

## **P5\_TA(2004)0274**

### **Progress towards accession by Turkey**

#### **European Parliament resolution on the 2003 regular report of the Commission on Turkey's progress towards accession (COM(2003) 676 – SEC(2003)1212 – C5-0535/2003 – 2003/2204(INI))**

*The European Parliament,*

- having regard to the Commission's Strategy Paper on the progress towards accession by Bulgaria, Romania and Turkey of 5 November 2003 (COM(2003) 676),
  - having regard to the 2003 regular report of the Commission on Turkey's progress towards accession of 5 November 2003 (SEC(2003)1212),
  - having regard to its resolution of 5 June 2003 on Turkey's application for membership of the European Union <sup>1</sup>,
  - having regard to its resolution of 20 November 2003 on Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours<sup>2</sup>,
  - having regard to the conclusions of the European Council (Thessaloniki, 19-20 June 2003, and Brussels, 12 December 2003),
  - having regard to Rule 47(1) of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy and the opinions of the Committee on Budgets, the Committee on Industry, External Trade, Research and Energy, the Committee on Employment and Social Affairs, the Committee on Agriculture and Rural Development, the Committee on Regional Policy, Transport and Tourism and the Committee on Women's Rights and Equal Opportunities (A5-0204/2004),
- A. whereas, in the face of strong resistance, courageous steps have been taken since the adoption of the abovementioned resolution of 5 June 2003, but whereas further reforms still need to be undertaken, and rigorously implemented, in many areas,
- B. whereas in spite of the determination of its government, Turkey does not yet meet the Copenhagen political criteria and whereas a clear framework for guaranteeing political, civil, economic, social and cultural rights has still not been established, and more far-reaching efforts than reparation and amendments are needed to enhance the coherence between legal provisions and practice, which will underline the radical and fundamental character of Turkey's progress towards membership,

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<sup>1</sup> P5\_TA(2003)0265.

<sup>2</sup> P5\_TA-PROV(2003)0520.

- C. whereas in spite of some of the changes introduced as part of the packages of political reform, which represent significant progress towards achieving compliance with the Copenhagen political criteria, Turkey has retained a Constitution adopted in 1982 during the military regime, reflecting a largely authoritarian philosophy,
- D. whereas a number of countries which will accede to the European Union in May 2004, including Poland, have adopted new constitutions, taking the view that this development is a point of departure for the process of the reform and modernisation of their society and state,
- E. whereas the AKP government has speeded up and implemented specific measures in order to continue on the path of reform despite the difficult international situation (war in Iraq) and domestic situation (terrorist attacks), which is a reflection of the strategic importance for the Turkish authorities of managing to fulfil completely the Copenhagen criteria,
- F. whereas possible accession must ultimately meet the expectations of EU citizens, who also need to be convinced of the democratic character of the reforms and their implementation,
- G. whereas the Union must prepare itself for Turkey's accession, by means of measures ensuring that the Union is able to function smoothly, should the Council decide to open accession negotiations,
- H. whereas a just, viable and functional solution of the Cyprus question, based on the UN plan, is of essential importance to relations between the EU and Turkey and to Turkey's EU membership aspirations; whereas such a solution must also satisfy the 'Balladur' principles applying to all current and future applicant countries for accession (no border problems, good relations with neighbouring states, the safeguarding of minority rights),
- I. aware that meeting the political criteria of Copenhagen is a precondition for opening accession negotiations,
  - 1. Welcomes the strong motivation and the political will demonstrated by the AKP Government and by the great majority of the people's elected representatives with regard to making reforms that are revolutionary for Turkey, not only in order to meet the Copenhagen political criteria, in keeping with Turkish authorities' oft-stated commitment to democracy and Europe, but also to advance the economic, social and political conditions of the Turkish people; points out that such reforms can only be judged on the basis of their actual implementation in terms of day-to-day practice at all levels of the judicial and security system and of both the civilian and military administration, and that they must have the support of society; is aware that this will be a long process in which Turkey will need to continue to take fundamental decisions, for which European aid will continue to be essential;
  - 2. Stresses that it will be Turkey's own sovereign decision whether it wants, or will be able, to adopt the political principles and values of the EU as appropriate for the Turkish state and society or to reject them as inappropriate for Turkey; to this end, believes that it is important to reinforce all political and cultural methods which help to increase knowledge

of those values on the part of Turkish citizens, as well as knowledge of Turkey by European Union citizens;

3. Considers that, with reference to the Commission's last progress report, reforms have been carried out in a large number of areas which constitute important steps, but that many further steps still need to be taken; refers, in this connection, to the reserved comments made by the Commission, which speaks, for example, of a lessening of restrictions, whilst more rigorous application of the political criteria is required;
4. Regards the Monitoring Group which was recently set up by the government in order to ensure that reforms are implemented in practice, and which is receptive to information provided by embassies and human rights organisations, as an important initiative, especially since it is an important signal of Turkey's wish to continue to make progress in fulfilling the Copenhagen political criteria;
5. Welcomes the constitutional changes set out in the seven 'harmonisation' packages which have undisputedly improved the provisions in force hitherto; considers the drafting of a new Constitution a further and probably necessary reflection of the very fundamental nature of the changes required for EU membership and notes that a modern constitution may form the basis for the modernisation of the Turkish state, as called for by the Copenhagen political criteria; considers that such a Constitution must be based on the principles of the rule of law and democratic foundations, with the rights of the individual and minorities balanced against collective rights, in accordance with the standards prevailing in the EU and be respectful of international law; to that end, expects further important steps to be taken to revise the role of the National Security Council, which should lead to the removal from the Constitution of any references to its current role;
6. Is convinced that Turkey, in view of the support of politicians, scientists and members of the judiciary, has the capacity to carry out such a vast project, and urges Turkey to cooperate closely with the Council of Europe Venice Commission with a view to adopting a new, modern Constitution;
7. Considers that the Commission's Pre-Accession Strategy, in addressing systematically the shortcomings in relation to the rule of law and the democratic deficit, affirms the absolute priority of the Copenhagen political criteria for Member States, and that such an approach could then lead to work being begun on the other 31 chapters (adoption of the *acquis*); considers that the programme may incorporate aspects such as the drafting of a new democratic Constitution, the position of the army, the philosophy of the state and law, the setting up of the administration, the treatment of minorities and freedom of religion;
8. Regrets the continuing problem of extremely high gun possession and use in Turkey, and urges the Turkish authorities to take action to address the problem, being mindful of the provisions of Directive 91/477/EEC<sup>1</sup> on control of the acquisition and possession of weapons,

### ***Copenhagen political criteria***

#### *Organisation of the State*

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<sup>1</sup> OJ L 256, 13.9.1991, p. 51.

9. Regards the restriction of the power enjoyed by the army at a political level and in society as a difficult, but unavoidable, process; considers that Turkey's current position in relation to the Cyprus conflict also reflects the political power of the army; expresses its confidence that the AKP Government will safeguard democratic values, and encourages it to continue its campaign against ultra-nationalism and bureaucratic inertia at all levels of the Turkish state, counter resistance from within the army, the judiciary, the national and local administration and some sections of Turkish society;
10. Welcomes the fact that the government is in the process of bringing defence expenditure under parliamentary control; points, however, with concern, to the influential (formal and informal) army network comprising *inter alia* think tanks, businesses and funds, which could prove to be an obstacle to the reform of the state; urges the full application of EU norms of company law, competition policy and financial accountability to those businesses with military connections;
11. Urges the government to transform the existing boards for higher education (YÖK) and audiovisual media (RTÜK), in their capacity as watchdog bodies, into new, completely civilian councils which are not subject to any control by the military, in the same fashion and to the same standard as in the EU countries; underlines that these reforms should strengthen institutions of higher education and science to work independently without outside interference and to strive for the highest academic quality;
12. Considers that the government must do everything possible to bring about a change in mentality in administration, through capacity building efforts (including retraining, participation in (European) seminars and exchange programmes) and above all by promoting the recruitment of new officials with a greater understanding of the laws and processes required for EU membership;

*Rule of law and democracy*

13. Stresses again the importance of an active civil society in order to strengthen the democratic nature of society and to create support for reforms among the population, and considers that the government should further promote the setting up and running of free civil society organisations; endorses, in this connection, the Department for Associations recently established within the Ministry for the Interior;
14. Stresses the necessity to further inform the average Turkish citizen (public opinion) about the EU's ideals and values; encourages state authorities to engage in a dialogue and to co-operate with representatives from non-governmental associations, and through them with civil society; believes that this dialogue is necessary to achieve the changes in mentality that must accompany the recent normative reforms;
15. Points out that trade union freedom is not fully secured and that the social dialogue remains extremely limited; stresses the need for immediate action by the Turkish authorities to eliminate restrictive provisions and to put trade union law on a similar basis to that in other EU Member States;

16. Welcomes the wish expressed – within government, Parliament and the judiciary – to abolish the state security courts; calls on the government to put a proposal before the parliament as soon as possible;
17. Welcomes the fact that Turkey has become a member of GRECO (Group of States against Corruption) of the Council of Europe; takes the view, however, that efforts to tackle corruption must be pursued, since this phenomenon remains widespread in many spheres of public life;
18. Stresses the need both to fully respect international law and to accept the primacy of EU law over national law (ambiguity of Article 90 of the Constitution), given that the sharing or partial transfer of sovereignty is an essential prerequisite of the EU membership;
19. Emphasises the importance of the International Criminal Court for the European Union and recommends therefore that the Turkish authorities sign and ratify the Rome Statute of the International Criminal Court as swiftly as possible;
20. Again calls upon Turkey to implement without delay outstanding decisions of the European Court of Human Rights; points out that there is no room for a position of non-commitment and own interpretation; welcomes payment of just satisfaction in the long-running Loizidou case and calls on Turkey to implement without further delay the first (1996) ECHR judgement in the aforesaid case and restore the right of peaceful enjoyment of property to Mrs Loizidou and all other displaced persons within the framework of a viable solution;
21. Regrets the progress of the trial reopened against Sakharov Prize winner Leyla Zana and three other former Democracy Party (DEP) MPs; stresses that this case is symbolic of the gulf which exists between the Turkish judicial system and that of the EU; reiterates its call for amnesty for prisoners of conscience (a.o. Leyla Zana and the three other former MPs of Kurdish origin);
22. Stresses the need for continuing efforts to ensure a competent and independent judiciary; calls on the authorities to ensure that legislative changes translate into a change of mentality and conduct within all parts of the judiciary; urges that exchange and training programmes of public prosecutors and judges be continued, together with attendance at symposia on EU law, emphasises the importance of training of Turkish trainers, and welcomes the current projects, initiated by the Council of Europe, to train the judiciary in aspects of European law;
23. Deplores the political persecution, that in some cases goes as far as prohibition of political parties such as HADEP and DEHAP, constituting an attack on freedom of expression, organisation and assembly;
24. Calls for the electoral system to be reformed by reducing the threshold of ten per cent, thereby ensuring a wider representation of political forces in the Grand National Assembly, including predominantly Kurdish parties;

*Human rights situation and protection of minorities*

25. Notes that torture and mistreatment still continue; points to the Government's zero tolerance policy regarding torture; regrets the fact that little progress has been made in bringing torturers to justice; insists on the need for educational efforts to change the outlook of the police force in order to ensure that the law is strictly observed;
26. Condemns the intimidation and obstruction of the activities of human rights defenders and of human rights organisations by some authorities;
27. Awaits with interest the promised implementation of the right to broadcast in languages other than Turkish; calls on the Audiovisual Council (RTÜK) to take a flexible approach to requests to broadcast in the different languages and dialects and not to create additional obstacles or restrictions;
28. Calls on the Turkish authorities to put more effort into the quick and thorough implementation of the legislative changes concerning the cultural rights that allow the education in and the use of (traditional) languages other than Turkish in the media; points to the significance of these reforms for the Kurdish population (the largest minority), expects the authorities to provide the necessary means to stimulate the socio-economic development of the Kurdish regions, particularly in South-East Turkey, in order to create circumstances that enable the Kurdish population to build a peaceful and prosperous future;
29. Notes with concern that domestic violence and other forms of violence against women are still widespread; urges Turkey to provide full legal protection and judicial and economic aid to victims, as well as shelters and similar facilities, which are almost nonexistent; calls on the Commission to continue close monitoring of developments in this field;
30. Calls on Turkey to adopt gender equality as part of the sixth reform package of the Penal Code and to amend Article 51 of the general provisions, which relates to crimes committed under extreme provocation, applicable for offences traditionally viewed as being against virtue; additionally, requests the discontinuation of the practice of reducing sentences in cases of 'honour crimes' on grounds of customs and tradition (Article 462), on the view that such crimes should be considered as first degree murder, as well as the deletion of the term 'virginity' from the provisions of the Penal Code relating to the crime of rape;
31. Expresses the fear that Turkey's reservations about Article 27 of the Covenant on Civil and Political Rights significantly restricts the scope of the right of ethnic, religious and linguistic minorities to pursue their culture, practise their own religion and use their own language; refers, in this connection, to the remaining restrictions on the right of association;
32. Stresses that the 1923 Treaty of Lausanne concerning the position of minorities must not be interpreted in a minimalist way, as such an interpretation is not in accordance with the fundamental rights applying in the EU; notes that Article 10 of the Constitution already states the principle of equality before the law, points out that with the introduction of a new Constitution a minimalist interpretation of 'Lausanne' of this kind must be ruled out;
33. Points out that in the area of freedom of expression a number of adjustments to legislation have been made; deplores, however, the fact that prosecutors continue to cite provisions

in the penal code (Articles 312 and 169) and alternative provisions in the anti-terrorism law (Article 7) with a view to nonetheless restricting freedom of expression; looks forward to the revision of the penal code in harmonisation with recent reforms;

34. Notes that Turkey still has a different interpretation of the concept of the secular state than that prevailing in the EU, and that this rather involves state control over the main religion and discrimination against other confessions;
35. Reiterates its call to the Turkish authorities to put an immediate end to all activities discriminating against and creating difficulties for religious minorities, including in the area of property rights, legal status, internal management, environmental planning rules and the training of clergy; urges in this connection the reversal of the threats of seizure against the Greek Orthodox Orphanage of Priggipos (B. Ada) and the recognition of its property rights to its rightful owner, the Greek Orthodox community; reiterates its request for the reopening of the Greek Orthodox Halki seminary; regrets the fact that in the area of religious freedom there has so far been little improvement; calls upon Turkey to address all these difficulties drawing from the relevant case law of the European Court of Human rights (see a.o. case Kokkinakis, Manoussakis, Metropolitan Church of Bessarabia, Serif, Canea Catholic Church, Hasan and Chaush);
36. Notes that meeting the political criteria also includes recognising the common religious rights of Christian and non-Islamic minorities in Turkey, and that the issue of the legal position of non-Islamic minorities in Turkey should be resolved in accordance with the Memorandum of the Greek Orthodox, Syrian, Armenian and Roman Catholic churches of 23 September 2003 to the human rights committee of the Turkish National Assembly;
37. Welcomes dialogue between Turkey and the UN on the return of refugees, however regrets the continuing problems regarding the return of internally displaced persons and of refugees living in Europe to their place of birth and the fact that it is still very difficult for Syrian Orthodox to resettle in south-eastern Turkey for safety, economic and social reasons; also regrets the continued presence of village guards in Kurdish and Syrian Orthodox villages and the unchanged situation in this respect;
38. Supports the appeal of Turkish intellectuals (academics, historians, human rights activists, solicitors, educators, artists and writers) and NGOs who protest against the circular of the Ministry of Education of 14 April 2003; joins with the authors of the protest in condemning the use of history as a means of indoctrinating the youth with opinions of racial hatred;

### ***Reforms in the EU***

39. Considers that the EU itself must be prepared for Turkey's possible accession and the consequent new geo-political situation for the EU; calls on the Commission to carry out a wide-reaching study of the impact of accession to the Union, taking into account the need to reform present policy in a number of key areas such as agricultural and structural funds policy as well as in financial and institutional terms in order to cope with further enlargement, and to inform Parliament and the Council of what internal changes will be needed in the EU in order for it to function effectively, whilst maintaining the EU model of integration; therefore reiterates its demand that the Member States resolve their

disagreements on the constitution on the basis of the draft proposed by the Convention in which Turkey representatives participated;

40. Recalls the Presidency conclusions of the Copenhagen European Council of June 1993 relating to enlargement of the European Union for the countries of central and eastern Europe; notes in particular that, in this context, "the Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries", insists that this criterion be fully taken into account before a final proposal is put forward by the Commission, in October 2004, concerning the possible opening of negotiations with Turkey in December 2004;
41. Considers that, following on from the above, the EU must have a constitution with efficient decision-making procedures in the area of common foreign, security and defence policy before extending the EU external borders into a totally new and sensitive geo-political region; takes the view that common answers need to be found in relation to the position of the EU in the region as a union of democratic constitutional states;
42. Considers that, with regard to the fight against terrorism, the EU is not sufficiently supportive of Turkey and that the EU must extend its cooperation with Turkey in this area; stresses that such cooperation makes reform of the Turkish judicial system and relevant legislation all the more urgent and even requires it as a precondition;

#### ***Turkey's external relations***

43. Continues to insist that settlement of the Cyprus conflict is an essential condition for progress regarding Turkey's application for accession to the EU; welcomes the commitment of the new 'government' in northern Cyprus to reach a settlement by 1 May; calls upon the Turkish authorities to maintain their constructive attitude to achieve a solution in the present round of negotiations on the basis of the Annan plan for a just, viable and functional solution of the Cyprus problem, consistent with relevant UN Resolutions; calls on Turkey, pursuant to these resolutions, to withdraw its occupying forces according to a specific timetable;
44. Considers, as in its previous resolutions, that Cyprus should have demilitarised status;
45. Calls on the Government of the Republic of Cyprus, with a view to its imminent accession, to maintain their sincerity vis-à-vis the Annan plan (in accordance with the requirements under the Balladur initiative, which also apply to the Cypriot government) and to do their utmost to reach, before 1 May 2004, a settlement which is acceptable to both parties, on the basis of the proposals put forward by Secretary-General Kofi Annan;
46. Encourages the Government to pursue the course it has adopted with a view to playing a constructive role in the region, putting the interests of the local population and the regional economy first; urges Turkey to make every effort to coordinate more effectively with the EU its policy in South Caucasus, fully supporting the mandate and the action of the EU Special Representative for this region; requests Turkey to reopen the borders with Armenia and to promote good neighbourly relations with Armenia, to work together to promote equitable solutions to the regional conflicts and not to take any action that would stand in the way of a historic reconciliation;



47. Would like a dialogue to be established between Turkish and Armenian academics, social and non-governmental organisations in order to overcome the tragic experiences of the past as has been expressed in its earlier solutions (of 18 June 1987<sup>1</sup>, 15 November 2000<sup>2</sup>, 28 February 2002<sup>3</sup> and 26 February 2004<sup>4</sup>);
48. In the context of the continuing improvement of bilateral relations between Turkey and Greece encourages Turkey to act in the spirit of the Helsinki conclusions and in accordance with the principles of international law, which should, in this case too, take precedence over national law;
49. Calls on Turkey to respect and promote the Armenian and Syrian Christian cultural heritage as parts of Turkey's national identity;
50. Awaits a constructive approach on the past of the Turkish authorities to the restructuring of the state of Iraq so that all ethnic and religious groups receive proper respect for their political, economic, social and cultural interests;

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51. Instructs its President to forward its position to the Council and Commission, the Council of Europe, the European Court of Human Rights and the Government and Parliament of Turkey.

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<sup>1</sup> OJ C 190, 20.7.1987, p. 119.

<sup>2</sup> OJ C 223, 8.8.2001, p. 182.

<sup>3</sup> OJ C 293 E, 28.11.2002, p. 89.

<sup>4</sup> P5\_TA(2004)0122.