You Tube site has been closed down several times.

The Turkish Armed Forces still deny access to military receptions and briefings to some journalists and media organisations.

Further legislative reforms are needed to ensure full respect of freedom of expression, in law and in practice, in line with the ECHR and the ECtHR case law. Against the background of pressures on the press and electronic media, there is a need to guarantee an atmosphere conducive to full respect of the freedom of the press.

#### ❖ Article 301<sup>5</sup>

On 30 April the Turkish parliament finally approved amendments to the controversial article 301 of the 2005 Turkish Penal Code, which, along with other articles that have yet to be amended, the judiciary has used to prosecute hundreds of writers and intellectuals for their opinions since 2003. Under the new article, which was approved in spite of the opposition of the MHP and the CHP, insults against the "Turkish Nation" (as opposed to "Turkishness") and the "Republic of Turkey" (as opposed to the "Republic") are still deemed criminal offences. The maximum prison sentence has been reduced from three years to two and comments and remarks made in "criticism" are not deemed punishable.

A circular on implementation of the amended article was issued on 9 May 2008. Following the adoption of the amendments to Article 301, the Minister of Justice authorised the criminal investigations to continue in 37 cases. This includes one case which was initiated following a statement made by a Turkish writer on the Armenian issue shortly after the assassination of the Turkish journalist of Armenian origin, Hrant Dink. Furthermore, there is legal uncertainty as regards cases which had been granted authorisation by the Minister of Justice under the former Article 159 of the Turkish Criminal Code.

The EU welcomed the reform as a constructive step towards ensuring freedom of expression, but also called for changes to other articles (notably articles 215, 216 and 217 of the Turkish Criminal Code) restricting the freedom of speech. Human rights groups have generally argued that the reforms have not gone far enough.

#### **Freedom of assembly**

The legal framework for **freedom of assembly** is broadly in line with European standards.

However, as regards implementation, arbitrary limitations have been applied in practice to the right to peaceful assembly. The Turkish police used disproportionate force against protestors and trade union representatives who ignored the ban on 1 May 2008 demonstrations in Taksim Square in Istanbul.

The Kurdish *Newroz* Spring celebrations in March 2008 resulted in violence against demonstrators in several provinces, in particular Hakkari, Yuksekova and Van.

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<sup>5</sup> For this section, the following sources have been used: The European Commission, The Council of ministers, Hurriyet - newspaper, Euractiv, the BBC, Reuters, The Turkish Economic and Social Studies Foundation (TESEV).

### **Freedom of association**

As regards **freedom of association**, the legal framework further improved with the adoption of the amendments to the Law on foundations in February 2008. The scope of the new Law extends to all existing foundations. The new provisions relax the conditions for establishing a foundation and ease the regulatory framework for their activities, in particular on selecting board members, acquiring or selling assets, receiving funds from abroad and co-operating with foreign foundations. The previous ban on foreigners establishing foundations in Turkey has been replaced by the principle of reciprocity. The new Law provides tax incentives for donations to all foundations and allows tax exemptions for the repair, restoration and landscaping of cultural properties that belong to foundations. Furthermore, the Law provides for the establishment of the **Foundations Council** as the highest decision-making body for foundations. As a positive step, the foundations themselves are represented in this new body.

However, the obligations imposed by the Law on associations to notify the authorities before receiving financial support from abroad and to provide detailed documents on such support continue to place a burden on associations' operations. Furthermore, frequent inspections of NGOs receiving funds from abroad, including EC funds, remain a cause of concern.

The registration of the Turkish Armenian Business Development Council was rejected by the Governorate of Istanbul, without clear legal grounds. Following a case brought by the Istanbul Governorate, an Istanbul court decided in May to close down a lesbian, gay, bisexual, transgender/transsexual (LGBTT) association. The Istanbul Governorate is accusing Amnesty International (AI) of illegal money collection. The competent Istanbul Administrative Court heard the case and decided in favour of AI. The Governor has appealed the case before the Council of State.

As regards **political parties**, the closure cases against the AKP and the DTP illustrate that the current legal provisions applicable to political parties do not provide political actors with an adequate level of protection from the state's interference in their freedom of association and freedom of expression.

### **Civil society organisations**

As regards civil society organisations, governmental bodies regularly consult NGOs. However, there is no coherent legal framework organising this cooperation. As a result, consultations are held on an ad hoc basis, with unclear selection criteria, and do not result in tangible policy outputs. Political pluralism would be enhanced if participation of civil society and other stakeholders in policy-making were increased. Furthermore, the breadth and scope of civil society organisations needs to be strengthened.

### **Freedom of religion**

As concerns freedom of religion, freedom of worship continues to be generally respected. The Law on foundations adopted in February 2008 addresses, among other things, a number of property issues regarding non-Muslim minorities.

As regards the Alevis, the government announced an initiative aimed at improving dialogue with this community and addressing its concerns. In what was noted as a first decision of its kind in the country, a municipal council recognised a Cem house as a place of worship and applied mosque tariffs to its water charges. However, the government's initiative has not been followed through.

Overall, **Alevis continue to face the same problems** as before, in particular as regards education and places of worship.

This has led an AKP Alevi MP to resign from the position of Advisor to the Prime Minister on Alevi issues.

Attacks against non-Muslim clergy and places of worship have been reported in a number of provinces. Missionaries continue to be portrayed and/or perceived as a threat to the integrity of the country and to the Muslim religion. The Turkish Alliance of Protestant Churches submitted a report to Parliament's Human Rights Committee on the state of religious minorities in Turkey. This report pointed out that non-Muslim groups in the country had been the target of attacks, provided a list of such incidents and noted that no suspects had been arrested. Implementation of the Ministry of Interior circular of 19 June 2007 on freedom of religion of non-Muslim Turkish citizens has not yet had the desired effects.

Non-Muslim communities – as organised structures of religious groups – still face problems due to lack of legal personality. Restrictions on the training of clergy remain. Turkish legislation does not provide for private higher religious education for these communities and there are no such opportunities in the public education system. **The Halki (Heybeliada) Greek Orthodox seminary remains closed.** There have been reports of foreign clergy who wish to work in Turkey facing difficulties in obtaining work permits. The Ecumenical Patriarch is not free to use the ecclesiastical title Ecumenical on all occasions. In January 2008, Prime Minister Erdogan declared that use of the title "ecumenical" should not be a matter on which the State should rule.

**Judicial proceedings against conscientious objectors have continued** and there have been frequent allegations of ill-treatment of conscientious objectors in prison. Furthermore, public statements on the right to conscientious objection have led to convictions.

## 2. Minority rights, cultural rights and protection of minorities

### Minority rights

Turkey's approach to minority rights, which refers to the 1923 Treaty of Lausanne<sup>6</sup> remains unchanged. Without prejudice to the Treaty, the Turkish authorities consider Turkish citizens as individuals with equal rights before the law, rather than as individuals belonging to the majority or to a minority. This should not prevent Turkey, in accordance with European standards, from granting specific rights to certain Turkish citizens on the grounds of their ethnic origin, religion or language, so that they can preserve their identity. Full respect for and protection of language, culture and freedom of association, assembly, expression and religion and effective participation in public life for all citizens irrespective of their background or origin, in accordance with the principles laid down in the Framework Convention for the Protection of National Minorities and in line with best practice in Member States, have yet to be fully achieved.

Turkey is a party to the UN International Covenant on Civil and Political Rights (ICCPR). However, its reservation regarding the rights of minorities and its reservation concerning the UN Covenant on Economic, Social and Cultural Rights (ICESCR) regarding the right to education are causes for concern. Turkey has not signed the Council of Europe Framework Convention for the Protection of National Minorities or the European Charter for Regional or Minority Languages.

The repeated requests of the OSCE High Commissioner on National Minorities (HCNM) to follow up on his last visit to Turkey of December 2006 were not accommodated. There is a need to start a dialogue between Turkey and the HCNM on issues such as the participation of minorities in public life and broadcasting in minority languages. This would facilitate Turkey's further alignment with international standards and best practice in EU Member States.

Management of minority schools, including the dual presidency, remains an issue, pending an implementing regulation. Work is under way to remove discriminatory language from textbooks.

The Greek minority continues to encounter problems with education and property rights. In June, the Parliamentary Assembly of the Council of Europe (PACE) adopted a Resolution<sup>7</sup> on the Greek minority on the islands of Gökçeada (Imvros) and Bozcaada (Tenedos). The resolution calls for preserving the bicultural character of the two Turkish islands as a model for cooperation between Turkey and Greece. Furthermore, it takes account of positive gestures made by the Turkish authorities, mainly in connection with the Greek community's architectural heritage, and calls on Turkey to maintain up the momentum by taking additional measures, in particular on property and education issues.

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<sup>6</sup> According to the Turkish authorities, under the 1923 Treaty of Lausanne minorities in Turkey consist exclusively of non-Muslim religious communities. In practice, the minorities which the authorities associate with the Treaty are Jews, Armenians and Greeks.

<sup>7</sup> Resolution 1625 (2008).

### **Cultural rights**

As regards cultural rights, following the June 2008 amendments to the relevant Law, TRT - **the public service broadcaster - is allowed to broadcast nationally all day long in languages other than Turkish**. Since 2004 this has only been possible for half a day.

An appeal against the Law is pending before the Constitutional Court. Furthermore, a new local radio channel, Muş FM, has received authorisation to broadcast in Kurdish.

However, the launching of a channel broadcasting in languages other than Turkish has been delayed on several occasions. Furthermore, two of the four local TV and radio channels that started broadcasting in languages and dialects traditionally used by Turkish citizens closed down during the reporting period. Time restrictions laid down in the law on the Radio and Television Supreme Council (RTÜK) continue to apply, with the exception of films and music programmes. **Educational programmes teaching the Kurdish language are not allowed.**

All broadcasts, except songs, must be subtitled or translated into Turkish. These restrictions make broadcasting in languages other than Turkish cumbersome and non-viable commercially. The police and the Radio and Television Supreme Council (RTÜK) apply a policy of strict monitoring of broadcasts in Kurdish. Several court cases and investigations against GÜN TV - the only TV channel currently broadcasting in Kurdish - are ongoing, in relation to the wording of Kurdish songs the channel has aired.

**Children whose mother tongue is not Turkish cannot learn it in the Turkish public schooling system.** Under the current legislation such education can be provided only by private educational institutions. However, in the case of Kurdish, courses which had opened following the changes to the law have now closed down. As a result, there are currently no opportunities to learn Kurdish in either the public or private schooling system.

No measures have been taken to facilitate access to public services for non-speakers of Turkish, although interpretation is usually available in courts. The case against the municipality of Sur (Central Diyarbakir) in June 2007, in which the Council of State dismissed the mayor from office and dissolved the Municipal Council for providing multilingual municipal services, is now before the ECtHR. A vice-governor will continue to serve as mayor of Sur until new elections, scheduled in March 2009, although by law bye-elections should have been held within 60 days of the dismissal.

**According to the Law on political parties, the use of languages other than Turkish remains illegal in political life.** In this context, a large number of investigations and court cases have been launched against officials and executives of the Democratic Society Party (DTP).

#### ❖ Situation of Roma

**As regards Roma, no steps have been taken to amend the Law on the Movement and Residence of Aliens**, which authorises "the Ministry of Internal Affairs to expel stateless and non-Turkish citizen gypsies and aliens that are not bound to the Turkish culture", thus promoting discrimination against Roma. This provision needs to be repealed. Turkey has yet to establish a strategy to address the problems of Roma. Turkey is not participating in the 2005-2015 Decade of Roma Inclusion.

Roma, who comprise other similar but distinct ethnic groups such as Dom, Lom and Travellers, face social exclusion and marginalisation in access to education, discrimination in health services, exclusion from employment opportunities, difficulties in accessing personal documentation and exclusion from participation in public affairs and public life.

### **Situation in the East and Southeast**

In May 2008 the Government announced the guidelines and general content of a plan for development of the South-East. The Government pledged to allocate total funding equivalent to €14 billion to complete the ongoing South-East Anatolia Project (GAP) between 2008 and 2012, thus increasing the originally planned spending on the project by €10.2 billion. The four pillars of the action plan are: economic development, social development, infrastructure development and institutional strengthening. Most investments will concentrate on the energy and agriculture sectors.

**Terrorist attacks by the PKK<sup>8</sup> continued in the South-East, but also throughout the country and claimed many lives.** Following parliament's authorisation the government ordered air strikes against terrorist hideouts in Northern Iraq. The "temporary security zones" established in June 2007 in the provinces of Sirnak, Siirt and Hakkari close to the Iraqi border remain operational.

Landmines remain a security concern for both military personnel and civilians. The government reported ongoing use of anti-personnel mines by the PKK/KONGRAGEL.

Under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (the 'Ottawa Convention'), of which it is a signatory party, **Turkey has undertaken to destroy all antipersonnel mines in mined areas as soon as possible, but no later than 1 March 2014.**

### **Refugees and Internally Displaced Persons (IDPs)**

The process of compensation of losses due to terrorism and the fight against terrorism continued to make progress. By May 2008, 313,829 cases had been filed under the relevant Law. Some 40% of these, i.e. 126 945 cases have been finalised, out of which 82,893 obtained a favourable response. The deadline for applications for compensation expired on 31 May 2008.

However, despite the efforts made by the Government to improve the situation, reports on shortcomings in implementation of the Law, in particular as regards uneven and inequitable calculation of compensation between provinces, have continued. Furthermore, due to lack of resources and the heavy workload of the Damage Assessment Commissions, progress in the assessment and payment of compensation has been slow.

The situation of internally displaced persons (IDPs) in urban areas remains a cause for concern. IDPs suffer from economic and social marginalisation and have little or no access to social, educational and health services. Return of IDPs is prevented by a number of factors. These include mainly the security situation, but also the lack of basic infrastructure, lack of capital, limited employment opportunities and the threat posed by the village guard system.

There is no overall national strategy to address the situation of IDPs. The insufficient institutional capacity of departments responsible for IDPs remains a challenge. There is a need to involve civil society further in the development of IDP policies.

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<sup>8</sup> PKK is on the EU list of terrorist organizations.

### 3. Economic and social rights

#### ***Women's rights***

**As regards women's rights, the Prime Ministerial circular on combating honour killings and domestic violence against women has helped to improve cooperation between public institutions.** Awareness-raising activities have been organised for members of the judiciary and law enforcement bodies. To date, 30,000 law enforcement officers have reportedly participated in training with a further 10,000 planned by the end of 2008. Gender sensitivity training programmes have also been conducted for health workers. The number of shelters for women victims of domestic violence has marginally increased. Courts have applied the amended Law on protection of the family<sup>9</sup>.

There are some notable examples of high-level presence of women in Turkish society in business, academia, the civil service and politics, however, **gender equality remains a major challenge in Turkey**. According to official statistics, participation by women in the labour force is low (24.8 % in 2007), and on a decreasing trend. The rate of women's employment is the lowest among the EU Member States and the OECD countries. Political representation of women, at both national and regional levels, is very low. Civil society organisations have submitted proposals to address this issue, in particular with a view to the forthcoming municipal elections scheduled for 2009.

Documents posted on the Diyanet's (Presidency for Religious Affairs) site contain language perceived by NGOs as discriminatory against women.

Women's access to education is the lowest among the EU Member States and the OECD countries. The good results on reducing the gender gap in primary education need to be sustained and strengthened, in particular by ensuring the continuing attendance of girls at school and identifying and addressing school drop-outs.

Domestic violence, honour killings, and early and forced marriages are still a serious problem. According to the Prime Ministry Human Rights Directorate, 220 honour killings were reported in the country in 2007, most of which happened in big cities. This is an increase compared with 2006 and illustrates the need to target efforts to raise awareness on women's rights among urban migrants. Finally, there is a need to improve reliability of data on all these issues.

Women are reportedly reluctant to have recourse to the police or the courts due to lack of confidence in provision of effective protection.

Women's economic fragility further reinforces this attitude. The Law on municipalities<sup>10</sup>, in particular the provisions on shelters, are not yet fully implemented and the number of shelters remains lower than provided for under that law. Women's NGOs are conducting surveys to define the number and capacity of properly functioning shelters.

**A Gender Equality Body and a Parliamentary Committee on Gender Equality have still to be established.** Women's civil society organisations have requested the establishment of a fully-fledged committee that could play an essential role in mainstreaming women's issues in all policy areas.

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<sup>9</sup> Amendments have extended the Law to all individuals in the family, including family members living separately. They have also abolished all fees for applications and administrative transactions related to court proceedings.

<sup>10</sup> The 2005 Law on municipalities provides for establishment of shelters for women in metropolitan municipalities and in municipalities with a population of 50,000 or more.



### **Anti-discrimination policies**

**The principle of anti-discrimination is enshrined in the Constitution and upheld in several laws.**

Homosexual relationships between consenting adults in private are permitted in Turkey.

In recent years, associations of the lesbian, gay, bisexual and transgender (LGBT) community registered for legal status in Turkey and prosecutors refused to press charges following a request by the Ministry of Interior to close them. This has enabled them to start advocating and defending the rights of lesbian, gay, bisexual and transgender people.

However, the law does not duly mention all the grounds of discrimination, such as sexual orientation, and provisions of the Turkish Criminal Code on "public exhibitionism" and "offences against public morality" are sometimes used to discriminate against LGBT. In May 2008, upon an appeal by the Istanbul Governorate, an Istanbul court decided to close down Lambda Istanbul, as its statute was considered against general morality. An appeal has been lodged before the Council of State in this case.

Homosexuals have the right to exemption from military service. If they request such exemption, their sexual orientation is verified by means of degrading medical and psychological tests or by demanding proof of homosexuality. Transsexuals are occasionally subjected to physical assaults, including by the police. Homophobia has also resulted in cases of physical and sexual violence. These allegations require prompt and effective investigation.

### **Children's rights**

With respect to **children's rights**, there was an increase in net primary school enrolment from 90% in the 2006/2007 school year to 97% in 2007/2008<sup>11</sup>. Over the same period, the gender gap in primary education was halved from 4.6% to 2.3%. The number of pupils in pre-school education has increased by 28% over the last three years, from 550,000 in 2005 to 700,000 in 2007. The government target is to attain a 50% pre-school enrolment rate from the current 25%.

The Ministry of National Education has established an e-school database containing information on school attendance. The Ministry can thus identify children that are out of school and try to ensure their enrolment or provide catch-up education. In May 2008, the Education Board approved the catch-up education programme: this is meant to give a second chance to children of 10–14 years of age who either never enrolled or who dropped out. This measure is targeted mainly at working and Roma children. In addition, mobile schools are trying to reach out to children working in agriculture.

The proportion of children under 15 years of age in households experiencing poverty decreased from 27.7% in 2005 to 25.2% in 2006. The Social Services and Child Protection Agency (SHCEK) has collected data on domestic violence and child abuse and on children living and working on the streets. However, these data have not yet been made public. The new Social Insurance and General Health Insurance Law provides for coverage for every citizen below 18 years of age. Parliament has ratified the Hague Convention on the Civil Aspects of International Child Abduction, which provides for a simplified procedure for returning children to their legal custodian.

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<sup>11</sup> This is partly due to the revised method of calculation of the total population. The Turkish Statistical Institute (TURKSTAT) revised its population figures based on its new address-based population registration system. Thus, the Ministry of National Education's formal education statistics for 2007-08 apparently paint the clearest picture yet of enrolment rates at various levels of the school system and of the gender gap in access to education.

SHCEK has also made efforts to improve the quality of the services provided, not only recruiting new members of staff, but assuming as well more responsibilities in implementation of the Law on child protection. Reception centres have been opened in a number of provinces for children who are perpetrators or witnesses of crimes or victims of violence.

However, respect for and implementation of children's rights continues to be a matter of concern. Children out of school remain a problem: the e-school database has revealed that **approximately 450,000 children between 6 and 14 years of age do not attend school.**

Implementation of minimum standards of care and protection of children living outside parental care needs to be improved. SHCEK needs to make the data on domestic violence against children and child abuse and on children living and working on the streets publicly available in order to improve policy-making and public debate. **Efforts to combat child labour in the field need to improve and shortcomings in legislation<sup>12</sup> must be addressed.**

Despite some progress in the juvenile justice system, **the number of child courts is still inadequate<sup>13</sup>**, there is a lack of social workers in these courts and their workload is heavy. This results in longer trials<sup>14</sup> and, thus, possibly in children being deprived of their liberty for longer periods of time. There has been an increase in the number of children in detention. The conditions in detention centres need to be improved, both in terms of physical conditions and as regards the quality of the services provided. The probation system should also be improved to prevent recurrence of the offence and to support children and their families.

### **Socially vulnerable and/or persons with disabilities**

As regards socially vulnerable persons and/or persons with disabilities, the State will pay the social security premiums for people with disabilities to promote their employment. There was an increase in the resources allocated to care services for people with disabilities. A circular was issued with a view to immediate placement of people with disabilities who are in need of urgent care. As regards mental health, progress has been made in the field of electroconvulsive therapy which is implemented in hospitals in line with medical standards and respecting patients' rights.

However, people with disabilities are not receiving adequate public services. This is mainly due to lack of awareness of the available services and problems in accessing the services, especially physical barriers. The lack of data and research on persons with a disability and on conditions of care for mentally ill persons is preventing informed policy-making. Community-based services are not sufficiently developed as an alternative to institutionalisation, and resources continue to be limited in relation to needs. There is an ongoing problem of insufficient general medical care and treatment in mental health hospitals and rehabilitation centres.

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<sup>12</sup> The labour law prohibits night work for children under eighteen (18) only for the industry sector; it does not provide protection for children working in agricultural enterprises employing less than fifty (50) employees; and it does not regulate the work of children in artistic and cultural activities and in the media. Lastly, the current legislative framework does not tackle the issue of children working on the streets.

<sup>13</sup> Under the 2005 Law on child protection, child courts need to be established in every province. However, currently there are such courts in only 40 of the 81 provinces in the country.

<sup>14</sup> On the basis of 2005 data, the average duration of trials in child courts is 326 days, compared with 234 days in ordinary courts.

### **Labour rights and trade unions**

On labour rights and trade unions, the pending legislation amending the Trade Unions and Collective Bargaining, Strike and Lockout Laws has not moved forward substantially. **Turkey needs to ensure that trade union rights are fully respected in line with EU standards**<sup>15</sup> and the relevant International Labour Organisation (ILO) conventions, in particular the rights to organise, to strike and to bargain collectively. This is a priority of the Accession Partnership.

There are reports about restrictions on the exercise of existing trade union rights and dismissals due to trade union membership. Social dialogue mechanisms, including at tripartite level, are weak.

### **Property rights**

With respect to property rights, the Law on foundations was adopted in February 2008.

The Law addresses a large number of issues faced by religious communities, mainly over management and acquisition of property. In particular, under the Law, community foundations can own property and manage it without prior permission<sup>16</sup>.

Non-Muslim community foundations can register in the Land Registry, under their names, immovable property which is either entered in their 1936 declarations, under figurative or fictitious names or was purchased by or bequeathed or donated to community foundations after their 1936 declarations but registered under the name of the testator or of the donator or of the Treasury or of the Directorate-General for Foundations because of restrictions on owning property.

The Directorate-General for Foundations issued a Circular in May 2008 that deals with the process of restitution of properties of non-Muslim foundations registered under figurative or fictitious names, or in the name of the Treasury or the Directorate General for Foundations. An implementing regulation was published in the Official Gazette in September 2008.

However, the Law addresses neither the issue of properties seized and sold to third parties nor that of properties of foundations that were fused before the adoption of the new legislation. In addition, implementation will be crucial to attaining its objectives.

On 8 July 2008, the ECtHR decided<sup>17</sup> on the claim of the Ecumenical Patriarchate that had been deprived of its property acquired in 1902 and dedicated to a specific use in 1903 via the Foundation of the Büyükada Greek Orphanage for Boys. The applicant alleged, in particular, that by ordering registration of its real estate in the name of the orphanage, under the management of the State Directorate-General for Foundations<sup>18</sup>, the domestic courts had breached its right to peaceful enjoyment of its property. The Court held that the Turkish authorities were not entitled to deprive the owner of its property without providing for appropriate compensation, and that there had been a violation of the ECHR.

Problems encountered by Syrians and Greek nationals in inheriting and registering property continue to be reported.

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<sup>15</sup> Turkey maintains its reservations on article 5 (right to organise) and article 6 (right to bargain collectively) of the revised European Social Charter.

<sup>16</sup> A court decision should be issued when foundations sell immovable property or rights acquired on their establishment, whereas only a decision by the competent body of the foundation is needed to sell immovable property or rights acquired at a later stage.

<sup>17</sup> Fener Rum Patrikligi (Ecumenical Patriarchate) v. Turkey case (application 14340/05).

<sup>18</sup> The Directorate-General for Foundations considered the orphanage a "defunct" foundation in 1995 a took over its management.

## 4. Asylum seekers

The asylum and migration task force formed a high-level working group bringing together agencies responsible for border tasks connected with irregular migration.

**In the area of asylum, limited progress has been made.** Turkey continues to impose its geographical limitation on the 1951 Convention relating to the status of refugees and the related 1967 Protocol. The Ministry of Interior continued to work with the UNHCR to train officials in preparation for decentralisation of decision-making. The department for foreigners, borders and asylum in the Turkish National Police has started to prepare to take over the country of origin information system. Extensive work is underway to improve administrative capacity and streamline asylum procedures. The Ministry of Interior has also initiated the internal administrative procedures to set up an asylum management unit, as the first step towards a dedicated authority able to manage both reception and integration issues.

In 2007, 5,846 requests for asylum were made, a 65% increase compared to 2006 (3,541 applications). In the first eight months of 2008 another 2,364 applications were registered. The total number of applications being processed (investigation phase) increased to 15,562 (6,622 Iraqis, 5,449 Iranians, 1,260 Somalis, 1,279 Afghans among others). So far, 44 applicants have been granted refugee status. The Turkish government spent the equivalent of USD 550,000 in 2007 (compared with USD 135,000 in 2006) to cover the basic needs of all asylum seekers – recognised refugees and “temporary asylum seekers” or “guests”.

Given the increase in the number of asylum applications to Turkey, **the revision of the Asylum Law and the establishment of the new asylum unit are important.** Pending these two structural reforms, fair, equal and consistent access for everyone to asylum procedures, to legal aid and, in particular, to UNHCR staff, especially at Turkey’s international airports and detention centres, is crucial. Another important task is to reduce the waiting time for asylum procedures and to eliminate disparities between cities’ mechanism for referral to the social solidarity foundation.

Training for Turkish officials on refugee status determination procedures needs to continue. Measures need to be taken to ensure that trained staff remain within the asylum and migration system. Mobilisation of and cooperation with NGOs and local authorities are the keys to integration of asylum seekers. Another important point is to facilitate the self-reliance of refugees by reducing the fees for the six-month temporary residence permit.

## 5. Observance of international human rights law

**There have been no developments as regards ratification of human rights instruments.** The Optional Protocol to the UN Convention against Torture (OPCAT), signed in September 2005, has not been ratified. The ratification of the UN Convention on the Rights of Persons with Disabilities is pending. Turkey has not ratified three additional Protocols to the European Convention on Human Rights (ECHR).

During the reporting period, the **European Court of Human Rights (ECtHR)** delivered a total of 266 judgments finding that Turkey had violated the ECHR. Similarly to last year, the total number of new applications to the ECtHR continued to increase, with 3,705 applications during the reporting period. The majority of these new applications concerned the right to a fair trial and protection of property rights. Few of them concerned violations of the right to life or torture and ill-treatment.

In the *Cyprus v. Turkey* case, the issue of missing persons and the restrictions on the property rights of Greek Cypriots living permanently in the northern part of Cyprus remain pending.

The compensation mechanism put in place to address the property rights of displaced persons fulfils in principle the requirements indicated by the ECtHR and has continued to receive requests for compensation. On 22 April 2008 the Court welcomed settlement in the case of *Eugenia Michaelidou Developments Ltd and Michael Tymvios v. Turkey* brokered by the Turkish Cypriot Immovable Property Commission, which provides for the payment of USD 1 million and a property exchange. However, the ECtHR has not assessed whether the available remedy is effective for all relevant issues. Turkey has not yet fully implemented the ECtHR judgements on the *Loizidou* and *Xenides-Arestis* cases.

### ❖ Promotion and enforcement of human rights

Several State-sponsored bodies have the task of ensuring the promotion and enforcement of human rights. These include the **Human Rights Presidency under the Prime Minister's office and the Human Rights Boards** (931 in all). The latter have the task of visiting places of detention and State-sponsored social services.

At parliamentary level, the Human Rights Investigation Committee has established two subcommittees to investigate torture and ill-treatment in prisons and detention centres and the murder of journalist Hrant Dink. The latter Commission finalised its report in July 2008. The report came to the conclusion that there was negligence, error and lack of co-ordination in the activities of the security organisations and of the gendarmerie in failing to prevent the murder. These findings need to be properly followed-up.

The institutional framework for human rights promotion and enforcement does not meet the independence requirement and lacks financial autonomy and transparency. There is a need for greater public awareness of the work of these institutions. The Human Rights Advisory Board – a body representing NGOs, experts and ministries – has not been operating since the publication of a report on minority rights in October 2004.

Furthermore, **the establishment of the Ombudsman has been outstanding since 2006**, following the application of former President Sezer to the Constitutional Court for the annulment of some provisions of the Law. The Constitutional Court suspended the entry into force of the Law pending its final ruling. In the absence of an Ombudsman system, there is no alternative remedy, other than the judiciary, for investigating complaints against administrative decisions at central and local level, as regards the respect of human rights, liberties, law and justice. The establishment of a scrutiny mechanism via the Ombudsman would help defuse tensions between different sections of society by strengthening the rule of law and the protection of individual rights.

## 6. Civilian oversight of the security forces

Political control over the military was applied in practice in the context of military operations aimed at terrorist targets in Northern Iraq. Such operations were authorised by the parliament and decided upon by the government.

However, **the armed forces have continued to exercise significant political influence via formal and informal mechanisms**. Senior members of the armed forces have expressed their opinion on domestic and foreign policy issues going beyond their remit, including on Cyprus, the South East, secularism, political parties and other non-military developments.

No change has been made to the Turkish Armed Forces Internal Service Law and the Law on the National Security Council. These define the role and duties of the Turkish military and grant the military wide room for manoeuvre by providing a broad definition of national security. No progress has been made on enhancing civilian control over the Gendarmerie when engaged in law enforcement activities.

An internal military memorandum leaked to the press identified NGOs that had received financial aid from foreign organisations, including the EU. The memorandum was not denied by the General Staff. The 1997 EMASYA secret protocol on security, public order and assistance units remains in force unchanged. The protocol allows military operations to be carried out for internal security matters under certain conditions without a request from the civilian authorities.

No progress has been made on strengthening parliamentary oversight of the military budget and expenditure. The Parliamentary Planning and Budget Committee reviews the budget of the Ministry of National Defence. However, extra-budgetary funds are excluded from parliamentary scrutiny. The Defence Industry Support Fund (SSDF), from which most procurement projects are funded, is still an extra-budgetary fund.

As regards auditing, under the Constitution the Court of Auditors can carry out external ex-post audits of military expenditure. In 2007, some 25% of all military accountancy offices were audited. In July 2008, the Court of Auditors decided that it has a mandate to audit the SSDF. However, the Court remains unable to audit assets belonging to the military, pending adoption of the revised legislation on the Court of Auditors, which is overdue. Furthermore, the 2003 Law on public financial management and control, which provides for internal audits of security institutions, has yet to be properly implemented

# Annex I

## ***European Parliament***

**P6\_TA(2008)0224**

**Turkey's 2007 progress report**

**Committee on Foreign Affairs PE 402.879**

**European Parliament resolution of 21 May 2008 on Turkey's 2007 progress report (2007/2269(INI))**

*The European Parliament,*

- having regard to the Turkey 2007 Progress Report of the Commission (SEC(2007)1436),
  - having regard to its previous resolutions of 27 September 2006 on Turkey's progress towards accession<sup>19</sup> and of 24 October 2007 on EU-Turkey relations<sup>20</sup>,
  - having regard to its resolutions of 6 July 2005<sup>21</sup> and of 13 February 2007<sup>22</sup> on women's role in social, economic and political life in Turkey,
  - having regard to the Negotiating Framework for Turkey of 3 October 2005,
  - having regard to Council Decision 2008/157/EC of 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the Republic of Turkey<sup>23</sup> ("the Accession Partnership"), as well as to the previous Council decisions on the Accession Partnership of 2001, 2003 and 2006,
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Women's Rights and Gender Equality (A6-0168/2008),
- A. whereas accession negotiations with Turkey were opened on 3 October 2005 after approval by the Council of the Negotiating Framework, and whereas the opening of those negotiations is the starting-point for a long-lasting and open-ended process,
- B. whereas Turkey has committed itself to reforms, good neighbourly relations and progressive alignment with the EU, and whereas these efforts should be viewed as an opportunity for Turkey itself to further modernise,

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<sup>19</sup> OJ C 306 E, 15.12.2006, p. 284.

<sup>20</sup> Texts adopted, P6\_TA(2007)0472.

<sup>21</sup> OJ C 157 E, 6.7.2006, p. 385.

<sup>22</sup> OJ C 287 E, 29.11.2007, p. 174.

<sup>23</sup> OJ L 51, 26.2.2008, p. 4.

- C. whereas full compliance with all the Copenhagen criteria and EU integration capacity, in accordance with the conclusions of the December 2006 European Council meeting, remain the basis for accession to the EU, which is a community based on shared values,
- D. whereas the Commission concluded in its 2007 Progress Report that limited progress was achieved on political reforms in 2007 in Turkey,
- E. whereas in 2007 Turkey's democracy was strengthened, a new parliament was elected which is representative of the country's political diversity, and a government was formed which is equipped with a strong mandate,
- F. whereas Turkey has still not implemented the provisions stemming from the EC-Turkey Association Agreement and the Additional Protocol thereto,
- G. whereas five negotiating chapters were opened in 2007,

***Reforms towards a democratic and prosperous society***

1. Welcomes the commitment of Prime Minister Erdogan that 2008 is going to be the year of reforms; urges the Turkish government to fulfil its promises by making use of its strong parliamentary majority to resolutely pursue reforms that are crucial for Turkey's transformation into a modern and prosperous democracy based on a secular state and a pluralistic society;
2. Stresses that such modernisation is first and foremost in Turkey's own interest; acknowledges also the strategic importance for the EU of a stable, democratic and prosperous Turkey; reiterates that fulfilment of the commitments set out in the Accession Partnership is vital for Turkey and its future relations with the EU;
3. Underlines its belief that only a society which is guided by respect for human rights and fundamental freedoms and which is based on democracy, the rule of law and a socially oriented market economy can develop into a peaceful, stable and prosperous society;
4. Underlines the importance for Turkey of combating all forms of discrimination in line with Article 13 of the EC Treaty, which requires equality for all regardless of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation;
5. Notes the recent revision of the Accession Partnership; is aware of the fact that this, the third revision since 2001, is in most areas prolonging non-fulfilled priorities for a further period; urges the Turkish government now to transform the priorities and the time-lines as set out in the partnership into its reform plans, bearing in mind that further delays will seriously affect the pace of negotiations;
6. Welcomes the fact that in 2007 democracy prevailed over attempts by the military to interfere in the political process; encourages the Turkish government to make further systematic efforts to ensure that the democratically elected political leadership bears full responsibility for formulation of domestic, foreign and security policy, including towards Cyprus, and that the armed forces respect this responsibility by fully and unambiguously acknowledging civilian control; points out, in particular, the need to establish full parliamentary oversight of military and defence policy and all related expenditure;
7. Is concerned about the implications of the AK Party closure case; expects the Turkish Constitutional



Court to respect principles of the rule of law, European standards and the Guidelines on prohibition and dissolution of political parties and analogous measures, adopted by the Venice Commission of the Council of Europe on 10-11 December 1999; asks the Turkish parliament to bring the Constitution into line with these standards on the prohibition of political parties;

8. Calls on the Turkish government, when pursuing reforms, to respect pluralism and diversity in a secular and democratic Turkey, and urges the government and all political parties to engage themselves constructively in seeking consensus on the important steps concerning the modernisation of the country;
9. Considers the changes to Article 301 of the Penal Code, adopted by the Turkish parliament on 30 April 2008, to be a first step towards a fundamental reform of that article as well as other articles of the Penal Code, and looks forward to further moves in this respect; stresses that progress has to be achieved regarding freedom of expression, both in theory and in practice; deplores the fact that the number of persons prosecuted under legal provisions allowing for arbitrary restrictions on the expression of non-violent opinion has further increased in 2007<sup>24</sup>; is of the view that the repeal of Article 301 and other legal provisions representing an illegitimate restriction on freedom of expression as guaranteed by international law would be the best solution in order to ensure that Turkey fully guarantees freedom of expression and press freedom in line with the standards enshrined in the European Convention for the protection of Human Rights and Fundamental Freedoms (ECHR);
10. Welcomes the recent adoption by the Turkish parliament of the Law on Foundations; welcomes the Commission's intention to examine the new text, and underlines that it should analyse whether the Law addresses all shortcomings faced by non-Muslim religious communities with regard to property management and acquisition, including confiscated property sold to third parties; calls on the Turkish authorities to ensure that the Law is implemented in line with the ECHR and the case-law of the European Court of Human Rights;
11. Encourages the Turkish government, following the positive step taken with the adoption of the Law on Foundations, to fulfil its commitments regarding freedom of religion by establishing, in line with the ECHR and the case-law of the European Court of Human Rights, a legal framework enabling all religious communities to function without undue constraints, in particular as regards their legal status, the training of clergy, the election of the hierarchy, religious education and the construction of places of worship; calls for protection of the religious and cultural heritage; reiterates its call for the immediate re-opening of the Greek Orthodox Halki Seminary and the public use of the ecclesiastical title of the Ecumenical Patriarch; shares the concern expressed by the Council on 24 July 2007 over the ruling of the Turkish Court of Cassation on the Ecumenical Patriarchate, and expects that this decision will not further impede the exercise by the Patriarchate and other non-Muslim religious communities of their rights guaranteed under the ECHR;
12. Urges the Turkish government to launch, as a matter of priority, a political initiative favouring a lasting settlement of the Kurdish issue, which can only be based on tangible improvements in the cultural, economic and social opportunities available to citizens of Kurdish origin, including real possibilities to learn Kurdish within the public and private schooling system and to use it in broadcasting, in daily life and in access to public services; regards a possible banning of the

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<sup>24</sup> Commission Communication entitled "Enlargement Strategy and Main Challenges 2007-2008" (COM(2007)0663), p. 57.

Democratic Society Party (DTP) as counterproductive to a political solution;

13. Calls on the DTP, its members of parliament and mayors to distance themselves clearly from the Kurdistan Workers' Party (PKK) and to engage constructively in the quest for a political solution to the Kurdish issue within the democratic Turkish state; also asks all other political parties in Turkey to engage constructively in the quest for the same goal;
14. Deplores the many court cases brought against elected mayors and other politicians for using the Kurdish language, or for expressing their opinion on the Kurdish issue, such as the proceedings resulting in the recent conviction of Leyla Zana, and of the 53 DTP mayors;
15. Reiterates its earlier calls upon the Turkish government to come up with a comprehensive master plan to boost the socio-economic and cultural development of the south-east of Turkey, where over half the population still lives below the poverty line; is of the view that this master plan should also address the social, ecological, cultural and geopolitical problems stemming from the Southeastern Anatolia Project; asks the Commission to link the regional component of assistance given under the Instrument for Pre-Accession Assistance (IPA)<sup>25</sup> to the speedy drawing-up of such a strategy;
16. Urges the Turkish government to come up with an overall national strategy to address the issue of internally displaced persons, which would remove the current legal and practical deficiencies and provide the financial and other support needed in order to properly tackle the return and compensation of those concerned;
17. Takes note of the process under way to prepare a new, civilian constitution; regards it as the key opportunity to place the protection of human rights and fundamental freedoms at the core of the constitution; reiterates that a system of checks and balances needs to be established, guaranteeing democracy, the rule of law, social cohesion and the separation between religion and state; stresses also that the new constitution should ensure gender equality, avoid the use of vague criteria such as general morality, refrain from perceiving women primarily as family or community members and reaffirm women's human rights, including their sexual and reproductive rights, as their individual rights;
18. Underlines the need for a broad involvement of civil society in this constitutive process in order to achieve a consensus on Turkey's constitutional future embracing political parties, ethnic and religious minorities and social partners; notes the disappointment and concern of part of the population that the lifting of the ban on wearing headscarves in universities was not part of a broader package of reform based on a wide-ranging consultation of civil society; reiterates its earlier recommendation, contained in its above-mentioned resolution of 27 September 2006, on the electoral threshold;
19. Notes the progress made as regards the efficiency of the judiciary; welcomes the Turkish government's plan to implement a reform strategy designed to strengthen the independence and impartiality of the judiciary and to increase the confidence enjoyed by the judiciary amongst the public; is of the view that this strategy should, as a priority, ensure that interpretation of legislation related to human rights and fundamental freedoms is in line with ECHR standards; notes that the strategy cannot be achieved without an ambitious re-training programme for the judiciary; is concerned about the negative attitude shown by certain elements of the judiciary towards international agreements on fundamental rights and freedoms, and towards the judgments handed down by the

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<sup>25</sup> Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) (OJ L 210, 31.7.2006, p. 82.

European Court of Human Rights against Turkey for violations of the ECHR;

20. Urges the Turkish Constitutional Court to make progress in proceeding to its final decision on the Law on the Ombudsman, so as to enable the government to establish the ombudsman's office without delay; recommends to Turkey that it should cooperate on this issue with the European Ombudsman and with national ombudsmen in EU Member States;
21. Is concerned about the hostility, strongly present in certain parts of society, shown to minorities and about politically and religiously motivated violence; calls on the Turkish government to take action against organisations and groups which stir up such hostility, to protect all those who are threatened and fear for their lives, and to make sustained efforts to create an environment conducive to full respect of fundamental human rights and freedoms;
22. Strongly urges the Turkish authorities to carry out a full investigation into the murders of Hrant Dink and of the three Christians in Malatya, as well as all other cases of politically, religiously or racially motivated violence; deplors the slowness of the trials concerning these cases, the suspicions of partiality and the feeling of impunity which stem therefrom, and asks the authorities to provide full clarification of allegations of negligence on the part of the competent authorities, and to bring all responsible to justice;
23. Encourages the Turkish authorities to resolutely pursue investigations into the Ergenekon criminal organisation while closely adhering to the principles of the rule of law, to fully uncover its networks reaching into the state structures and to bring those involved to justice;
24. Takes note of the Commission's assessment of the continued downward trend in the number of cases of torture and ill-treatment and of the positive effect of the relevant legislative safeguards; asks the Commission, however, to analyse whether the anti-terror law and the law on police powers do not weaken this positive record; calls on the Turkish government to step up its fight against torture perpetrated outside and inside detention centres and against the impunity of law enforcement officials, and to ratify and implement the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, thus providing for systematic torture prevention and for independent monitoring of detention centres;
25. Takes note of Prime Minister Erdogan's assessment of assimilation, as expressed during his recent official visit to Germany; is therefore of the opinion that the Turkish government should take steps to enable all citizens to develop their cultural identity within the democratic Turkish state; points out in this regard the commitments set out in the Negotiating Framework concerning respect for and protection of minorities, and effective access to the learning and broadcasting of, and to public services in, languages other than Turkish;
26. Welcomes the progress achieved on protecting women against violence, and commends the work undertaken by public institutions and civil society organisations in this respect; encourages the Turkish authorities to further eliminate domestic violence, so-called "honour killings" and forced marriages, in particular by fully implementing the relevant legislation, continuing a sustained public campaign, providing more shelters for victims, stepping up training for law enforcement bodies and closely monitoring initiatives put in place; notes with concern that access to reliable data on the incidence of violence against women continues to be a problem, and urges the Turkish government to remedy this deficiency;
27. Acknowledges that a considerable number of women hold important positions in the Turkish

economic, political and academic spheres, and reiterates that the equal treatment, access to education and empowerment of women in the political, economic and social sector are crucial for further economic growth and prosperity in Turkey; notes with concern, however, that the overall rate of employment of women in Turkey is still only 23.8%<sup>26</sup> and that there has been scarcely any increase in the participation of women in politics; therefore calls on the Turkish government to take further tangible steps to increase the participation of women in the workforce, with particular focus on rural areas, to enhance their inclusion in health and social security systems, and to devise instruments or temporary measures to increase women's active involvement in politics;

28. Commends the Turkish government on its support for successful cooperation projects between EU and Turkish partners, such as the twinning project which is preparing the way for an independent gender equality body and is training 750 officials in the field of gender mainstreaming; expects that such a gender equality body will be set up without delay;
29. Notes that it is unclear what the competences are of the proposed Commission on Equal Opportunities of the Turkish parliament; encourages the Turkish parliament to create a specialised commission with legislative powers as an essential instrument for the improvement of women's rights and gender mainstreaming in Turkey;
30. Respects and strongly supports the work of women's organisations in Turkey, which help to strengthen women's role in society, help to protect them against violence and foster their entrepreneurship, while setting a positive example for women's empowerment and contributing to equality between women and men;
31. Commends Turkey on the positive development of its economy; reiterates its view that only a socially coherent society, backed up by a strong middle class, can enjoy prosperity; regrets, therefore, the low impact of the strong economic growth on the continuously weak employment market; points out the need to tackle the problem of the black economy and to place the social security system on a sustainable footing; considers that a bigger role for small and medium-sized enterprises could help to bring about faster economic growth;
32. Points out the potential of an effective social dialogue to build the partnerships needed for the functioning of a socially oriented market economy; is disappointed at the limited progress made in strengthening the social dialogue mechanisms; urges the Turkish government to fully implement International Labour Organization conventions, and underlines the need to remove current restrictions on freedom of association, the right to strike and the right to collective bargaining;
33. Is concerned by the excessive force used by Turkish police against demonstrators at the 2008 May Day rally in Istanbul; reaffirms that freedom of association and the peaceful operations of trade unions represent a fundamental right under the ECHR;
34. Underlines the importance of access to education as key to a socially coherent society; commends the Turkish government and civil society on the campaign to increase girls' enrolment in schools; points out, however, the need to ensure that all children are registered at birth, and to improve monitoring and enforcement of the schooling obligation so as to further reduce the number of children not attending schools; commends the Turkish government on the positive results achieved in reducing child labour, and encourages it to continue its efforts in that regard;

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<sup>26</sup> Statistical annex to the above-mentioned Turkey 2007 Progress Report.

35. Expresses its concern about the level of corruption; urges the Turkish authorities to develop an overall anti-corruption strategy designed to pursue effectively the fight against corruption;
36. Is concerned about the high extent of development disparities among Turkish regions and also between rural and urban areas; calls on the Turkish government to come up with a comprehensive strategy addressing these disparities; invites the Commission to provide Parliament, before the end of 2008, with information on the EU's contribution to this strategic planning under the IPA instrument in 2007 and 2008;
37. Calls on the Turkish government to apply European standards to projects with far-reaching effects, such as the construction of dams in the Munzur valley, the Allianoi dam, the construction of the Ilisu dam and gold-mining in Bergama and other regions, which threaten both the historical heritage and unique, valuable landscapes; calls on the Turkish government to take EU law as a guideline when planning regional development projects;
38. Strongly condemns the violence perpetrated by the PKK and other terrorist groups on Turkish soil; condemns the attack in Diyarbakir in January 2008, in which six people were killed and more than 60 injured, and offers its sincere condolences to the families of the victims of this crime; reiterates its solidarity with Turkey in its fight against terrorism and once again calls on the PKK to declare and respect an immediate and unconditional ceasefire;
39. Reiterates its appeals to the Turkish government not to engage in any disproportionate military operations violating Iraq's territory; urges Turkey to respect Iraq's territorial integrity, human rights and the rule of law, and to ensure that civilian casualties are avoided; urges the Government of Iraq and the Kurdish Regional Government of Iraq not to allow Iraqi territory to be used as base for terrorist acts against Turkey; welcomes the communication taking place between the governments of Turkey and Iraq, and also calls for measures to step up cooperation with the Kurdish Regional Government of Iraq, so as to make effective prevention of terrorist attacks possible under Iraqi responsibility;

### ***Regional issues and external relations***

40. Recalls Turkey's commitment to good neighbourly relations, and stresses its expectation that Turkey will refrain from any threats against neighbouring countries and resolve all outstanding disputes peacefully in accordance with the UN Charter, other relevant international conventions and bilateral agreements and obligations; in particular, invites the Turkish authorities to enhance, in the spirit of good neighbourly relations, the dialogue with Greece (e.g. on the Aegean continental shelf) and Bulgaria (e.g. on the property rights of Bulgarian Thracian refugees) in order to resolve all outstanding bilateral issues;
41. Stresses the need to arrive at a comprehensive settlement of the Cyprus question; welcomes the agreement reached by the leaders of the two communities in Cyprus on 21 March 2008 and calls on both parties to use the current window of opportunity with a view to achieving a comprehensive settlement within the UN framework, based on the principles on which the EU is founded; in this regard, recalls its previous resolutions stating that the withdrawal of Turkish forces would facilitate the negotiation of a settlement;
42. Welcomes the establishment of a financial support instrument to encourage the economic development of the Turkish Cypriot community; calls once again on the Commission to report specifically on the implementation and effectiveness of that instrument;

43. Welcomes the improved relations achieved between Greece and Turkey over the last decade and the continuation of the good political climate, as evidenced during the recent official visit to Turkey of the Prime Minister of the Hellenic Republic, Kostas Karamanlis, which gives hope for further improvement of bilateral Greek-Turkish relations, in particular the peaceful settlement of all issues highlighted in Parliament's previous resolutions, on the basis of international law and in compliance with the commitments entered into in the Negotiating Framework;
44. Calls on the Turkish government to re-open its border with Armenia, restoring full economic and political relations with that country; calls once again on the Turkish and Armenian governments to start a process of reconciliation, in respect of the present and the past, allowing for a frank and open discussion of past events; calls on the Commission to facilitate this reconciliation process;
45. Acknowledges Turkey's role as an important partner of the EU with a view to the realisation of EU foreign policy goals in the Black Sea region, Central Asia and the broader Middle East; calls on the Commission and the Council to better exploit the potential of close EU-Turkey relations in these regions;
46. Urges Turkey to sign the Rome Statute of the International Criminal Court, since this is a vital multilateral instrument;
47. Commends Turkey's contribution to European Security and Defence Policy missions and operations in Bosnia-Herzegovina and the Democratic Republic of the Congo, and its contribution to NATO-led operations in Kosovo, Darfur and Afghanistan;
48. Regrets, however, Turkey's objections to the implementation of the EU-NATO strategic cooperation based on, and going beyond, the Berlin Plus Agreement; is concerned about their negative consequences for the protection of the EU personnel deployed, notably the EU Police Mission in Afghanistan and the EU Rule of Law (EULEX) Mission in Kosovo, and calls for those objections to be withdrawn by Turkey at the earliest possible date;

### ***EU-Turkey relations***

49. Urges the Turkish government to implement fully and without delay the provisions stemming from the EC-Turkey Association Agreement and the Additional Protocol thereto; recalls that non-fulfilment of Turkey's commitments will continue to seriously affect the process of negotiations;
50. Recognises Turkey's ambition of becoming an Eurasian energy hub and the role it can play in contributing to Europe's energy security; commends the progress achieved by Turkey in the field of energy; recalls its above-mentioned resolution of 24 October 2007 supporting the opening of negotiations on this chapter; encourages Turkey to join the European Energy Community as a full member, so as to strengthen energy cooperation between EU and Turkey, which can benefit all parties involved; calls on Turkey to fully support the Nabucco pipeline project, which is a European priority project;
51. Calls on the Commission and the Turkish government to start negotiations on an EU-Turkey visa facilitation agreement;
52. Points out that one of the main immigration routes to Europe from the broader Middle East and South Asia passes through Turkish territory; notes the limited progress achieved in the field of migration management; calls on the Commission and Turkey to intensify the negotiations on a readmission

agreement, in compliance with fundamental human rights, with a view to concluding it without delay; urges the Turkish government to implement properly the existing bilateral readmission agreements and protocols with EU Member States;

53. Welcomes the progress achieved by the Turkish government in the areas of education, training, youth and culture as far as alignment with the EU *acquis* is concerned; underlines the importance of close and sustained cooperation between the EU and Turkey in these fields, which are crucial for the successful long-term modernisation of Turkish society;
54. Welcomes the nomination of Istanbul as European Capital of Culture 2010 as an opportunity to strengthen intercultural dialogue and cooperation between the EU and Turkey;
55. Reiterates its support for the EU-Turkey Civil Society Dialogue, and asks the Commission to report on activities carried out within that framework, as well as on assistance provided to Turkish civil society under the IPA; calls on the Turkish government to involve its civil society more closely in the reform process;
56. Welcomes the fact that the IPA provides for support for actions promoting better-informed public debate about enlargement of the EU; invites the Turkish government as well as non-governmental actors in Turkey and the EU to make full use of these means in order to enhance support for the reform process and for further strengthening of EU-Turkey relations;
57. Regrets that the Commission has not issued a follow-up to the impact study presented in 2004, and urges that this be presented to Parliament without delay;
58. Calls on the Turkish government to set up all structures necessary to fully implement the IPA assistance and to enhance Turkey's absorption capacity; invites the Commission to report, before the end of 2008, on assistance provided to Turkey under the IPA since 2007;
59. Reiterates the importance of bilateral and trilateral cross-border cooperation programmes (Turkey-Greece-Bulgaria) and also those realised under the ENPI (European Neighbourhood and Partnership Instrument)/CBC (Cross-Border Cooperation) Black Sea Programme, as an appropriate tool for encouraging closer social, cultural and economic contacts between the local partners in the border regions;
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60. Instructs its President to forward this resolution to the Council, the Commission, the Secretary General of the Council of Europe, the President of the European Court of Human Rights, the governments and parliaments of the Member States and the Government and Parliament of the Republic of Turkey.

## **P6\_TA(2007)0472**

### **Turkey**

#### **PE 396.011**

#### **European Parliament resolution of 24 October 2007 on EU-Turkey relations**

*The European Parliament,*

- having regard to its resolution of 15 December 2004 on the 2004 regular report and the recommendation of the European Commission on Turkey's progress towards accession<sup>27</sup>,
  - having regard to its resolution of 28 September 2005 on the opening of negotiations with Turkey<sup>28</sup>,
  - having regard to its resolution of 27 September 2006 on Turkey's progress towards accession<sup>29</sup>,
  - having regard to its resolutions of 16 March 2006 on the Commission's 2005 enlargement strategy paper<sup>30</sup> and of 13 December 2006 on the Commission's Communication on the Enlargement Strategy and Main Challenges 2006-2007<sup>31</sup>,
  - having regard to the Negotiating Framework for Turkey of 3 October 2005,
  - having regard to Council Decision 2006/35/EC of 23 January 2006 on the principles, priorities and conditions contained in the Accession Partnership with Turkey<sup>32</sup> ("the Accession Partnership"),
  - having regard to the Turkey 2006 Progress Report of the Commission (SEC(2006)1390),
  - having regard to the Commission Communication to the European Parliament and the Council on the enlargement strategy and main challenges 2006-2007 (COM(2006)0649),
  - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas accession negotiations with Turkey were opened on 3 October 2005 after approval by the Council of the Negotiating Framework, and whereas the opening of those negotiations is the starting point for an open-ended process,
- B. whereas Turkey has committed itself to reforms, good neighbourly relations and progressive alignment with the EU, and whereas these efforts should be viewed as an opportunity for Turkey itself to modernise,
- C. whereas full compliance with all the Copenhagen criteria and EU integration capacity, in accordance with the conclusions of the December 2006 European Council meeting, remain the basis for accession to the EU,

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<sup>27</sup> OJ C 226 E, 15.9.2005, p. 189.

<sup>28</sup> OJ C 227 E, 21.9.2006, p. 163.

<sup>29</sup> OJ C 306 E, 15.12.2006, p. 284.

<sup>30</sup> OJ C 291 E, 30.11.2006, p. 402.

<sup>31</sup> Texts adopted, P6\_TA(2006)0568.

<sup>32</sup> OJ L 22, 26.1.2006, p. 34.



- D. whereas Turkey has not yet fully implemented the provisions stemming from the EC-Turkey Association Agreement and its Additional Protocol,
- E. whereas, after a wave of reforms introduced between 2002 and 2004, the pace of reforms in Turkey has slowed down; whereas on 17 April 2007 the Turkish Government adopted its 'Programme for Alignment with the EU Acquis 2007-2013', and whereas on 31 August 2007 the new Turkish Government presented its programme, which includes strengthening the economy, drafting a new constitution and accelerating the reforms needed to bring Turkey closer to the EU,
1. Calls on the Commission to identify in its regular report those subjects which have to be addressed by Turkey as a matter of priority, focusing on the achievement of the short-term and medium-term priorities set out in the Accession Partnership, and to pay particular attention to the subjects highlighted in this resolution; expects the Commission to fully utilise all appropriate means to support the reform process efficiently, reminding Turkey that honouring its commitments within the timetable set by the Accession Partnership is of paramount importance to its credibility;
  2. Congratulates Turkey on having held free and fair elections, as indicated by the Election Assessment Mission deployed by the OSCE's Office for Democratic Institutions and Human Rights and a delegation of the Parliamentary Assembly of the Council of Europe; welcomes the election of a Turkish Grand National Assembly in which all the regions are represented and in which the participation of women has increased, and encourages the newly elected deputies to commit themselves to further strengthening democracy in Turkey;
  3. Welcomes the election of the new President as a sign of the strength of Turkish democracy; calls upon President Abdullah Gül to promote pluralism and the unity of the Turkish people in a secular state on its way to difficult but necessary reforms;
  4. Expects the new Turkish Government, which benefits from a strong mandate and popular trust, to accelerate the process of reforms in order to fulfil the commitments defined in the Accession Partnership; encourages the government to search for a broad consensus within the Turkish parliament and with Turkish civil society on constitutional and institutional matters; recalls that the development of Turkey into a democratic and prosperous state governed by the rule of law together with the uniform application of legal norms are of strategic importance for Turkey, its society and the EU; welcomes in this respect the commitment of the new government to enhance the reform process in the coming months and years;
  5. Welcomes the intention of the new Turkish Government to adopt a new and civilian constitution which will protect fundamental human rights and freedoms; underlines the need to ensure that the new constitution establishes a system of checks and balances guaranteeing the democratic and secular character of the Turkish State; calls on all parties to support an open and consensual constitutional process; recalls in this context its earlier recommendation on the electoral threshold; stresses that constitutional plans should not postpone urgently needed reforms, especially on Article 301 of the Penal Code;
  6. Welcomes the positive economic development of Turkey in recent years; considers it, however, vital to increase employment and to develop a reform strategy which will reinforce the social cohesion of the Turkish society;
  7. Welcomes the efforts made by the Turkish Government to align itself with the EU energy *acquis* and supports the opening of negotiations on the energy chapter as soon as technical preparations are

completed; encourages Turkey to join, as a full member, the European Energy Community, and thus to further strengthen energy cooperation between the EU and Turkey, with a view to reinforcing the energy supply security and supporting the use of renewable energy resources and the investments in energy efficiency; underlines the importance of Turkey as a transit hub for the diversification of gas supplies to the EU; emphasises that energy projects involving Turkey in the South Caucasus should be open to all countries of that region, which are part of the EU's neighbourhood policy;

8. Notes that Turkey's geo-strategic position in the region and its role in transportation and logistics will become more important in the coming years; calls on the Commission to issue a specific report on the latest developments and future challenges;
9. Is concerned about the repeated interference by the Turkish armed forces in the political process; stresses that further efforts are needed to ensure full and effective civilian control over the military; underlines that the formulation and implementation of the national security strategy should be supervised by the civilian authorities; calls for the establishment of full parliamentary oversight of military and defence policy and all related expenditure; calls moreover for parliamentary supervision over the country's secret services, gendarmerie and police;
10. Welcomes the EU-Turkey Civil Society Dialogue, and asks the Commission to report on the activities that have been carried out within that framework; underlines the importance of increased contacts between the civil societies in Turkey and the EU; calls on the Commission to provide targeted support to civil society, to be more present in different regions of Turkey, and in this context to pay particular attention to the south-east; calls on the new Turkish Government to involve Turkish civil society, an important promoter of democracy in Turkey, more intensively in the reform process;
11. Refers to its above-mentioned resolution of 27 September 2006, in particular those of its paragraphs which concern the reforms needed to improve the functioning of the judiciary and the combating of corruption, respect for fundamental human rights and freedoms, protection of women's rights, implementation of the zero-tolerance-to-torture policy and the protection of minority, religious and cultural rights; awaits, before assessing the progress made in implementing such reforms, the results of the intensified monitoring of the political criteria announced by the Commission in its last enlargement strategy; calls on the Commission to publish those results in its forthcoming progress report;
12. Urges the new Turkish Government to fully implement the provisions stemming from the EC-Turkey Association Agreement and its Additional Protocol; recalls that the non-fulfilment of Turkey's commitments as referred to in the Accession Partnership will continue seriously to affect the process of negotiations;
13. Deplores the fact that a number of people are still being prosecuted under Article 301 of the Penal Code; strongly condemns the recent conviction of Saris Seropyan and Arat Dink under this article; urges the government and the newly elected parliament to make sure that all provisions of the Penal Code allowing for arbitrary restrictions on the expression of non-violent opinions are removed and that freedom of expression and freedom of the press are guaranteed; regards this as a top priority for the new government;
14. Stresses the need to adopt without delay a Law on Foundations that addresses the current legal uncertainty regarding the status of religious minorities and sets a clear legal framework enabling them to exercise their religion freely by allowing them, *inter alia*, to own property and train clergy; shares the concern expressed by the Council on 24 July 2007 over the recent ruling of the Turkish Court of

Cassation with regard to the Ecumenical Patriarchate; urges the new Turkish Government to bring its approach towards religious minorities into line with principles of freedom of religion as defined by the European Convention for the Protection of Human Rights and Fundamental Freedoms and the case-law of the European Court of Human Rights; calls on the Commission to raise these issues with the new government; also invites the Commission to indicate how the Pre-Accession Instrument established by Council Regulation (EC) No 1085/2006<sup>33</sup> can be used for the protection of the Christian heritage;

15. Strongly condemns the murders of Hrant Dink, of the Christian priest Andrea Santoro, and of three Christians in Malatya, the terrorist attack in Ankara and all other acts of politically or religiously motivated violence; expects the Turkish authorities to fully investigate these cases and to bring all those responsible to justice; underlines the urgent need to combat efficiently all types of extremism and violence and to ban them from all levels of public life in Turkey; calls on the Turkish Government to increase the protection of those groups, minorities or individuals who feel exposed to threats and discrimination;
16. Calls on the new government to take concrete measures to ensure that full trade union rights are respected, in line with European and International Labour Organization standards; encourages it to support intensification of the social dialogue between employers associations and trade unions; asks the Commission to address this subject with the new government;
17. Welcomes the fact that a considerable number of women in Turkey hold important positions in the economy and in the academic world, and that more women have been elected to the Turkish parliament than hitherto; underlines that accessibility of education, equal treatment and economic empowerment of women are keys to further economic growth and prosperity in Turkey; regrets that violations of women's rights, and in particular so-called 'honour crimes', remain a matter of serious concern; urges the Commission, therefore, to stress to the new government the need to strengthen its efforts to eradicate violence and discriminatory practices against women, and stresses that those efforts should include, *inter alia*, a sustained public campaign and provision of more shelters for women in distress;
18. Points to the need for a comprehensive strategy for the socio-economic development of the south-east of Turkey; calls on the Commission to indicate in which way the Pre-Accession Instrument can be used to support efforts that will have to be made by the new Turkish Government to develop the south-east of the country, and to coordinate this assistance with that provided by other international financial institutions;
19. Is concerned about the consequences of the social, ecological, cultural and geopolitical problems of the Turkish Southeastern Anatolia Project, in which water barrage projects have a direct impact on the water supply of the neighbouring countries; calls on the Commission to monitor closely, in its regular report, the development of trans-boundary water cooperation in line with international conventions, nature and environmental protection directives and the Water Framework Directive<sup>34</sup>, and to promote the application of EU environmental standards to large scale mining and water barrage projects;
20. Urges the new government to launch a political initiative favouring a lasting settlement of the Kurdish issue, and to work, with the constructive involvement of the newly elected representatives in the

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<sup>33</sup> OJ L 210, 31.7.2006, p. 82.

<sup>34</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

Turkish Grand National Assembly and the elected mayors and civil society in the south-east, towards significant improvements in social, economic and cultural life; welcomes President Gül's initiative to visit the south-east of Turkey for the first time;

21. Strongly condemns the violence perpetrated by the Kurdistan Workers' Party (PKK) and other terrorist groups on Turkish soil; expresses its solidarity with Turkey in its fight against terrorism and repeats its call on the PKK to declare and respect an immediate and unconditional ceasefire; underlines the need to pursue the fight against terrorism in proportion to the threat posed and with full commitment to the observance of international legal instruments and standards; stresses that there can never be an excuse for any kind of violence against civilians;
22. Is deeply concerned about the consequences of a possible cross-border military action by Turkish troops in Northern Iraq; appeals to Turkey to refrain from engaging in any disproportionate military operations violating Iraq's territory, and urges Turkey and Iraq to step up military and police cooperation to effectively prevent terrorist activities from Northern Iraq in order to de-escalate the tense situation at the Turkish-Iraqi border; calls on the Council to press for concrete cooperation between Turkey and the Kurdish Regional Government of Iraq, which should shoulder its responsibility to prevent terrorist attacks from northern Iraq;
23. Attaches great importance to Turkey's commitment to good neighbourly relations, in line with the requirements set out in the Negotiating Framework; reiterates its expectation that Turkey ends any economic blockade and border closure and refrains from threats or tension-prone military activities in relation to neighbouring countries; reiterates its call upon Turkey to engage in serious and intensive efforts for the resolution of outstanding disputes with all its neighbours, in accordance with the UN Charter and other relevant international conventions, and including a frank and open discussion on past events; reiterates its call upon the Turkish and Armenian Governments to start a process of reconciliation in respect of the present and the past, and calls on the Commission to facilitate the Turkish-Armenian reconciliation while taking advantage of regional cooperation realised within the European Neighbourhood Policy and the Black Sea Synergy Policy;
24. Regrets that no substantial progress has been made in reaching a comprehensive settlement of the Cyprus question; reiterates its call on both parties to adopt a constructive attitude with a view to achieving a comprehensive settlement within the UN framework, based on the principles upon which the EU is founded; in this regard, recalls its previous resolutions stating that the withdrawal of Turkish forces would facilitate the negotiation of a settlement;
25. Welcomes the establishment of an instrument of financial support to encourage the economic development of the Turkish Cypriot community; calls on the Commission to report specifically on the implementation and effectiveness of that instrument;
26. Stresses the importance of Turkey's potential with regard to the Black Sea region, the South Caucasus and the Central Asian region in bringing stability, democratic governance, mutual confidence and prosperity to those regions, in particular through regional cooperation projects; stresses Turkey's role in the Middle East; calls upon the Commission to strengthen its cooperation with the Turkish Government concerning the EU's policy towards those regions;
27. Reminds the Commission of its request for a follow-up to the impact study presented in 2004, and asks to be provided with it in 2007;
28. Instructs its President to forward this resolution to the Council, the Commission, the governments and

parliaments of the Member States and and the Government and Parliament of Turkey.

**P6\_TA(2007)0031**

**Women in Turkey**

**Committee on Women's Rights and Gender Equality**

**PE 380.778**

**European Parliament resolution on women's role in social, economic and political life in Turkey (2006/2214(INI))**

*The European Parliament,*

- having regard to the Commission's Communication of 8 November 2006 entitled “Enlargement Strategy and Main Challenges 2006-2007” (COM(2006)0649), and especially to the progress report on Turkey contained therein,
- having regard to the Commission's Communication of 9 November 2005 entitled “2005 enlargement strategy paper” (COM(2005)0561),
- having regard to its resolution of 27 September 2006 on Turkey's progress towards accession<sup>35</sup>,
- having regard to its resolution of 6 July 2005 on the role of women in Turkey in social, economic and political life<sup>36</sup>,
- having regard to the decision of the European Council of 17 December 2004 to open negotiations with Turkey on accession to the European Union on 3 October 2005,
- having regard to the Community acquis in the field of women's rights and gender equality,
- having regard to the Recommendation Rec(2003)3 of the Committee of Ministers of the Council of Europe of 12 March 2003 to member states on balanced participation of women and men in political and public decision-making,
- having regard to the ILO's Home Work Convention No 177 of 1996,
- having regard to the 'Women and Employment' report of the EU-Turkey Joint Consultative Committee of the European Economic and Social Committee, produced in Kayseri (Turkey) on 14 July 2006,
- having regard to the Turkish Parliamentary Commission report on custom and honour killings and violence against women and children of 2006,
- having regard to the judgment of the European Court of Human Rights of 10 November 2005 on Turkey's regulations on wearing the Islamic headscarf in higher education institutions<sup>37</sup>,
- having regard to the United Nations Convention on the Elimination of all forms of Discrimination

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<sup>35</sup> *Texts Adopted*, P6\_TA(2006)0381.

<sup>36</sup> OJ C 157 E, 6.7.2006, p. 385.

<sup>37</sup> *Leyla Şahin v. Turkey*, Application No. 44774/98.

Against Women (CEDAW) of 1979 and its Optional Protocol of 1999, which form part of international law and to which Turkey has been party since 1985 and 2002 respectively, and having regard to Article 90 of the Turkish Constitution which states that international law takes precedence over Turkish national law,

- having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Women's Rights and Gender Equality (A6-0003/2007),
- A. whereas adoption of the Community acquis is obligatory for candidates for accession to the EU and whereas women's rights and gender equality are part of the Community acquis,
- B. whereas the Commission's report on Turkey's progress towards accession, contained in its above-mentioned strategy paper of 9 November 2005, identifies, as regards the situation of women, the following main areas of concern, inter alia: violence against women, particularly domestic violence and crimes in the name of honour, a high illiteracy rate, a low level of participation by women in parliament and in local representative bodies, and the low level of women's participation and the prevailing discrimination in the labour market, given that economic independence is essential for their emancipation and should be of particular concern to Turkey,
- C. whereas the Commission has concluded, in its 2006 progress report on Turkey, that the legal framework as regards women's rights is satisfactory overall, but that the implementation thereof remains a challenge,
1. Emphasises that respecting human rights, including women's rights, is a *conditio sine qua non* of membership of the EU and calls on the Commission to make the issue of women's rights central to the negotiations with Turkey;
  2. Welcomes the fact that the active phase of the accession negotiations between Turkey and the European Union has begun; regrets, however, the slowing-down of the reform process in Turkey over the last year and the persistent problems with women's rights;

#### ***Implementation of legislation and coordination***

3. Notes that the legal framework on women's rights has in general been satisfactory but considers that its implementation remains flawed; therefore, reiterates its call for full and effective implementation of the Community acquis in the field of women's rights, particularly in the poorer regions of the country;
4. Urges the Turkish Government to speed up implementation of the new legislation on women's rights and to ensure that it is absolutely in line with the requirements of the Community acquis and that it is effectively implemented in practice;
5. Points out that the new Turkish Penal Code, which entered into force in June 2005, substantially strengthens the basic rights of women, but that the European directives on the equality of men and women have still not been completely transposed; notes with concern the (unsuccessful) attempts made to repeal legislation on women's rights;

6. Deplores the fact that, in parts of south-east Turkey, girls are not registered at birth, and that this hampers the fight against forced marriage and crimes in the name of honour, since the victims have no official identity; urges the Turkish authorities to continue taking all necessary measures to ensure that all Turkish children are registered at birth;
7. Emphasises that the Turkish Government should maintain and establish, where necessary, its countrywide legal registration of marriages so as to guarantee the full entitlement of every man and woman to the benefits of citizenship, such as access to education and to health care as well as equal access to the labour market;
8. Welcomes the establishment in Turkey of an Advisory Board on the Status of Women (“the Board”) which will provide advice on the planning and implementation of state policies related to women's rights;
9. Emphasises the need to include social partners, representatives of bodies and non-governmental organisations (NGOs) dealing with gender equality issues and representatives of trade unions within the Board, which is not currently the case, and urges the authorities concerned to use the Board effectively in order to achieve efficient coordination between stakeholders;

#### ***Civil society***

10. Notes its continuing concern in relation to cooperation between NGOs and the Turkish Government;
11. Calls for all NGOs, including free and autonomous women's organisations, to be treated in the same way;
12. Considers that the meeting of Turkey's State Minister in Charge of Women's Rights with the representatives of 55 women's organisations in Turkey, together with the decision to establish more structured cooperation and effective coordination between the ministry and NGOs, constitute good practices which should be repeated regularly; expects to see this political will assume practical expression in future in the form of specific initiatives and measures;
13. Calls on the Commission and the Turkish Government to acknowledge the role of women's rights NGOs as fundamental and essential partners through official and permanent structures and institutions and to involve NGOs in the process of negotiating EU accession in a structured manner on the basis of the procedures laid down;
14. Calls on the Turkish Government to launch a large-scale campaign to convey to the whole of society the image of women as players driving economic and social development;
15. Acknowledges the growing concern of women's rights NGOs about the problems they face during the extensive procedures for obtaining grants from the EU and while conducting the projects for which they obtained grants; notes that many women's rights NGOs hesitate to apply and, as a result, fail to benefit from a critically important resource;
16. Welcomes the establishment of the STGM (Civil Society Development Centre), which works on helping civil society development;



17. Calls on the Commission to provide additional assistance, inter alia by building up the capacity of other assistance centres;

#### ***Data, benchmarks and goals***

18. Notes that there is still a lack of accurate data on the situation of women in Turkey and that existing data do not yet cover all problems relating to the situation, role and rights of women;
19. Welcomes, in this respect, the initiative launched at the beginning of 2007 by the Turkish State Institute of Statistics to provide 'gender statistics' relating to social, cultural and economic life, including data on the gender pay gap;
20. Welcomes the EU-Turkey joint project entitled "Promoting gender equality", the objective of which is to strengthen the capacity of stakeholders to protect women from domestic violence, and welcomes, as part of the project, the initiative entitled "National research on the causes and consequences of violence against women", which is designed to set up a database on violence against women;
21. Calls on the Turkish Government to provide specific and reliable data on the illiteracy rate among women, on equal access for women to education, on problems related to the participation of women in the labour force, on violence against women and on honour killings and forced marriages;
22. Calls on the Commission, in its reports to the European Council on the pace of reforms, to come up with clear guidelines and precise short, medium and long-term goals for women's rights;
23. Calls on the Turkish Government to ensure that all women, regardless of their language, race, ethnicity, colour, political opinion, belief and religion are involved in women's rights programmes;
24. Is alarmed at the Commission's observation that the Law on the protection of the family is only partially applied, and calls upon the Turkish authorities forthwith to implement it correctly and effectively, since this will contribute to protecting the position and rights of women within the family;

#### ***Violence against women***

25. Notes that violence against women is still a problem and condemns instances of violence against women, including honour killings, domestic violence, forced marriages and polygamy;
26. Takes note of the Commission's remark that, despite the provisions in the new Turkish Penal Code listing "honour killings" as an aggravated circumstance for the crime of murder, the sentences issued by courts, as the Commission points out, reflect a mixed picture; calls on the judicial authorities to apply and interpret correctly and effectively the provisions of the Penal Code in order to avoid this kind of crime and to guarantee that crimes against women cannot benefit from reduced sentences or extenuating circumstances;
27. Is deeply concerned about the fact that suicides committed by women due to the influence of the family continue to occur, especially in the regions of the East and the South-East; urges the Turkish authorities to protect women from this kind of pressure exerted upon them by their families and to submit specific and reliable data on suicide among women, particularly in those regions;

28. Calls on the public institutions (the judiciary, the administration, the police, the health-care system, etc.) to ensure that women affected by violence in Turkey receive all necessary protection;
29. Stresses that, in cases in which there has been a failure to protect and assist victims, a judicial investigation should be initiated through the public institutions and efforts made to take disciplinary measures against those responsible;
30. Welcomes the official circular issued by the Prime Minister following a Turkish Parliamentary Commission report on custom and honour crimes and violence against women, instructing all ministries, public institutions and local administrators to enforce proposed solutions to deal with violence against women; calls on the Turkish Government to formulate binding and practical instructions for the implementation of that official circular, to provide a sufficient budget to take the necessary measures and to spell out the consequences of non-compliance;
31. Welcomes the official circular of the Turkish Ministry of Interior Affairs of 9 January 2007 establishing an action plan for the coordination of policies to prevent honour and custom crimes, which asks for firm implementation of the law on the establishment of a shelter in all municipalities with over 50 000 inhabitants, for the establishment of special committees in every city in order to coordinate the efforts to help the victims of honour and custom crimes and for taking measures to provide psychological and financial support and protection to the victims;
32. Welcomes the initiative designed to provide soldiers in military service with education on the prevention of violence against women and to include in the curriculum of police schools issues such as women's rights as part of human rights, gender equality, violence against women and honour crimes;
33. Calls on the Turkish Government and the Commission to tackle violence in general and honour crimes in particular as a priority and to set up special high-security shelters, including in regions in south-east Turkey, so that women have shelters in their own neighbourhood; calls for support and assistance measures for the free women's advisory centres in south-eastern Turkey, for example KA-MER, urges economic development that focuses on women in regions in which women are vulnerable to violence; stresses the importance of systematic investigation and effective punishment and therefore the training of police and judicial authorities in gender equality issues and the fight against violence; points out the need to instruct judges to apply new laws to severely punish violence in general and honour crimes, forced marriages and polygamy in particular and the importance of the protection of witnesses; urges the Turkish Government to conclude a special agreement with the Commission on participation in the programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (Daphne programme) and to set aside the necessary financial resources in the national budget for this purpose;
34. Points out that women must be offered not only protection but above all psychological care and advice; demands that such services be provided in women's shelters and on the ground in regions with high rates of suicide among women and violence against women;
35. Calls on Turkish Government to build alliances with all groupings – civil, social or religious – in society so as to initiate campaigns, targeted in particular at the young, to spread awareness that violence against women and children is a serious breach of human rights, and to generate repugnance for all forms of violence;

### ***Shelters***

36. Notes that the shelters in Turkey for women who have been victims of violence, which are reported to have capacity for 469 women and which have thus far provided services for 5 512 women<sup>38</sup>, do not meet the needs of a population of approximately 70 million, while even the modest possibilities afforded under the law in force, namely a shelter in all municipalities with over 50 000 inhabitants, are not being sufficiently utilised;
37. Calls on the Turkish Government to ensure the efficiency, security and availability of sufficient numbers of shelters for the needs of women;
38. Welcomes the establishment of the “183 Family, Woman, Child and Handicapped Social Services” telephone helpline to report violence and also welcomes the establishment of a nationwide urgent assistance line, 157, for the victims of human trafficking, and believes that these helplines may serve as a good example for the EU;
39. Once again calls on Turkey to ratify Additional Protocol No 12 to the European Convention on Human Rights<sup>1</sup>;
40. Calls on the Turkish Government to carry out structural and personnel improvements in women's shelters and to eliminate shortcomings that have given rise to complaints;
41. Encourages the Turkish Government to do more to promote cooperation between state institutions/local authorities and independent women's organisations; urges it also to provide financial support for independent and autonomous women's shelters;

### ***Political participation***

42. Notes that the political participation by women in Turkey is too low; underlines the fact that discrimination against women can sometimes best be remedied by temporary positive discrimination measures, as allowed by, inter alia, CEDAW, and that there is an absolute need for female role models in positions of power and decision-making;
43. Suggests the proposal of measures to ensure appropriate representation of women on election lists as the best way to improve female participation in Turkish politics in the short term;
44. Calls on the Turkish political parties to adopt internal rules guaranteeing the presence of women in their management bodies at all levels;
45. Urges the political parties in Turkey, starting from the upcoming elections in 2007, to include more female candidates on election lists, to give women an appropriate role in the party hierarchy and to raise awareness of the importance of female political participation;
46. Strongly regrets that a standing committee on women's rights and gender equality has still not been established within the Turkish Parliament; emphasises that promises made by the Turkish Government and by some political parties in their party programmes should be upheld and underlines that the committee should be established as soon as possible;

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<sup>38</sup> Source: Nimet Çubukçu, Turkey's State Minister in Charge of Women's Rights.

47. Is concerned by the Commission's comment that women remain vulnerable to discriminatory practices, due inter alia to a lack of education and a high illiteracy rate in the country, and calls on the Turkish Government to ensure gender equality in access to education and the labour market, especially in the south-eastern regions; calls, in this regard, for measures in the educational sector in order to equip teaching staff with gender competence and to maintain a system of incentives to keep girls in school; calls also for schoolgirls and schoolboys to be made aware of equal rights for men and women and women's rights to self-determination, including through gender-sensitive education manuals;

### ***Education***

48. Notes that, according to UNICEF estimates, each year between 600 000 and 800 000 girls who have attained the mandatory age for going to school are either prevented by their families from doing so or do not attend school because of logistical difficulties;
49. Welcomes the girls' education campaign entitled "Let's go to school, girls", which has resulted in the enrolment of 222 800 girls in school; also welcomes the "Campaign to Support National Education" that reached almost 5 million adults in four years, most of whom are women from rural areas and girls who could not attend school;
50. Underlines the importance of education and its potential contribution to the economic independence of women; calls on the Turkish authorities to establish a monitoring system to keep girls in the education system; stresses the importance of females in school having increased access to colleges and universities and greater involvement in disciplines such as psychology, to prepare and educate them so that they are able to assist other female victims of abuse.

### ***Participation in the labour market***

51. Notes that the percentage participation of women in the labour market remains exceptionally low, below 25%, and is very low compared to the average women's employment rate in the EU-27 of 49% and that the female employment rate has dropped to around 20%, in contrast to the rise of women's participation in the informal sector, which is often the result of a combination of the low level of education of many women, the lack of an institutionalised, widespread, accessible and affordable system of care facilities for children, elderly and disabled relatives and the gender division of labour in society;
52. Highlights the Commission's remark, as regards equal opportunities, that alignment is required in respect of the Community acquis, in particular concerning parental leave, equal pay, equal access to employment and statutory and occupational social security;
53. Welcomes, in the light of the above, projects such as the joint Dutch-Turkish project entitled "Strengthening Equality in Employment" and the forthcoming project entitled "Support for Women's Entrepreneurship", and the cooperation between Garanti Bank and KAGIDER (Female Entrepreneurs Association) concerning credit facilities of up to USD 30 000 and free training provided for women entrepreneurs;
54. Calls on the Turkish Government to establish a body or bodies for the promotion, analysis, monitoring and support of equal treatment on the labour market, including vocational training within the meaning of Article 8a of Council Directive of 76/207/EEC 9 February 1976 on the

implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions<sup>39</sup>;

55. Calls on the social partners and the Turkish Government to take all necessary measures to ensure the transition of the informal economy to the formal economy; asks the Commission to make support for this effort one of its priorities;
56. Requests the Turkish Government to provide accurate data on discrimination against women, including the access of women wearing headscarves to the labour market, in order to establish whether there is a risk of indirect discrimination based on gender;
57. Calls on the Turkish Government to improve the situation of home workers, most of whom are women; in this connection, urges Turkey to sign and ratify the above-mentioned ILO Home Work Convention No 177 and to expand the Turkish Labour Code in order to cover home workers;
58. Once again calls on the Turkish Government to draft and implement national action plans on women and employment with a limited time-frame and concrete goals, as is currently the practice in the Member States of the EU;
59. Calls on the Turkish Ministry of Labour and the social partners to include gender equality issues in their policies and in the collective labour agreements, and calls on the Turkish trade unions to organise labour in the informal sector and to train union representatives on gender equality issues; welcomes in this respect the initiatives of the trade union confederation Türk-IS;
60. Stresses the important role of the social partners in promoting women's rights and their participation in economic, social and political life; encourages the social partners to do more to promote women's participation in bodies engaged in social dialogue;
61. Decides to evaluate, on a regular basis, progress in the field of women's rights in Turkey in addition to, and in conjunction with, the yearly progress report of the Commission, and to measure Turkey's progress in the field of women's rights in accordance with the benchmarks established in the progress report;

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62. Instructs its President to forward this resolution to the Council, the Commission, the Secretary General of the Council of Europe, the United Nations Special Rapporteur on violence against women, the Director-General of the International Labour Organization and the Government and Parliament of Turkey.

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<sup>39</sup> OJ L 39, 14.2.1976, p 40. Directive as amended by Directive 2002/73/EC of the European Parliament and of the Council (OJ L 269, 5.10.2002, p. 15.)



***Council of the European Union***

**COUNCIL OF  
THE EUROPEAN UNION**



Brussels, 31 July 2008

12337/08 (Presse 226)

P 94

**Declaration by the Presidency on behalf of the European Union  
on the decision of Turkey's Constitutional Court on the suit for  
closure of the AKP**

The European Union takes due note of the decision delivered by the Turkish Constitutional Court on 30 July 2008. The European Union invites all those involved in Turkish politics to resolve their differences in a spirit of dialogue and compromise, while respecting the rule of law and fundamental freedoms. The European Union, which is attentive to the democratic functioning of institutions, will continue to watch the situation in Turkey carefully.



**COUNCIL OF  
THE EUROPEAN UNION**



Brussels, 18 February 2008

6614/08 (Presse 44)

## **Council adopts a revised Accession Partnership with Turkey**

The Council today<sup>40</sup> adopted a decision revising the principles, priorities and conditions contained in the Accession Partnership with Turkey (*doc. 5815/08*).

The decision, which repeals and replaces decision 2006/35/EC<sup>41</sup>, identifies renewed priorities for the Accession Partnership, on the basis of the conclusions of the Council on 10 December 2007 and the 2007 Progress Report from the Commission on Turkey's preparations for integration within the EU. In order to focus its preparations to the evolving needs of the process, Turkey should develop a plan with a timetable and specific measures addressing the new priorities.

The Accession Partnership constitutes the framework for Turkey's preparations and provides guidance for financial assistance. The revised Accession Partnership will serve as a basis for future political reforms and as a yardstick against which to measure future progress.

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<sup>40</sup> The decision was taken at a meeting of the General Affairs and External Relations Council, without discussion.

<sup>41</sup> Council decision 2006/35/EC, Official Journal L/22, 26.01.06, p. 34-50.

The priorities, which concern both legislation and the implementation thereof, have been identified on the basis that it is realistic to expect that Turkey can complete or take them substantially forward over the next few years. A distinction is made between short-term priorities, which are expected to be accomplished within one to two years, and medium-term priorities, which are expected to be accomplished within three to four years.

The main priorities for Turkey relate in particular to its capacity to meet the political criteria set for EU accession by the European Council at Copenhagen in 1993 and the requirements of the negotiating framework adopted by the Council on 3 October 2005.

Short-term priorities relate to the following issues:

- Democracy and the rule of law;
- Human rights, civil and political rights, economic and social rights, minority rights, cultural rights, and the protection of minorities;
- Regional issues and international obligations;
- Economic criteria, and;
- The ability to assume the *acquis* in the different negotiating chapters;

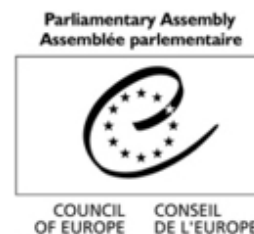
Medium-term priorities relate to economic criteria and the ability to assume the obligations of membership.

The implementation of the Accession Partnership will be examined using the mechanisms established under the Association Agreement as appropriate and through the Commission's progress reports. Its implementation is key for the advancement of the negotiating process.



## Council of Europe (Parliamentary Assembly)

Parliamentary Assembly  
Assemblée parlementaire



Resolution

1622

(2008)<sup>1</sup>

### Functioning of democratic institutions in Turkey: recent developments

1. The Parliamentary Assembly recalls that, in its [Resolution 1380](#) (2004) on honouring of obligations and commitments by Turkey, it decided to close the monitoring procedure for Turkey, acknowledging the progress achieved in the reform process and confident that the Turkish authorities would pursue and consolidate these reforms, the implementation of which would require considerable changes to its legislation and regulations in the years to come. The Assembly decided to continue the post-monitoring dialogue with Turkey, through its Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), with regard to 12 issues that Turkey was invited to address as part of the reform process undertaken by its authorities.

2. The Assembly notes with satisfaction that the Government of Turkey, led by Prime Minister Erdogan, has stood, for over five years, for strong economic growth and political reforms, which has allowed the country to attract the support of investors thanks to its continuing macro-economic stability and its pursuit of privatisations, and made possible the opening of accession negotiations with the European Union in October 2005. Since then, Turkey has made continuous efforts to meet the Copenhagen criteria, including the need to achieve "stability of institutions guaranteeing democracy, the rule of law and human rights", in line also with the statutory obligations incumbent on it as a Council of Europe member state.

3. However, reforms were halted in spring 2007 when a political crisis erupted as a result of the failure of the Turkish Grand National Assembly (hereafter "the parliament") to elect a new President of the Republic. This crisis led to early parliamentary elections in July 2007, considered by the Assembly and other international observers as generally in compliance with Turkey's commitments as a member state of the Council of Europe and European standards for free and fair elections. The Assembly notes that the high voter turnout confirmed that confidence in the democratic process exists in Turkey.

4. Having obtained 46.6% of the votes at the July 2007 elections, the Justice and Development Party (hereafter AK Party) of Prime Minister Erdogan ensured a large absolute majority. The Assembly, while regretting the Turkish authorities' failure to comply with its previous calls to lower the 10% electoral threshold, notes that the current parliament is more representative of the country's political diversity than the previous one, representing about 90% of the opinions of the electorate.

5. However, a fresh crisis followed the adoption by the parliament on 9 February 2008 of changes to the constitution and the law on higher education which would ease the Muslim headscarf ban at universities. The amendments were considered contrary to secular principles and declared unconstitutional by the Constitutional Court on 5 June 2008.

6. In the meantime, on 14 March 2008, judicial proceedings were instituted by the Chief Prosecutor of the Supreme Court of Turkey to dissolve the ruling AK Party on the grounds that the party had become a "centre of anti-secular activities" and ban 71 of its members, including President Gül and Prime Minister Erdogan, as well as 39 members of parliament, from politics for five years. The case is pending before the Constitutional Court.

7. The Assembly stands firm for state secularism in the Council of Europe member countries. However, the criteria of secularism cannot be applied to political parties, as political parties inspired by the moral values of a religion are widespread in most Council of Europe member countries. When such a party is in government and the government passes anti-constitutional decisions, legal action should be taken against those decisions and not against the political party behind them.

8. The Assembly is concerned that, regardless of its outcome, the lawsuit against the ruling party, as well as the Prime Minister and the President of the Republic, is seriously affecting political stability in the country, as well as the democratic functioning of state institutions, and is delaying urgent economic and political reforms.

9. At the same time, the Assembly underlines that effective separation of powers and the independence of the judiciary are fundamental principles of a democracy based on the rule of law which should be fully guaranteed by all state institutions. No influence should be exercised on the Constitutional Court of the country. In this respect, the Assembly is confident that the latter will apply European standards regarding the dissolution of political parties resulting from the case law of the European Court of Human Rights (the Court) on Articles 10 (freedom of expression) and 11 (freedom of assembly and association) of the European Convention on Human Rights (the Convention – ETS No. 5) and the Guidelines on prohibition and dissolution of political parties and analogous measures, adopted by the European Commission for Democracy through Law (Venice Commission) of the Council of Europe in December 1999.

10. The Assembly notes that respect for the principle of proportionality is of special importance with regard to the dissolution of political parties in view of their essential role in ensuring pluralism and the proper functioning of democracy. It recalls that the Court has repeatedly stated that the dissolution of a political party, accompanied by a temporary ban prohibiting its leaders from exercising political responsibilities, is the most drastic measure; a measure of such severity should be applied only in the most serious cases.

11. The Assembly also recalls its [Resolution 1308](#) (2002) on restrictions on political parties in the Council of Europe member states, in which it underlined that, although democracies have the right to defend themselves against extremist parties, the dissolution of political parties should be regarded as an exceptional measure to be applied only in cases where the party concerned uses violence or threatens civil peace and the democratic constitutional order of the country.

12. The Assembly notes that Turkey has a legacy of political party closures, almost all of which have resulted in findings of violations of Article 11 of the Convention. In its [Resolution 1380](#) (2004) closing the monitoring procedure for Turkey, the Assembly, emphasising that the frequency with which political parties were dissolved was a real source of concern, expressed the hope that in future the constitutional changes of October 2001 and those introduced in the legislation on political parties would "limit the use of such an extreme measure as dissolution".

13. It further notes that, in the light of these same reforms, the Committee of Ministers in 2007 closed the supervision of the execution of the Court judgments in all cases concerning the dissolution of political parties in Turkey between 1991 and 1997, as it was satisfied that the relevant judgments had been appropriately executed. In so doing, the Committee of Ministers strongly encouraged the Turkish authorities to pursue their efforts to give direct effect of the Court's case law in the implementation of Turkish law.

14. The current proceedings against the AK Party, regardless of their outcome, spark a renewed debate about the legal basis for the closure of political parties in the country and show that, despite the above-mentioned reforms, the issue of dissolution of political parties in Turkey is not closed. The Assembly notes that it has become clear that further constitutional and legislative reforms in this respect are necessary.

15. A full revision of the 1982 Constitution which, despite repeated revisions, still bears the marks of the 1980 military *coup d'état*, and a comprehensive review of the law on political parties are required in order to bring these texts fully into line with European standards. In pursuing such reforms, the Turkish authorities should in particular envisage introducing stricter criteria for the dissolution of political parties, such as condoning or inciting violence or overt threats to fundamental democratic values, in line with the above-mentioned guidelines of the Venice Commission.

16. The Assembly recalls that, when adopting [Resolution 1380](#) and closing the monitoring procedure for Turkey, it had invited Turkey, as part of its reform process, to "carry out a major reform of the 1982 Constitution, with the assistance of the Venice Commission, to bring it into line with European standards". The need for a new, civil constitution has now become more evident than ever.

17. In this regard, the Assembly notes the government's initiative to draft a new constitution and considers that this opens a window of opportunity for a broad national debate involving all actors of society. It encourages the government to finalise this process in close co-operation with the Venice Commission. The new constitution should in particular guarantee an appropriate system of checks and balances and give a prominent place to the protection of human rights and fundamental freedoms, in line with European standards, in order to fully ensure the democratic functioning of Turkey's institutions and the consolidation of its modernisation and reform process.

18. At the same time, the Assembly, emphasising the importance of effective separation of powers, urges all state institutions to respect each other's competences and join efforts to pursue, with renewed vigour, the much-needed economic and political reforms that will turn Turkey into a modern democracy.

19. All institutions in the member states are bound by the obligations, commitments and principles of the Council of Europe. Taking into account the separation of the judicial and the political powers, the Assembly underlines that the judicial authorities also have to respect these standards and principles and to act accordingly.

20. The Assembly asks its Monitoring Committee to intensify its post-monitoring dialogue with Turkey, closely follow the development of the democratic functioning of its state institutions and, in particular, the constitutional drafting process, and if need be seriously consider the possibility of re-opening the monitoring procedure for Turkey.

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1. *Assembly debate* on 26 June 2008 (26th Sitting) (see [Doc. 11660](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), rapporteur: Mr Van den Brande). *Text adopted by the Assembly* on 26 June 2008 (26th Sitting).

## Annex II

### ***Recent examples***

#### **Freedom of expression**

##### *Governor threatens to deprive demonstrators and their families of health care*

29 October 2008, Amnesty International

Reported plans by the governor of the southern Turkish province of Adana to cut health care from demonstrators and their families violate international standards, Amnesty International said today. Demonstrations against the alleged ill-treatment of imprisoned Kurdistan Workers' Party (PKK) leader Abdullah Öcalan have taken place across the southern and eastern provinces of Turkey since 17 October. There are continuing reports that the law enforcement response to the demonstrations, which were at times violent, has included excessive use of force and other forms of ill-treatment

##### *Children's choir director still wanted for terrorist propaganda*

18 July 2008; Amnesty International

The director of a children's choir is still wanted by the Turkish authorities after she and members of her choir were accused of spreading propaganda for an outlawed separatist group. An arrest warrant was issued for director Duygu Ozge Bayar after the Diyarbakir Yenisehir Municipality Children's Choir sang the Kurdish language anthem Ey Raqip (Hey Enemy) at a world music festival in San Francisco in October 2007. The choir sang songs in a total of nine different languages including a Turkish patriotic song (Canakkale Marsi). Members of the choir and their director were charged with "making propaganda for a terrorist organisation or its aims" after Turkish prosecutors said that the song was the anthem of the PKK – the separatist militant group Turkish troops have been fighting for over two decades. The conflict has cost almost 40,000 lives.

##### *Turkish activist gets jail sentence*

21 March 2008; Amnesty International

Human rights activist Eren Keskin has been sentenced to six months and 20 days in prison after being convicted of "denigrating the Turkish army". The conviction comes under Article 301 of the Turkish Penal Code, which Amnesty International has long campaigned against.

##### *Calls for reform ahead of anniversary of journalist's murder*

18 January 2008; Amnesty International

New report shows increase in use of Article 301 'Gagging Law' On the eve of the first anniversary of the killing of the Turkish-Armenian journalist Hrant Dink, Amnesty International today (18 January) called on the Turkish authorities to condemn all forms of intolerance and to bring all those involved in the killing to justice in accordance with international fair trial standards. The organisation also issued a memorandum to the Turkish authorities outlining key human rights concerns in the country.

## **Sexual minority rights**

### *Turkey urged to respect LGBT people's right to freedom of association*

3 July 2008; Amnesty International

A local court in Istanbul ordered the closure of the Turkish lesbian, gay, bisexual and transgender solidarity organization, Lambda Istanbul. The court ruled on 29 May in favour of a complaint by the Istanbul Governor's Office that Lambda Istanbul's objectives were against Turkish "moral values and family structure". An appeal challenging this ruling is currently pending.

## **Refugee rights**

### *Turkey expels refugees for second time*

14 October 2008; Amnesty International

Turkish law enforcement officials have expelled the same group of Uzbekistani refugees into Iranian territory for the second time in one month. At least twenty-four Uzbekistani nationals are believed to have been rounded up by Turkish police in Van in eastern Turkey on Saturday and taken to an unknown location.

### *UNHCR deplores refugee expulsion by Turkey which resulted in four deaths*

25 April 2008; UNHCR

Four men, including an Iranian refugee, drowned after a group of 18 people were forced to cross a fast-flowing river by the Turkish police at Turkey's southeastern border with Iraq, witnesses have told the UN refugee agency.

## **Killings in disputed circumstances**

### *Teenager shot by Police*

November 2008; Amnesty International

In October 2007 Ferhat Gerçek was left permanently paralysed after being shot in the back by police, following a dispute over the sale of a magazine. Seven police officers face trial, but flaws in the investigation mean that the officer who shot Ferhat Gerçek may evade justice. Meanwhile, Ferhat Gerçek is being prosecuted in connection with the dispute and if found guilty, could be sentenced to more than 15 years in prison.

## **Torture**

### *Turkish government in landmark apology over death after custody*

20 October 2008; Amnesty International

In the first public statement of its kind, the Turkish Minister of Justice has accepted the responsibility of the state in the case of Engin Çeber who died after being held at the Metris Prison in Istanbul. In the statement, Mehmet Ali Şahin apologized to the man's relatives.

### *Death following police detention*

10 October 2008; Amnesty International

29 year old Engin Ceber died today after alleged torture by police, prison officers and gendarmerie.

Engin Ceber was arrested along with others on 28 September, while protesting against the continued impunity of Turkish authorities in the case of the shooting a year ago of Ferhat Gercek. He was allegedly stripped naked, kicked and beaten repeatedly with wooden truncheons during the course of his detention in police detention and prison custody. His lawyer said he was transferred to hospital on 7 October due to the injuries he had sustained. He died from his injuries in the afternoon of 10 October.

### **Fair trial concerns**

#### *Ergenekon trial mistreatment*

12 November 2008; Today's Zaman, Istanbul

20 October 2008; BBC

The Ergenekon Trial, which in itself is a landmark trial, due to the nature of the defendants - including retired senior military personnel, lawyers and individuals associated with criminal gangs - has been criticized for being politically motivated. Suspects face various charges, including "membership in an armed terrorist group," "attempting to destroy the government," "inciting people to rebel against the Republic of Turkey" and other similar crimes.

### **Prison conditions**

#### *Ill-treatment of Mr. Öcalan*

17 October 2008; Turkish Human Rights Association

The lawyers of Mr. Abdullah Öcalan have stated that their client was subjected to torture and ill-treatment and death threats. Öcalan has been kept under perpetual "isolation" in a one-person prison for over a decade.