



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

19.12.2011

B7-0000/2011

MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and the Commission
pursuant to Rule 110(2) of the Rules of Procedure
on the 2011 Progress Report on Turkey

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on behalf of the Committee on Foreign Affairs

European Parliament resolution on the 2011 Progress Report on Turkey

The European Parliament,

- having regard to the Turkey 2011 Progress Report of the Commission (SEC(2011)1201),
 - having regard to the Communication from the Commission to the European Parliament and the Council entitled "Enlargement Strategy and Main Challenges 2011-2012" (COM(2011)0666),
 - having regard to its previous resolutions of 27 September 2006 on Turkey's progress towards accession¹, of 24 October 2007 on EU-Turkey relations², of 21 May 2008 on Turkey's 2007 progress report³, of 12 March 2009 on Turkey's 2008 progress report⁴, of 10 February 2010 on Turkey's 2009 progress report⁵, and of 17 February 2011 on Turkey's 2010 progress report⁶,
 - 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 Turkey⁷ ("the Accession Partnership"), as well as to the previous Council decisions on the Accession Partnership of 2001, 2003 and 2006,
 - having regard to the Council conclusions of 14 December 2010 and 5 December 2011,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas accession negotiations with Turkey were opened on 3 October 2005 after the Council had approved the Negotiating Framework, and whereas the opening of such negotiations is the starting point for a long-lasting and open-ended process based on rigorous conditionality and the commitment to reform,
- 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, and consolidate and further improve its democratic institutions,
- C. whereas full compliance with all Copenhagen criteria and EU integration capacity, in

¹ OJ C 306 E, 15.12.2006, p.284

² OJ C 263 E, 16.10.2008, p.452

³ OJ C279 E, 19.11.2009, p.57

⁴ OJ C87 E, 1.4.2010, p.139

⁵ Texts adopted, P7_TA(2010)0025

⁶ Texts adopted, P7_TA(2011)0090

⁷ OJ L 51, 26.2.2008, p. 4.

accordance with the conclusions of December 2006 European Council meeting, remains the basis for accession to the EU, which is a community based on shared values, sincere cooperation and mutual solidarity amongst all its Member States,

- D. whereas in its 2011 Progress Report the Commission concluded that Turkey is a key country for the security and prosperity of the European Union, that Turkey's contribution to the European Union in a number of crucial areas will be fully effective with a positive agenda and a credible approach to the negotiation process and that it remains essential that Turkey continues its reforms concerning the political criteria with the need for significant further efforts to guarantee fundamental rights,
- E. whereas Turkey has still not implemented, for the sixth consecutive year, the provisions stemming from the EC-Turkey Association Agreement and the Additional Protocol thereto,
- F. whereas, for its own benefit, and with a view to enhancing stability and promoting good neighbourly relations and positive political and economic partnership, Turkey needs to step up efforts to solve open bilateral issues, including border disputes, with its immediate neighbours,
- G. whereas Turkey's economy has tripled its size over the past decade and has grown almost 10% in the last year and is considered one of the seven largest emerging economies in the world; whereas trade between the European Union and Turkey totalled EUR 103 billion in 2010 with Turkey as the Union's seventh biggest trading partner and the Union as Turkey's biggest, with 80% of Foreign Direct Investment in Turkey coming from the European Union; whereas EU enterprises have created more than 13 000 businesses in Turkey,
- H. whereas dialogue and cooperation with Turkey on stability and democracy in the broader Middle East are strategic; whereas Turkey, built on a solid secular State, could prove a valuable example for democratising Arab States in completing their democratic transition and socio-economic reforms; whereas structured dialogue between the EU and Turkey on the coordination of their respective foreign and neighbourhood policies could provide unique synergies,
- I. whereas Turkey is the EU energy corridor for Caucasian and Caspian oil and gas resources and has strategic proximity to Iraq and its developing crude oil market; whereas the Nabucco pipeline remains one of the EU's highest energy security priorities; whereas Turkey and Azerbaijan concluded an agreement on 25 October 2011 on the transit of Azeri gas on Turkish soil which will open the Southern gas corridor, reinforce gas supplies to the Nabucco pipeline and to the future ITGI (Interconnector Turkey-Greece-Italy) gas transit corridor, thereby reinforcing the Union's energy security,

Interdependence and Mutual Commitment

1. Stresses the interdependence between the European Union and its Member States and Turkey; recognises the economic and growth potential of Turkey and its relevant role for energy security; underlines that such interdependence is complemented by the value of potential synergies between the Union's and Turkey's foreign and security policy and

neighbourhood policy with benefits and reinforced leverage for both; believes, however, that such interdependence can only produce positive results if it is framed in a context of mutual commitment, strategic dialogue, delivery in the reform process and in the implementation of reforms, Turkey's good relations with neighbouring EU Member States and solid cooperation;

2. Expresses its support to the Commission in developing a fresh agenda for EU-Turkey relations; takes the view that renewed efforts should be invested in creating the conditions for the opening of chapters; insists that Turkey's relations with neighbouring Member States are a key factor in revamping negotiations and dialogue;

Fulfilling the Copenhagen criteria

3. Commends Turkey for the electoral process, on the occasion of the general elections in June 2011, which saw a high voter turnout and was praised by international observers as democratic, pluralistic and shaped by a vibrant civil society; stresses the importance of a reform of the electoral law with the elimination of the 10% minimum threshold for representation in Parliament, which is the highest threshold in any of the Council of Europe Members and does not represent the pluralism of Turkish society;
4. Welcomes the decision by the new Government of the Republic of Turkey to establish a Ministry of EU Affairs which reflects the awareness that renewed efforts, commitment and dialogue are of absolute importance;
5. Recalls the fundamental role of the Turkish Grand National Assembly (TGNA) as the centre of Turkey's democratic system and therefore underlines the role of the TGNA in providing a platform to all political parties, based on checks and balances, for their contribution to democratic dialogue and in promoting an inclusive reform process;
6. Recalls the need to continue work on the implementation of the 2010 Constitutional reform package; expresses its full support to the drafting process of a new civilian Constitution for Turkey as an opportunity for true Constitutional reform promoting democracy, the rule of law, fundamental rights and freedoms, pluralism, inclusiveness and unity in Turkish society; welcomes the decision to ensure equal representation to all political forces in the Constitutional Conciliation Committee and the pledge to base the drafting process on the broadest possible consultation of all segments of society in the framework of a process closely associating civil society;
7. Welcomes the continued efforts to improve civilian oversight of the military, in particular the adoption of the Law on the Court of Accounts in December 2010 to ensure civilian oversight of military expenditure;
8. Stresses that the reform of the judicial system must be at the forefront of Turkey's efforts to modernise and that such reform must lead to a modern, efficient, fully independent and impartial judicial system; welcomes in this regard the adoption of legislation on the High Council of Judges and Prosecutors (the High Council) and on the Constitutional Court in close consultation with the Venice Commission; points out to the need to take further steps towards ensuring the possibility of judicial review for all first-instance decisions of the High Council on promotions, transfers to another location and disciplinary sanctions;

welcomes the decision of the Ministry of Justice to create a directorate general for human rights;

9. Reiterates its concern that judicial procedural norms have not yet been improved sufficiently to ensure the right to a fair and timely trial, including the right to access incriminating evidence in the early phases of the proceedings and sufficient guarantees for all suspects; expresses great concern at the duration of pre-trial detention, with the latter becoming de-facto punishment without a trial; urges the TGNA to reform legislation on pre-trial detention bringing maximum pre-trial detention periods in Turkey in line with average pre-trial detention periods in the European Union;
10. Stresses that investigations of alleged coup plans, such as the ‘Ergenekon’ and ‘Sledgehammer’ cases, must demonstrate the strength and the proper, independent, impartial and transparent functioning of Turkish democratic institutions and the judiciary and their firm, unconditional commitment to the respect of fundamental rights;
11. Reiterates its concern on the practice of bringing criminal prosecutions against journalists who communicate evidence of human rights violations or raise other issues in the public interest as a contribution to the debate of a pluralistic society; considers the criminalisation of opinions as a key obstacle to the protection of human rights in Turkey and deplores disproportionate restriction of the freedoms of expression, association and assembly;
12. Urges Turkey to comply rigorously with its international human rights obligations in this respect by amending its relevant legislation and by training its police and judiciary; welcomes in this regard the decision to provide judges and prosecutors with in-service training on freedom of expression and freedom of the press and on the fundamental role of the European Court of Human Rights;
13. Recalls that freedom of expression and media pluralism are at the heart of European values and that a truly democratic, free and pluralistic society requires true freedom of expression; underlines that reform of legislation allowing for disproportionately high fines on the media - leading in some cases to their closure or to self-censorship by journalists or their editors - and of law 5651/2007 on the internet, which limits freedom of expression, restricts citizens' right to access to information and allows websites bans of disproportionate scope and duration, is very urgent;
14. Expresses its support for the Commission's new approach on tackling issues related to the judiciary and fundamental rights and to justice and home affairs early on in the negotiation process, with the opening of the related chapters on the basis of clear and detailed action plans, and the closing such chapters as the very last ones on the basis of fully convincing good track records; believes that, given the utmost importance of continued reform of the judicial system in Turkey and full respect of human rights and fundamental freedoms, in particular the freedom of expression and the freedom of the press, renewed efforts should be put in place for the delivery of the screening report on Chapter 23 on Judiciary and Fundamental Rights;
15. Welcomes progress in the development of a comprehensive anti-corruption Strategy and action plan; underlines the need for further progress on legislation and general measures

against corruption and calls for an increase in the strength and independence of institutions involved in the fight against corruption;

16. Urges the full application of Constitutional provisions guaranteeing the right to hold demonstrations and asks the ministry of interior to complete the revision of the law on meetings and demonstrations;
17. Welcomes the adoption in August 2011 of new legislation amending the February 2008 Law on foundations and broadening the scope of the restoration of the property rights of non Muslim communities; recalls, however, the urgent need to continue vital reform in the area of freedom of thought, conscience and religion, in particular by enabling religious communities to obtain legal personality, by eliminating all restrictions on the training of clergy, by recognising Alevi places of worships and by complying with relevant judgments of the European Court of Human Rights and reflecting the opinions of the Venice Commission in the legal framework;
18. Recalls that education plays a pivotal role in the process of building an inclusive and diverse society built on the respect for religious communities and minorities; urges the Turkish Government to pay special attention to educational materials in schools, which should reflect the religious plurality of Turkish society, eliminate prejudice and promote the full acceptance of all religious communities, and stresses the need for unbiased learning materials.
19. Encourages the Government to make gender equality a priority of its reform efforts tackling poverty amongst women and increasing women's social inclusion and participation in the labour market; reiterates its proposal to proceed with the introduction of a system of reserved quotas in order to ensure a meaningful presence of women at all levels in business, the public sector and politics; calls, in particular, on the political parties to strengthen women's active engagement and participation in politics;
20. Welcomes Turkey's signing and ratification of the "Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence" on 24 November 2011; urges the Government to continue to step up its preventive efforts at all levels in the fight against honour killings, domestic violence and the phenomenon of forced marriages, in particular by enforcing and reinforcing Law No 4320 on the Protection of the Family and by closely monitoring its implementation by the police and the judiciary, by effectively monitoring full compliance by municipalities with the obligation to provide sufficient shelters for women and minors in danger, and by putting in place a system of follow-up assistance for women and minors leaving the shelters, in order to provide them with appropriate psychological support, judicial assistance and health care and to assist their reintegration into society; welcomes the efforts by the Ministry for Family and Social Politics to increase the number and quality of shelters and the decision by the Ministry to allow private entities to equally open shelters as an additional resource for women and minors in danger;
21. Urges the Government to ensure that equality, regardless of sex, gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, is guaranteed by the law and effectively enforced; calls on the Government of Turkey for the alignment of Turkish legislation with the EU *acquis communautaire* and for the adoption of legislation

establishing an anti-discrimination and equality board; notes the need for further action against homophobia and any kind of discrimination, harassment or violence on the grounds of sexual orientation; reiterates its call on the Turkish Government to instruct the Turkish Armed Forces to end its classification of homosexuality as a 'psychosexual illness';

22. Calls on Turkey to demonstrate resilience and intensify its efforts for a political solution to the Kurdish issue and asks all political forces to work in alliance towards the goal of reinforced political dialogue and a process of further political, cultural and socio-economic inclusion and participation of citizens of Kurdish origin; calls on the Government of Turkey to step up its efforts to further promote socio-economic development in the South East; takes the view that the Constitutional reform provides a very useful framework to promote a democratic opening; recalls that a political solution can only be built upon an open and truly democratic debate on the Kurdish issue and expresses concern at the large number of cases launched against writers and journalists writing on the Kurdish issue and the arrest of several Kurdish politicians, locally elected mayors and members of municipal councils and human rights defenders in connection with the KCK trial;
23. Stresses the need to bring the legal framework on labour and trade union rights in line with EU standards and ILO conventions, as the removal of all obstacles to full exercise of labour and trade union rights will ensure that the current strong economic progress goes together with a broader diffusion in Turkish society of the wealth generated by economic growth, thereby generating more growth potential;
24. Calls on the Turkish Government to promote the active, full involvement of consumer organisations in the legislative and policy consultation process on consumer protection and take all necessary measures to support and strengthen the consumer movement; encourages consumer organisations to join their forces in order to increase their representativeness;

Building good neighbourly relations

25. Strongly supports the ongoing negotiations on Cyprus reunification under the auspices of the Secretary General of the United Nations; stresses that a fair and viable settlement of the Cyprus issue is now urgent and calls on Turkey and all parties concerned to work intensively and with good will for a comprehensive agreement; calls on the Government of Turkey to begin withdrawing its forces from Cyprus and to transfer Famagusta to the United Nations in accordance with Resolution 550 (1984) of the United Nations Security Council; calls, in parallel, on the Republic of Cyprus to open the port of Famagusta under EU customs supervision in order to promote a positive climate for the successful solution of the ongoing negotiations for reunification and allow the Turkish Cypriots to trade directly in a legal way acceptable to all;
26. Encourages Turkey to intensify its support for the Committee on Missing Persons in Cyprus;
27. Regrets Turkey's statements that it would freeze relations with the Presidency of the European Union in the second half of 2012, if a solution to the Cyprus issue will not have

been found by then; recalls that the European Union is based on the principles of sincere cooperation and mutual solidarity amongst all its Member States and that as a candidate country Turkey must commit to serene relations with the European Union and all its Member States; further recalls that the Presidency of the Council of the European Union is provided for in the Treaty on European Union;

28. Calls on Turkey to allow for political dialogue between the EU and NATO by lifting its veto on EU-NATO cooperation including Cyprus and consequently calls on the Republic of Cyprus to lift its veto to the participation of Turkey to the European Defence Agency;
29. Takes note of the continuing intensified efforts by Turkey and Greece to improve their bilateral relations; considers it regrettable, however, that the *casus belli* threat declared by the Turkish Grand National Assembly against Greece has not yet been withdrawn and believes that the improvement of bilateral relations between the two countries should lead to the withdrawal of such threat;
30. Emphasises that the United Nations Convention on the Law of the Sea (UNCLOS) has been signed by the EU, the 27 Member States and all other candidate countries and that it is part of the *acquis communautaire*; calls, therefore, on the Turkish Government to sign and ratify it without further delay; recalls the full legitimacy of the Republic of Cyprus' exclusive economic zone in accordance with UNCLOS;
31. Urges Turkey and Armenia to proceed to a normalisation of their relations by ratifying, without preconditions, the protocols and by opening the border;

Advancing EU-Turkey cooperation

32. Deplores Turkey's refusal to fulfil its obligation of full, non-discriminatory implementation of the Additional Protocol to the EC-Turkey Association Agreement towards all Member States; recalls that this refusal continues to deeply affect the process of negotiations, and calls on the Turkish Government to implement the protocol in full without further delay;
33. Reiterates its firm and strong condemnation of the continuing terrorist violence by the PKK, which is on the EU list of terrorist organisations and expresses its full solidarity with Turkey; calls on the EU Member States, in close coordination with the EU counter-terrorism coordinator and Europol and with due regard for human rights, fundamental freedoms and international law, to intensify cooperation with Turkey in the fight against terrorism and in the fight against organised crime as a source of financing of terrorism; calls on the Commission and the Member States to facilitate adequate informative dialogue and exchange of information with Turkey on extradition requests by Turkey, which cannot be furthered on legal or procedural grounds;
34. Notes that Turkey is the only candidate country which does not have visa liberalisation; stresses the importance of facilitating access to the European Union to business people, academics, students and representatives of civil society; supports the efforts of the Commission and the Member States in implementing the visa code, in harmonising and simplifying visa requirements and in creating new visa facilitating centres in Turkey; urges Turkey to sign and implement the EU-Turkey readmission agreement without

further delay and to ensure that, until this agreement enters into force, existing bilateral agreements are fully implemented; underlines the importance of intensifying cooperation between the EU and Turkey on migration management and border controls, inter alia in light of the large percentage of illegal immigrants entering EU territory via Turkey; takes the view that, once the readmission agreement enters into force, the Council should mandate the Commission to initiate the visa dialogue and define the roadmap;

35. Recalls Turkey's central role as the EU energy corridor for Caucasian and Caspian oil and gas resources and Turkey's strategic proximity to Iraq and its developing crude oil market; stresses the strategic role of the Nabucco pipeline and other gas pipelines, such as the future ITGI (Interconnector Turkey-Greece-Italy) gas transit corridor for the energy security of the European Union; believes that in consideration of Turkey's strategic role and potential, also for EU investment and further cooperation with the EU, a reflection should be started on the value of opening negotiations on Chapter 15 on energy with a view to furthering the EU-Turkey strategic dialogue on energy;
36. Stresses Turkey's strategic role, politically and geographically, for the foreign policy of the European Union and its neighbourhood policy; recalls Turkey's role as an important regional player in the Middle East, the Western Balkans, Afghanistan/Pakistan, the Southern Caucasus and the Horn of Africa and Turkey's role as an example for democratising Arab States; supports Turkey's firm stance and commitment to democratic forces in Syria and recalls its important role for the protection of Syrian refugees; calls on the EU and Turkey to reinforce their existing political dialogue on foreign policies choices and objectives of mutual interest; encourages Turkey to develop its foreign policy in the framework of dialogue and coordination with the European Union and to progressively align its foreign policy with that of the EU with a view to creating valuable synergies and reinforce the potential for positive impact;
37. Recalls Turkey's ambition to inspire and assist democratic transitions and socio-economic reforms in the Southern neighbourhood; notes that participation of Turkish institutions and non-governmental organizations in ENP instruments would generate unique synergy effects, especially in areas such as institution-building and civil society development; believes that practical cooperation ought to be complemented by a structured dialogue between the EU and Turkey in order to coordinate their respective neighbourhood policies;
38. Welcomes the ratification by Turkey of the Optional Protocol to the UN Convention against Torture (OPCAT);
39. Renews its call on the Turkish Government to sign and submit for ratification the Statute of the International Criminal Court, thus further increasing Turkey's contribution to, and engagement in, the global multilateral system;
40. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of 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.