MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission
pursuant to Rule 110(2) of the Rules of Procedure
on the 2012 Progress Report on Turkey
(2012/2870(RSP))

Ria Oomen-Ruijten
on behalf of the Committee on Foreign Affairs
European Parliament resolution on the 2012 Progress Report on Turkey (2012/2870(RSP))

The European Parliament,

– having regard to the Commission 2012 Progress Report on Turkey (SWD(2012)0336),


– having regard to its previous resolutions, in particular of 9 March 2011 on Turkey’s 2010 progress report¹, of 29 March 2012 on Turkey’s 2011 progress report², and of 22 May 2012 on a 2020 perspective for women in Turkey³,

– 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 Turkey⁴ (“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, 5 December 2011 and 11 December 2012,

– having regard to Rule 110(2) of its Rules of Procedure,

– having regard to the fact that accession negotiations with Turkey were opened on 3 October 2005 after the Council had approved the Negotiating Framework, and that the opening of such negotiations is the starting point for a long-lasting and open-ended process based on fair and rigorous conditionality and the commitment to reform,

– having regard to the fact that Turkey has committed itself to reforms, good neighbourly relations and progressive alignment with the EU, and that these efforts should be viewed as an opportunity for Turkey itself to continue to modernise, and consolidate and further improve its democratic institutions, the rule of law and the observance of human rights and fundamental freedoms,

– having regard to the fact that the EU should remain the benchmark for reforms in Turkey,

– having regard to the fact that full compliance with 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

¹ Texts adopted, P7_TA(2011)0090.
on shared values, sincere cooperation and mutual solidarity amongst all its Member States,

– having regard to the fact that the positive agenda was launched in May 2012 to support and complement the negotiations through enhanced cooperation in a number of areas of joint interest,

– having regard to the fact that in its conclusions of 11 December 2012 the Council endorsed the Commission's new approach to place the rule of law at the heart of the enlargement policy and confirmed the centrality in the negotiating process of chapter 23 on judiciary and fundamental rights and chapter 24 on justice, freedom and security, which should be tackled early in the negotiations to allow clear benchmarks and maximum time to establish the necessary legislation, institutions and solid track records of implementation,

– having regard to the fact that in its 2012 Enlargement Strategy the Commission concluded that, for its economy, strategic location and important regional role, Turkey is a key country for the European Union and that the accession process remains the most suitable framework for promoting EU-related reforms in Turkey; having regard to the fact that the Commission expressed concern regarding Turkey's lack of progress on the fulfilment of the political criteria,

– having regard to the fact that Turkey has still not implemented, for the seventh consecutive year, the provisions stemming from the EC-Turkey Association Agreement and the Additional Protocol thereto,

– having regard to the fact that there is an economic interdependence between the European Union and Turkey with trade between the EU and Turkey totalling EUR 120 billion in 2011,

– having regard to the fact that the EU is Turkey's largest trading partner and Turkey is the EU's sixth largest trading partner; having regard to the fact that foreign direct investment by EU Member States in Turkey amounted to 75%,

– having regard to the Commission's assessment that in the area of economic policy Turkey's overall level of preparedness is advanced and that the capacity for economic policy formulation and coordination is adequate,

– having regard to Turkey's potential to play a pivotal role in diversifying energy resources and routes for oil and gas transit from neighbouring countries to the EU,

– having regard to the fact that EU dialogue and cooperation with Turkey on stability, democracy and security with particular reference to the broader Middle East are strategic; having regard to the fact that Turkey strongly and repeatedly condemned the Syrian regime's violence against civilians and provides vital humanitarian assistance to Syrians fleeing violence across the border,

– having regard to the need for Turkey and Armenia to proceed to a normalisation of their relations by ratifying, without preconditions, the protocols and by opening the border,
– having regard to the casus belli threat declared by the TGNA against Greece in 1995, which should be withdrawn; having regard to the importance of a new round of talks between Turkey and Greece to improve their relations,

**Constructive dialogue and common understanding**

1. Commends the Commission and Turkey for the implementation of the positive agenda, which proves how, in a context of mutual engagement and clear objectives, Turkey and the EU could advance their dialogue, achieve common understanding and produce positive change; believes that a renewed mutual engagement in the context of the negotiation process is needed to maintain a constructive relationship; stresses the importance of creating the conditions for a constructive dialogue and the foundations for a common understanding;

2. Stresses Turkey’s strategic role, politically and geographically, for the foreign policy of the EU and its neighbourhood policy; recognises Turkey’s role as an important regional player and calls on the EU and Turkey to further reinforce their existing political dialogue on foreign policy choices and objectives; regrets that the alignment of Turkey with CFSP declarations continued to be low in 2012; encourages Turkey to develop its foreign policy in the framework of dialogue and coordination with the EU;

3. Welcomes the Council decision to invite the Commission to take steps towards visa liberalisation as a gradual and long term perspective, in parallel with the signature of the readmission agreement; urges Turkey to sign and implement the readmission agreement without further delay and to ensure that, until this agreement enters into force, existing bilateral agreements are fully implemented; recalls that Turkey is one of the key transit countries for illegal migration to the EU and underlines the need to intensify cooperation with the EU on migration management, the fight against human trafficking and border controls; stresses once again the importance of facilitating access to the EU for business people, academics, students and representatives of civil society from Turkey; supports the efforts of the Commission and the Member States to implement the visa code, harmonise and simplify visa requirements and create visa facilitating centres in Turkey; Reminds the Member States of their commitments under the association agreement in line with the Soysal Ruling of the European Court of Justice of 19 February 2009;

**Fulfilling the Copenhagen criteria**

4. Commends the Constitution Conciliation Committee for its commitment to a new Constitution and for the inclusive process of consultation of civil society, which reflected the diversity of Turkish society; encourages the Committee to continue its work and to tackle in a collegial way, and in line with the values of the EU, key issues such as (i) the separation of power and an adequate system of checks and balances, (ii) relations between the State, society and religion, (iii) an inclusive system of governance securing the basic rights of all citizens and (iv) an inclusive concept of citizenship;

5. Stresses the need for progress in implementing the 2010 constitutional amendments, in particular the adoption of laws on the protection of personal data and military justice;

6. Reaffirms the fundamental role of the Turkish Grand National Assembly (TGNA) as the centre of Turkey’s democratic system and stresses the importance of support and
commitment amongst all political parties for the reform process, in particular a valuable legal framework protecting and enhancing fundamental rights for all communities; commends the work of the Human Rights Inquiry Committee and asks for a more central role of the EU Harmonisation Committee to promote the alignment of new legislation with the acquis or with European standards during the legislative process;

7. Welcomes the third judicial reform package as a step towards a comprehensive reform process in the area of the judiciary and fundamental rights; stresses however the crucial importance to continue the reform process with a fourth judicial reform package addressing (a) the issues related to the excessively broad definitions of criminal offences under the Criminal Law or the Anti-Terror Law, with the urgent need to introduce a clear distinction between the promotion of terrorism and the incitement to violence and the expression of non-violent ideas, in order to safeguard freedom of expression, (b) the issue of the excessively long pre-trial detention periods, and (c) the need to allow full access to the prosecution file for defence lawyers;

8. Encourages Turkey to adopt the Human Rights Action Plan as prepared by the Ministry of Justice, in cooperation with the Council of Europe, based on the case law of the European Court of Human Rights (ECtHR) in order to address issues raised in judgements of the ECtHR where Turkey was found to violate the provisions of the European Convention on Human Rights (ECHR); supports the Ministry of Justice and the High Council of Judges and Prosecutors (HCoJP) in providing judges and prosecutors with human rights training; welcomes the establishment by the HCoJP of new assessment criteria for judges and prosecutors rewarding respect for the provisions of the ECHR and judgements of the ECtHR;

9. Recalls that freedom of expression and media pluralism are core European values and that a truly democratic society requires true freedom of expression, including the right of dissent; underlines the importance of abolishing legislation providing for disproportionately high fines on the media, leading in some cases to their closure or to self-censorship, and the urgent need to reform the internet law;

10. Fully supports the Commission’s new approach to open the chapters on the judiciary and fundamental rights and on justice and home affairs early on in the negotiation process and to close them as the very last ones; stresses that official benchmarks would provide a clear roadmap and would give a boost to the reform process; calls therefore on the Council for renewed efforts for the opening of Chapters 23 and 24;

11. Welcomes the Law on the Ombudsman and the appointment of a first Head Ombudsman, who shall ensure the credibility of this institution through his decisions; stresses that the establishment of the Ombudsman is an important step in safeguarding the rights of citizens and ensuring accountability of the public administration; calls on the board of the Ombudsman that the regulation on the internal decision-making process guarantees the independence of the institution;

12. Encourages Turkey to continue the process of civilian oversight over security forces; calls for an amendment of the Law on Provincial Administrations to give civilian authorities broader oversight of military operations and the Gendarmerie’s law enforcement activities; stresses the importance of setting up an independent law enforcement complaints Agency to investigate complaints of human rights abuses, ill-treatment and
possible wrongdoing by Turkish law enforcement agencies; takes the view that the legal provisions on the composition and powers of the Supreme Military Council need to be reformed;

13. Notes that, in the ‘sledgehammer’ trial a first instance court sentenced 324 suspects to 13-20 years; 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 respect for fundamental rights; is concerned about the allegations regarding the use of inconsistent evidence; regrets that these cases have been overshadowed by concerns about their wide scope and the shortcomings in the proceedings;

14. Welcomes the law setting up the Turkish National Human Rights Institution (TNHRI); calls for its implementation without delay to promote and monitor the effective implementation of international human rights standards; stresses the importance of using all EU instruments available in the field of the promotion of human rights to actively support the setting-up and the well functioning of the TNHRI and the empowerment of civil society organisations;

15. Welcomes the Law on the protection of family and prevention of violence against women; commends the National Action Plan to combat Violence against Women (2012-2015) and stresses the need to enforce it effectively nationwide; calls on the Ministry for Family and Social Policies to continue its efforts to increase the number and quality of shelters for women and minors in danger; stresses the importance to provide women who have been victims of violence with concrete alternatives and self-sustainment prospects; urges Turkey 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 and child brides; calls on the Ministry to continue to actively promote women’s participation in the labour market, which remains low, in politics and at senior level in the administration and the private sector, if necessary by foreseeing reserved quotas;

16. Stresses the urgent need for comprehensive anti-discrimination legislation and the establishment of an anti-discrimination and equality board to protect individuals against discrimination based on ethnicity, religion, sexual orientation or sexual identity; calls on Turkey to adopt an action plan to promote the full equality of rights and full acceptance of LGBT persons;

17. Welcomes the continued implementation of legislation amending the 2008 law on foundations and broadening the scope of the restoration of the property rights of non-Muslim communities; calls on the relevant authorities to assist the Syriac community in clarifying the difficulties faced with property and land registration; calls for a solution for the large number of properties of the Latin Catholic Church which remain confiscated by the State; recalls the urgent need to continue vital and substantial 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, appointment and succession of clergy, by recognising Alevi places of worships and by complying with the relevant judgments of the ECtHR and the recommendations of the Venice Commission; calls on Turkey to ensure that the Saint Gabriel monastery is not
deprived of its lands, and that it is protected in its entirety;

18. Notes that Turkey continued to demonstrate resilience at the terrorist attacks by the PKK; calls on Turkey to invest renewed efforts towards a political solution to the Kurdish issue; asks all political forces to ensure an adequate political platform and to debate in a constructive way the Kurdish issue and to facilitate a real opening to the claims for basic rights in the Constitutional process; 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, in order to guarantee the rights to freedom of expression, association and assembly and promote the peaceful inclusion of citizens of Kurdish origin into Turkish society; recalls that a political solution can only be built upon a 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, mayors and members of municipal councils, trade unionists, lawyers, protestors and human rights defenders in connection with the KCK trial; underlines the importance of promoting a discussion of the Kurdish issue within the democratic institutions, particularly the TGNA;

19. Welcomes the incentives package seeking to increase investment and economic development in the least developed regions of Turkey, including the South East and the continuation of the South East Anatolia project;

20. Reiterates the need to strengthen cohesion among Turkish regions and between rural and urban areas to open opportunities for the population at large and promote economic and social inclusion; highlights the particular role of education and the need to tackle persistent and substantial regional disparities in the quality of education and enrolment rates; calls for steps conducive to the opening of Chapter 22 on Regional Policy;

21. Is concerned about the disproportionally high poverty rate among children, particularly in rural areas; stresses the need for a comprehensive strategy to combat child poverty and labour and promote access to education; welcomes the establishment of an Ombudsperson for children's rights and the adoption of Turkey's first strategy on the rights of the child; is concerned that the number of active juvenile justice courts has decreased and urges Turkey to provide alternatives to detention for minors; recalls the importance of independent monitoring and protection mechanisms to protect rights and prevent abuse;

**Building good neighbourly relations**

22. Deeply regrets Turkey’s decision to abstain from meetings and contacts with the Cypriot Presidency of the Council of the EU and takes the view that Turkey missed an important opportunity to start a process of engagement and normalisation of relations with Cyprus; recalls that the EU is based on the principles of sincere cooperation and mutual solidarity amongst all its Member States and respect for the institutional framework;

23. Expresses once again its strong support to the reunification of Cyprus, based on a fair and viable settlement for both communities; underlines the urgency of an agreement between the two communities on how to proceed with the substantive settlement negotiations, so that the negotiating process, under the auspices of the UN Secretary-General, can soon regain momentum; calls on Turkey to begin withdrawing its forces from Cyprus and transfer Famagusta to the UN in accordance with UNSC Resolution 550 (1984); 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 reunification negotiations and allow Turkish Cypriots to trade directly in a legal manner that is acceptable to all;

24. Encourages Turkey to intensify its support for the Committee on Missing Persons in Cyprus;

25. Stresses the importance of a coherent and comprehensive security approach in the Eastern Mediterranean and calls on Turkey to allow 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 on Turkey’s participation in the European Defence Agency;

Advancing EU-Turkey cooperation

26. 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;

27. Reiterates its condemnation, in the strongest terms, of the continuing terrorist violence by the PKK, which is on the EU list of terrorist organisations, and expresses its full solidarity to Turkey and to the families of the many victims; calls on the Member States, in close coordination with the EU counter terrorism coordinator and Europol, to intensify cooperation with Turkey in the fight against terrorism and organised crime as a source of financing of terrorism; calls on Turkey to adopt a data protection law and legislation on the financing of terrorism so that a cooperation agreement can be concluded with Europol and judicial cooperation with Eurojust and with the EU Member States can further develop; takes the view that the assignment of a police liaison officer to Europol would help improve bilateral cooperation;

28. Supports Turkey’s commitment to democratic forces in Syria and the provision of humanitarian assistance to Syrians who fled the country; asks the Commission, the Member States and the international community to support Turkey’s efforts to cope with the growing humanitarian dimension of the Syrian crisis; underlines the importance of a common understanding between the EU and Turkey on how to deliver the available humanitarian assistance to the displaced Syrians currently on Turkish territory or waiting at its borders;

29. Welcomes the decision to enhance cooperation between the EU and Turkey on a number of important energy issues and calls on Turkey to commit to this cooperation; believes that, in view of Turkey's strategic role, initial consideration should be given to the value of opening negotiations on Chapter 15 on energy with a view to furthering the EU-Turkey strategic dialogue on energy;

30. Calls on the Commission to continue its support to civil society organisations and people-to-people activities through an adequate funding of the Civil Society Dialogue, the EIDHR and Life Long Learning programmes, including culture- and media-related activities;
31. Instructs its President to forward this resolution to the Council, the Commission, the HR/VP, 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.