

## **P7\_TA(2012)0116**

### **Enlargement report for Turkey**

#### **European Parliament resolution of 29 March 2012 on the 2011 Progress Report on Turkey (2011/2889(RSP))**

*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 accession<sup>1</sup>, of 24 October 2007 on EU-Turkey relations<sup>2</sup>, of 21 May 2008 on Turkey’s 2007 progress report<sup>3</sup>, of 12 March 2009 on Turkey’s 2008 progress report<sup>4</sup>, of 10 February 2010 on Turkey’s 2009 progress report<sup>5</sup>, of 9 March 2011 on Turkey’s 2010 progress report<sup>6</sup>, and of 6 July 2005<sup>7</sup> and 13 February 2007<sup>8</sup> on the role of women in Turkey in social, economic and political life,
  - 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>9</sup> (“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 the Charter of Fundamental Rights of the European Union,
  - 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

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<sup>1</sup> OJ C 306 E, 15.12.2006, p. 284.

<sup>2</sup> OJ C 263 E, 16.10.2008, p. 452.

<sup>3</sup> OJ C 279 E, 19.11.2009, p. 57.

<sup>4</sup> OJ C 87 E, 1.4.2010, p. 139.

<sup>5</sup> OJ C 341 E, 16.12.2010, p. 59.

<sup>6</sup> Texts adopted, P7\_TA(2011)0090.

<sup>7</sup> OJ C 157 E, 6.7.2006, p. 385.

<sup>8</sup> OJ C 287 E, 29.11.2007, p. 174.

<sup>9</sup> OJ L 51, 26.2.2008, p. 4.

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, the rule of law and the observance of human rights and fundamental freedoms;

- C. whereas full compliance with all 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, sincere cooperation and mutual solidarity between all its Member States;
- D. whereas in its 2011 Progress Report the Commission concluded that Turkey was a key country for the security and prosperity of the European Union, that its contribution to the European Union in a number of crucial areas would be fully effective with a positive agenda and a credible approach to the negotiation process, that it remained essential that Turkey continue its reforms concerning the political criteria and that significant further efforts were needed to guarantee fundamental rights;
- E. whereas the Commission has launched a renewed positive agenda between the EU and Turkey in order to shape the future jointly in a proactive way; whereas this positive agenda builds on the solid fundamentals of EU-Turkey relations and moves the reform process forward; whereas this new initiative does not replace the accessions negotiations, but complements them in order to support reforms and expand rights and freedoms for Turkish citizens;
- F. 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;
- G. 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 outstanding bilateral issues, including unsettled legal obligations and land and maritime border and airspace disputes with its immediate neighbours, in accordance with the provisions of the UN Charter and with international law;
- H. whereas Turkey's economy has tripled in size over the past decade, has grown by almost 10 % in the last year and is considered one of the fastest growing economies in the world and one of the seven largest emerging economies in the world; whereas trade between the European Union and Turkey totalled EUR 103 billion in 2010, Turkey being the Union's seventh largest trading partner and the Union being Turkey's largest, 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; whereas, however, Turkey's per capita GDP remains low compared to most Member States, particularly the more competitive ones; whereas a relatively low per capita GDP in a large candidate country creates particular challenges in the areas of economic and social convergence with current Member States; whereas economic growth should also respect the principle of environmental sustainability; whereas Turkey and the EU both stand to profit from continued economic integration;
- I. whereas EU dialogue and cooperation with Turkey on stability, democracy and security in the broader Middle East are strategic; whereas Turkey, built on a solid secular State, could, in the context of an effective reform process, prove to be a source of inspiration for democratising Arab States in their efforts to complete their democratic transition and socio-economic reforms; whereas structured dialogue between the EU and Turkey on the progressive coordination of their respective foreign and neighbourhood policies could

provide unique synergies, in particular in support of democratisation and socio-economic reform of the entire Mediterranean region and the Middle East in general and with regard to the challenges posed by Iran;

- J. whereas Turkey is a major EU energy corridor for Caucasian and Caspian oil and gas resources and has strategic proximity to Iraq and its developing crude oil and natural gas markets; whereas the planned 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 Azerbaijani gas on Turkish soil, which will open the Southern gas corridor, reinforce gas supplies to the planned Nabucco pipeline and to the ITGI (Interconnector Turkey-Greece-Italy) gas transit corridor, thereby reinforcing the Union's energy security; whereas Turkey has significant potential for renewable energy from its considerable solar, wind and geothermal resources;
- K. whereas lasting peace, stability and prosperity in the Balkans are strategically important both for the EU and Turkey;

### ***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 significant role for regional stability and 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 and effective cooperation, successful delivery in the reform process and the implementation of reforms and good relations between Turkey and neighbouring Member States;
2. Welcomes and expresses its support for the Commission's efforts to develop a fresh positive agenda covering a broad range of areas of common interest and aimed at a new dynamism in EU-Turkey relations, tangible results and benefits for both sides and the possibility for the EU to remain the benchmark for continued reform in Turkey and to move Turkey closer to fulfilling the criteria for accession; supports dialogue with Turkey on free-trade agreements signed by the EU which have a potential impact on Turkey in the framework of the Customs Union; takes the view that renewed efforts should be invested in creating the conditions for the opening of chapters in the field of justice and fundamental rights; insists that relations between Turkey and its neighbouring Member States are a key factor in revamping negotiations and dialogue;
3. Notes that Turkey is the only candidate country which does not have visa liberalisation; stresses the importance of facilitating access to the European Union for business people, academics, students and representatives of civil society; supports the efforts of the Commission and the Member States to implement the visa code, harmonise and simplify visa requirements and create 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, the fight against human trafficking and border controls, inter alia in light of the large percentage of illegal immigrants entering EU territory via Turkey; asks for the progressive convergence of the visa policies of Turkey and the EU with

regard to citizens of third countries; takes the view that, once the readmission agreement is signed, the Council should mandate the Commission to initiate the visa dialogue and define the roadmap for visa liberalisation;

### ***Fulfilling the Copenhagen criteria***

4. 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 and shaped by a vibrant civil society; reiterates yet again the importance of a reform of the law on political parties and of the electoral law, with the lowering of the 10 % minimum threshold for representation in parliament, which is the highest threshold in any of the Council of Europe member countries and cannot adequately reflect the pluralism of Turkish society; calls for the removal of all obstacles to the establishment of political groups in the Turkish Grand National Assembly (TGNA);
5. 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;
6. Recalls the fundamental role of the TGNA as the centre of Turkey's democratic system and therefore underlines the need to give the TGNA a more important role in providing all political parties with a platform, based on checks and balances, for their contribution to democratic dialogue and in promoting an inclusive reform process;
7. Recalls the need to continue work on the implementation of the 2010 constitutional reform package and calls on the Commission to include a detailed analysis of the progress of the implementation process in the 2012 Progress Report;
8. Expresses its full support for the drafting of a new civilian constitution for Turkey as a unique opportunity for true constitutional reform, promoting democracy, the rule of law, guarantees for fundamental rights and freedoms (in particular freedom of expression and freedom of the media), pluralism, inclusiveness, good governance, accountability and unity in Turkish society, in full compliance with the EU Charter of Fundamental Rights; calls on all political parties and the actors concerned to support and take a positive and constructive approach to the negotiation of the new constitution, based on consensus and constructive compromise; stresses the need to continue the preparatory work in the drafting process and welcomes in this regard the decision to ensure equal representation of 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 as part of a process which genuinely engages Turkish civil society; stresses that the new constitution should uphold the rights of all groups and individuals in Turkey, guarantee the separation of powers, ensure the independence and impartiality of the judiciary, secure full civilian oversight of the military and promote an inclusive Turkish citizenship;
9. Encourages Turkey to use the constitutional drafting process as an opportunity to develop a more realistic and democratic identity allowing for the full recognition of all its ethnic and religious communities, to acknowledge that modern citizenship should be of a non-ethnic nature, and to include the protection of mother-tongue language rights in the new civil Constitution;
10. Stresses the importance of serene and constructive relations between Government and

Opposition as a precondition for an effective reform process; recalls that a truly democratic and pluralistic society must rest at all times on the two pillars of Government and Opposition and on continuous dialogue and cooperation between the two; expresses, in this context, its concern about ongoing trials and long pre-trial detention periods affecting Members of the TGNA and about the judicial probe launched to lift parliamentary immunity of Mr Kemal Kılıçdaroğlu, the leader of the main opposition party; stresses that, where members of parliament have to fulfil their duties under the threat of prosecution, democracy and freedom of expression are not guaranteed;

11. 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; calls for the implementation of the full oversight of the court over the expenses of the military: calls for the gendarmerie and armed forces to be brought under civilian jurisdiction and for the gendarmerie to be brought under the scrutiny of the Ombudsman; emphasises the need to ensure the armed forces' operational capability, given the importance of Turkey's NATO membership;
12. Stresses that the reform of the judicial system is an indispensable prerequisite for Turkey's modernisation and that such reform must lead to a modern, efficient, fully independent and impartial judicial system, guaranteeing due process of law for all citizens; welcomes in this regard the adoption of legislation on the High Council of Judges and Prosecutors (HSYK) and on the Constitutional Court, in close consultation with the Venice Commission; encourages the Government of Turkey to implement the 2011 recommendations of the Venice Commission, in particular with regard to the mode of election to the HSYK, the role of the Minister of Justice in this body, and the mode of appointment of judges and prosecutors; calls for steps to be taken to ensure that the decisions of the HSYK are transparent and subject to judicial control; points 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 establish a directorate-general for human rights responsible for the full, effective and timely implementation by Turkey of the judgments of the European Court of Human Rights; regrets, in this connection, the growing number of new applications to the European Court of Human Rights; appreciates the new proposals to reform the judicial system, in particular with regard to detention criteria, as a first step in the right direction;
13. Takes the view that the new legislation on the Constitutional Court should ensure that this judicial instance has the competence to assess and review the compatibility of Turkish legislation with international agreements which Turkey has ratified, such as the European Convention on Human Rights;
14. Expresses concern at the latest verdict rendered on the Hrant Dink case; stresses the vital importance of a full investigation into the murder of Hrant Dink and of bringing all persons responsible to justice, and underlines in this context the judgment of the European Court of Human Rights in 2010, which ruled that Turkey had failed to conduct effective investigations into the murder of Hrant Dink; considers this trial to be a test for the rule of law and the independence of the judiciary in Turkey;
15. Reiterates its concern that judicial procedures have still not been sufficiently improved as regards their efficiency and rules to ensure the right to a fair and expeditious trial, including

the right to access incriminating evidence and trial documents in the early phases of proceedings and sufficient guarantees for all suspects; reiterates its serious concern at the excessively long periods of pre-trial detention, which can currently go up to ten years and become de-facto punishment without a trial; urges the TGNA to reform legislation in this regard in accordance with the European Convention on Human Rights and Council of Europe standards, bringing maximum pre-trial detention periods in Turkey into line with average pre-trial detention periods in the European Union; urges the government to continue its reforms and review the Anti-Terror Law and the Turkish Penal Code; recalls that Parliament's Ad Hoc Delegation for the Observation of the Trials of Journalists in Turkey will continue to follow developments; is alarmed by the high number of juvenile prisoners – 2 500 – in the 12-18 age group;

16. Calls on the Turkish Government, in order to address the ongoing backlog of cases, to bring its regional courts of appeal, which were legally due to be operational by June 2007, into operation as soon as possible and to focus on training judges for this purpose;
17. Underlines the importance of each citizen's right to proper defence in court cases and recalls the responsibility of the State to guarantee access to legal defence; recalls also that lawyers should enjoy civil and criminal immunity for statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority; asks Turkey to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference;
18. 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 against the defendants in these cases; calls on the Commission to closely follow the aforementioned cases and to publicise the findings in more detail in an annex to its 2012 Progress Report;
19. Expresses its relief over the release, pending trial, of journalists Ahmet Şik, Nedim Şener, Muhammet Sait Çakir and Coşkun Musluk as an important step in restoring respect for fundamental freedoms in Turkey; underlines, however, that their release should not obscure the fact that dozens more journalists are still imprisoned;
20. Reiterates its concern about the practice of bringing criminal prosecutions against human rights defenders, activists and 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; stresses that such prosecutions affect the public perception about the independence and impartiality of the justice system; considers the criminalisation of opinions as a key obstacle to the full protection of human rights in Turkey and deplores the disproportionate restriction of the freedoms of expression, association and assembly;
21. Is concerned about the wide margin of interpretation and application allowed by the Anti-Terror Law and the Criminal Code, in particular in cases where membership of a terrorist organisation has not been proven and where an act or statement is deemed to coincide with the aims of a terrorist organisation; expresses concern regarding continuing reports of torture and ill-treatment in police stations and in prisons, the excessive use of force by police officers during demonstrations and the lack of progress in bringing State officials to

justice for alleged human rights abuses; urges Turkey to review the Anti-Terror Law as a matter of priority and to comply rigorously with its international human rights obligations by amending its relevant legislation; welcomes 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; urges the Government of Turkey to provide systematic adequate training to its police on the case law of the European Court of Human Rights; emphasises the need to set up an effective police complaint mechanism; would welcome further measures to improve direct access to Turkish courts by individual citizens in defence of their rights in order to reduce the number of cases filed at the European Court of Human Rights in Strasbourg;

22. Insists that the ongoing trials against journalists should be carried out in a transparent manner, respecting the rule of law and ensuring appropriate conditions, such as providing venues that are suited to the type of hearings being held, distributing accurate transcripts to detained persons and providing information to the journalists regarding the charges brought against them, thus ensuring that the conditions of the trial do not negatively impact the verdict; is deeply concerned about the conditions under which the detained journalists are held; regrets the lack of exact figures on the number of journalists detained and the number of cases currently opened against journalists; calls on the Turkish authorities to make this information available to the public;
23. 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; recalls that freedom of expression is applicable not only to information or ideas that are favourably received or regarded as inoffensive, but also, in accordance with the European Convention on Human Rights, to those that offend, shock or disturb the State or any section of the population; regrets that a number of legal provisions, such as Articles 301 and 318, Article 220(6) in combination with Article 314(2) and Articles 285 and 288 of the Penal Code as well as Articles 6 and 7(2) of the Anti-Terror Law continue to limit freedom of expression; underlines measures should be taken as a matter of utmost urgency to abolish legislation providing for disproportionately high fines on the media – leading in some cases to their closure or to self-censorship by journalists or their editors – and to reform Law 5651/2007 on the internet, which limits freedom of expression, restricts citizens' right of access to information and allows website bans of disproportionate scope and duration; reiterates, therefore, its previous calls to finalise the review of the legal framework on freedom of expression and to bring it into line with the European Convention on Human Rights and the case law of the European Court on Human Rights without delay;
24. Expresses its support for the Commission's new approach as regards 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 related chapters on the basis of clear and detailed action plans, and the closing of such chapters as the very last ones on the basis of fully convincing good track records; believes that, given the vital importance of continued reform of the judicial system in Turkey and full respect for human rights and fundamental freedoms, in particular freedom of expression and freedom of the press, renewed efforts should be made for the delivery of the screening report under Chapter 23 on Judiciary and Fundamental Rights; calls on the Commission, in line with the positive agenda, to consider steps conducive to the opening of Chapter 24 on Justice and Home Affairs;
25. Urges Turkey to recognise the right to conscientious objection to compulsory military

service, in line with the decision of the European Court of Human Rights in the case of Erçep v. Turkey; notes with concern the non-implementation of the 2006 judgment of the European Court of Human Rights in the case of Ulke v. Turkey requiring the enactment of legislation to prevent the repeated prosecution of conscientious objectors for their refusal to perform military service;

26. Welcomes the implementation of almost all the recommendations made in the 2005 evaluation reports by the Council of Europe Group of States against Corruption (GRECO); 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; encourages the government to implement the remaining GRECO recommendations;
27. Urges the full application of constitutional provisions guaranteeing the right to hold demonstrations and asks the Ministry of the Interior to complete the revision of the law on meetings and demonstrations;
28. 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 all non-Muslim communities, and stresses the need to ensure its full implementation; recalls, however, 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 European Court of Human Rights and reflecting the opinions of the Venice Commission in the legal framework, and the need to fully recognise the rights of all religious communities; calls on the Government of Turkey to ensure that the Saint Gabriel monastery, founded in 397 AD, is not deprived of its lands, and that it is protected in its entirety;
29. Recalls that education plays a pivotal role in the process of building an inclusive and diverse society built on respect for religious communities and minorities; urges the Government of Turkey to pay special attention to educational materials in schools, which should reflect ethnic and religious plurality and plurality of beliefs in Turkish society, eliminate discrimination and prejudice and promote the full acceptance of all religious communities and minorities, and stresses the need for unbiased learning materials; welcomes the establishment of the Gender Equality Commission within the Ministry of Education; notes with relief the release of students who had been unjustly imprisoned for 18 months after they called for free education;
30. Reiterates the need to strengthen cohesion among Turkish regions and between rural and urban areas; highlights, in this connection, the particular role of education and the need to tackle persistent and substantial regional disparities in the quality of education and enrolment rates;
31. Calls on the Government of Turkey to honour its commitment to high schooling rates and ensure that the new education reform reflects the need to keep children, particularly girls in rural areas, in the school system beyond minimum schooling and to give children the opportunity to make decisions on their educational paths at an age at which they are able to make informed choices;

32. 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; welcomes the government's efforts to increase the schooling of girls, as a result of which the gender gap in primary education is almost closed, and calls on the government to take all the necessary measures to diminish the gender gap in secondary education too; welcomes also the increased number of women in the TGNA after the election in June 2011 and calls on political parties to further strengthen women's active engagement and participation in politics;
33. 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 adopt a zero-tolerance policy towards violence against women and 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, in particular by cooperating and reaching a broad consensus with women rights groups, by amending Law No 4320 on the Protection of the Family to ensure a broad scope of application regardless of marital status and the nature of the relationship between the victim and the aggressor, including effective legal remedies and protection mechanisms, by closely monitoring the implementation of Law No 4320 by the police, by effectively monitoring full compliance by municipalities with the obligation to provide sufficient shelters for women and minors in danger, by ensuring the security of shelters, employing adequate service personnel, 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 the capacity to reintegrate socially and economically into society; welcomes the efforts by the Ministry for Family and Social Policies to increase the number and quality of shelters and its decision to allow private entities also to open shelters as an additional resource for women and minors in danger; welcomes the recent Circular No18 of the High Council of Judges and Prosecutors, which stipulates that the implementation of protection measures in domestic violence cases will no longer be delayed until proceedings are completed; welcomes the efforts of the Government of Turkey to enhance cooperation on gender mainstreaming between State authorities;
34. Is concerned about the disproportionately high poverty rate among children; calls on Turkey to develop a comprehensive strategy to combat child poverty and child labour; welcomes the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse; urges Turkey to step up its efforts to fight domestic violence against children;
35. Urges the Government to ensure that equality, regardless of gender, gender identity, racial or ethnic origin, religion or belief, disability, age or sexual orientation, is guaranteed by the law and effectively enforced, including respect by the police; calls on the Government of Turkey to align Turkish law with the *acquis communautaire* and to adopt legislation establishing an anti-discrimination and equality board; notes the need for further action to be taken against homophobia, and any kind of discrimination, harassment or violence on grounds of sexual orientation or gender identity, notably by including these grounds in anti-discrimination law; expresses deep concern at the regular prosecution of LGBT people on the basis of the Law on Misdemeanours and provisions on 'immoral behaviour'; reiterates

its call on the Government of Turkey to instruct the Turkish Armed Forces to end their classification of homosexuality as a ‘psychosexual illness’;

36. Calls on Turkey to demonstrate resilience and intensify its efforts towards 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, in order to guarantee the rights to freedom of expression, association and assembly; considers, in this connection, that the right to education in one’s native language is essential; 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, lawyers, protestors and human rights defenders in connection with the KCK trial and other police operations; calls on the Government of Turkey to create the peaceful basis for political figures of Kurdish origin to have a free and pluralistic debate; underlines the importance of promoting discussion of the Kurdish issue within the democratic institutions, particularly the TGNA;
37. Strongly condemns the recent attacks against European offices of the Turkish newspapers and calls for coordinated investigation into these attacks;
38. Welcomes and expects the speedy implementation of the recent declaration of the Government of Turkey to reopen a Greek minority school on the island of Gökçeada (Imbros), which constitutes a positive step towards the preservation of the bicultural character of the Turkish islands of Gökçeada (Imbros) and Bozcaada (Tenedos), in line with Resolution 1625 (2008) of the Parliamentary Assembly of the Council of Europe; notes, however, that further steps are needed in order to address the problems encountered by members of the Greek minority, particularly with regard to their property rights;
39. Stresses the urgent need to bring the legal framework on labour and trade union rights into line with EU standards, Council of Europe instruments and ILO conventions and to apply them fully in practice, as the removal of all obstacles to the full exercise of such rights will ensure that the current strong economic progress goes hand in hand with a broader distribution in Turkish society of the wealth generated by economic growth, thereby generating more growth potential; encourages all parties within the Economic and Social Council, therefore, to step up their commitment and cooperation, so as to achieve the benchmarks for the opening of Chapter 19 on Social Policy and Employment;
40. Expresses its concern at the practice of bringing criminal prosecutions against trade unionists, particularly in the education sector, who are active in seeking better working, educational and living conditions and who report human rights violations in the interests of workers and the public at large and as a contribution to a pluralistic society;
41. Calls on the Government of Turkey to promote the active and 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 forces in order to increase their representativeness;

42. Welcomes the diversification of Turkey's energy market, but also encourages the Government of Turkey to properly examine the risk and liability regarding current nuclear power plant projects, such as the one in Akkuyu; stresses, in this regard, the need to preserve the natural, cultural and archaeological heritage, in full compliance with European standards;

***Building good neighbourly relations***

43. Strongly supports the ongoing negotiations on the reunification of Cyprus under the auspices of the Secretary-General of the United Nations; stresses that a fair and viable settlement of the Cyprus issue must now be reached as a matter of urgency and calls on Turkey and all the 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 reunification negotiations and allow Turkish Cypriots to trade directly in a legal manner that is acceptable to all;
44. Encourages Turkey to intensify its support for the Committee on Missing Persons in Cyprus;
45. Calls on Turkey to refrain from any new settlement of Turkish citizens on Cyprus, as this would continue to change the demographic balance and reduce the allegiance of its citizens on the island to a future common state based on its common past;
46. Regrets Turkey's statements that it will freeze relations with the Presidency of the European Union in the second half of 2012 if a solution to the Cyprus issue is not 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;
47. 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;
48. 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 this threat; urges the Government of Turkey to end the repeated violation of Greek airspace and Turkish military aircraft flights over Greek islands;
49. 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 Government of Turkey to sign and ratify it without further delay; recalls the full legitimacy of the Republic of Cyprus' exclusive economic zone, in accordance with UNCLOS;

50. Urges Turkey and Armenia to proceed to a normalisation of their relations by ratifying, without preconditions, the protocols and by opening the border;
51. Considers that Turkey is an important EU partner in the Black Sea region, which is of strategic importance to the EU; calls on Turkey to support and actively contribute to the implementation of EU policies and programmes in this region;

#### *Advancing EU-Turkey cooperation*

52. 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 Government of Turkey to implement the protocol in full without further delay;
53. Stresses that the EU-Turkey Customs Union has enabled Turkey to reach a high level of alignment in the area of the free movement of goods and continues to boost bilateral trade between the EU and Turkey, which totalled EUR 103 billion in 2010; notes, however, that Turkey is not implementing the Customs Union fully and maintains legislation that violates its commitments on removing technical barriers to trade such as import licences, restrictions on imports of goods from third countries in free circulation in the EU, State aid, enforcement of intellectual property rights, requirements for the registration of new pharmaceutical products and discriminatory tax treatment;
54. 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 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 exchanges of information with Turkey on extradition requests by Turkey, which cannot be taken further on legal or procedural grounds;
55. Regrets the delay in bringing to the TGNA legislation to protect the rights of refugees and asylum-seekers; expresses concern regarding the continuing reports of persons being returned to countries where they may face the risk of torture or other human rights abuses following arbitrary denial of access to the asylum procedure;
56. Welcomes the progress that Turkey has made in the area of renewable energy and supports further efforts to increase the use of renewable energy sources in all sectors; highlights Turkey's renewable energy potential, significant solar, wind and geothermal resources and the potential for the EU to import renewable electricity from Turkey via long distance high-voltage direct current transmission lines, thereby contributing not just to the energy security of the EU, but also the EU's renewable energy objectives;
57. Recalls Turkey's central role as the EU energy corridor for Caucasian and Caspian oil and gas resources and its strategic proximity to Iraq and its developing crude oil market; stresses the strategic role of the planned Nabucco pipeline and other gas pipelines, such as the ITGI (Interconnector Turkey-Greece-Italy) gas transit corridor for the energy security of the European Union; believes that, in view of Turkey's strategic role and potential, including for EU investment and further cooperation with the EU, 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;

58. Stresses Turkey's strategic role, politically and geographically, for the foreign policy of the European Union and its neighbourhood policy; emphasises Turkey's role as an important regional player in the Middle East, the Western Balkans, Afghanistan/Pakistan, the Southern Caucasus, Central Asia and the Horn of Africa and Turkey's role as a source of inspiration for democratising Arab States in significant policy areas covering political and economic reform and institution building; expresses its support for the efforts made by Turkey to contribute to the furthering of high level dialogue and cooperation between Afghanistan and Pakistan and welcomes the Istanbul process initiated to enhance regional cooperation between Afghanistan and its neighbours; supports Turkey's firm stance on and commitment to democratic forces in Syria and recalls its important role in the protection of Syrian refugees; 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; calls on the EU and Turkey to reinforce their existing political dialogue on foreign policy choices and objectives of mutual interest; encourages Turkey to develop its foreign policy in the framework of dialogue and coordination with the EU and to progressively align its foreign policy with that of the EU, with a view to creating valuable synergies and reinforcing the potential for a positive impact;
  59. Recalls the importance of close coordination and cooperation between Turkey and the EU on the issue of nuclear proliferation in Iran and believes that Turkey can play an important and constructive role in facilitating and promoting dialogue with Iran on a solution without delay and in ensuring full support for the sanctions against Iran;
  60. 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 organisations in ENP instruments would generate unique synergy effects, especially in areas such as institution building, and socio-economic 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;
  61. Welcomes the ratification by Turkey of the Optional Protocol to the UN Convention against Torture (OPCAT) on 27 September 2011 and invites Turkey to rapidly implement its requirements into national law; urges the adoption of a domestic implementing mechanism without delay; asks Turkey to give international observers access to its prisons;
  62. Renews its call on the Government of Turkey 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;
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63. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, 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.