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## **REPORT**

on Turkey's progress towards accession  
(2006/2118(INI))

Committee on Foreign Affairs

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on Turkey's progress towards accession (2006/2118(INI))

*The European Parliament,*

- having regard to the Turkey 2005 Progress Report of the Commission (COM(2005)0561),
- having regard to its resolution of 28 September 2005 on the opening of negotiations with Turkey<sup>1</sup>,
- having regard to its resolution of 16 March 2006 on the Commission's 2005 enlargement strategy paper (2005/2206(INI))<sup>2</sup>,
- having regard to its resolution of 15 December 2004 on the 2004 regular report and the recommendation of the European Commission on Turkey's progress towards accession<sup>3</sup>,
- having regard to its resolution of 6 July 2005 on the role of women in Turkey<sup>4</sup>,
- having regard to the Negotiating Framework with Turkey of 3 October 2005,
- having regard to Council Decision 2006/35/EC of 23 January 2006 on the principles, priorities and conditions contained in the Accession Partnership with Turkey<sup>5</sup>, setting out short-term and medium-term priorities,
- having regard to Council Regulation (EC) No 389/2006 of 27 February 2006 establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot Community<sup>6</sup>,
- having regard to Turkey's Declaration with regard to Cyprus of 29 July 2005, the Council's Declaration of 21 September 2005 and Turkey's Action Plan of 24 January 2006,
- having regard to the position paper of the European Union tabled on the occasion of the 45th meeting of the EC-Turkey Association Council of 12 June 2006,
- having regard to the Presidency Conclusions of the European Council, 15-16 June 2006,
- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Women's Rights and Gender Equality (A6-0269/2006),

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<sup>1</sup> *Texts Adopted*, P6\_TA(2005)0350.

<sup>2</sup> *Texts Adopted*, P6\_TA(2006)0096.

<sup>3</sup> OJ C 226 E, 15.9.2005, p. 189.

<sup>4</sup> OJ C 157 E, 6.7.2006, p. 385.

<sup>5</sup> OJ L 22, 26.1.2006, p. 34.

<sup>6</sup> OJ L 65, 7.3.2006, p. 5.

- A. whereas on 3 October 2005 the Council approved a framework for negotiations with Turkey on its accession to the EU, thus enabling the negotiations to begin immediately after that meeting, and whereas the Commission is currently undertaking a formal process of examination of the acquis, which is advancing in certain policy areas, and one chapter, "Science and Research", has been opened and provisionally closed during the Accession Conference of 12 June 2006,
- B. whereas the advancement of the negotiations will have to depend on the accomplishment of the priorities set out in the Accession Partnership, the requirements of the Negotiation Framework and the full implementation of the provisions stemming from the Association Agreement (Ankara Agreement) and the Additional Protocol thereto, including a comprehensive settlement of border disputes and a comprehensive settlement regarding Cyprus, to be supported by both sides of the island,
- C. whereas compliance with all the Copenhagen criteria has always been the basis for accession to the EU and should remain so for future accessions,
- D. whereas the European Parliament decided in its resolutions of 15 December 2004 and 28 September 2005 that the opening of accession negotiations is to be recommended so long as it is agreed that, in the first phase of the negotiations, priority is given to the full implementation of the political criteria, that each session of the negotiations at ministerial level is to be preceded by an assessment of the political criteria not only in theory but also in practice, thus exerting effective and permanent pressure on the Turkish authorities to maintain the pace of the necessary reforms, and that a full programme of clear targets, timeframes and deadlines should be fixed for the fulfilment of the political criteria,
- E. whereas, whilst recognising that the impetus for successful reform must be firmly rooted in Turkish government and society, so as to guarantee the sustainability and the irreversibility of the reform process, the EU should continue to monitor the scope of reforms and their implementation,
- F. whereas the Commission has concluded in its Progress Report that the pace of change slowed last year, that implementation remains uneven and that significant further efforts are required as regards fundamental freedoms and human rights, in particular freedom of expression, women's rights, religious freedoms, trade union rights, political freedoms, minority rights, language and cultural rights, and the further strengthening of the fight against torture and ill-treatment, and the swift and correct enforcement of court rulings by State services,
- G. whereas progress in the area of freedom of expression is still far from satisfactory, presenting a mixed picture featuring certain positive developments, such as the recent acquittals of Professor Ibrahim Kaboglu and Professor Baskin Oran, prosecuted under Articles 216 and 301 of the Turkish Penal Code, and of the author Orhan Pamuk, while a number of human rights defenders are still being prosecuted and journalists and publishers continue to face trials, for example the journalist Hrant Dink, whose case, despite his acquittal by a court ruling, has been referred to the Court of Cassation, the journalist Perihan Mağden, charged under Article 118 of the Turkish Penal Code for "discouraging the people from military service", the journalist Murat Belge and others, such as the human rights activist Eren Keskin, have been sentenced; whereas the writer Perihan

Mağden is currently being prosecuted because she is accused by the Turkish army of attempting to turn citizens against military service, on account of an article in which she noted that conscientious objection is a human right and recognised as such by all the EU Member States and the Council of Europe,

- H. whereas Turkey has still not acknowledged the genocide perpetrated against the Armenians despite numerous calls from the European Parliament and several Member States,
- I. whereas international conventions for the elimination of terrorism should be carefully taken into account when drafting new legislation against terrorism,
- J. whereas the definition of terrorist crimes should be brought into line with international norms and standards, notably the principle of legality as required by Article 15 of the International Covenant on Civil and Political Rights, a provision that allows for no derogation even during states of emergency,
- K. whereas the recently adopted Anti-Terror Law is specifically contrary to the advice of the U.N. Human Rights Council Special Rapporteur on Terrorism, and undermines previous reforms in the field of fundamental freedoms and human rights by reintroducing elements that had been cancelled during previous reforms, and whereas it may further restrict the exercise of those rights and freedoms by introducing wide definitions of the terms “terrorist act” and “terrorist offenders” and by extending the scope of the crimes falling under that law; whereas Turkey, like the EU, should seek to prevent security matters from curtailing citizens’ freedoms, an EU-wide common concern that has been increasingly apparent since the Tampere European Council and was demonstrated more recently by the advent of the Hague Programme,
- L. whereas no progress has been made since Parliament’s last report in addressing the difficulties faced by religious minorities, and whereas the expected Law on Foundations pending in the Turkish Parliament does not seem to remove all the shortcomings identified in the previous draft, such as the seizure of assets belonging to religious foundations, legal personality, the right to training of clergy and internal management, thus falling short of EU standards and the expectations both of religious communities and generally of non-governmental organisations necessary for a diverse and independent civil society,
- M. whereas the “Emasya” Protocol signed in 1997 between the General Staff and the Ministry of the Interior allows, under certain conditions, for military operations to be conducted when internal security matters are at stake,
- N. whereas the resurgence of violence in the South East of the country and the revival of the terrorist activities of the Kurdistan Workers’ Party (PKK), followed by large-scale rise in military operations, constitute a serious threat to peace, stability and democracy in Turkey, and emphasising that action against terrorism must be proportionate to the threat and always respect international human rights law,
- O. whereas a courageous and promising signal given last year by Prime Minister Erdogan, in which he addressed the Kurdish issue, has not yet been followed by substantial actions,

- P. whereas there is a lack of a comprehensive strategy on the part of the Turkish Government for the South East region aiming at its political, economic and social development, and whereas the South-Eastern Anatolia project has to date had a very limited impact in Diyarbakir and other provinces,
- Q. whereas it is a positive signal to other ethnic groups in Turkey that broadcasting in Kurdish has been allowed via three broadcasters although this remains subject to time and programming restrictions,
- R. whereas Turkey has still to implement outstanding decisions of the European Court of Human Rights (ECHR), including those concerning Cyprus, and whereas judgments were delivered in 290 cases by the ECHR in 2005, 270 of which contained a finding of at least one violation,
- S. whereas the Turkish Government is a Contracting Party to the Convention establishing the ECHR, and whereas criticism by the Turkish Government of rulings of the ECHR in specific cases can undermine acceptance of the rule of law among the Turkish public,
- T. whereas more than 2000 applications for asylum by Turkish citizens were accepted by EU Member States in 2005,
- U. whereas the Commission concluded in its progress report that corruption remains a serious problem in Turkey, and whereas on Transparency International's 2005 Corruption Perceptions Index, Turkey had an average score of 3,5 (on a scale of 0 "highly corrupt" to 10 "highly clean"),
- V. whereas the Turkish economy showed strong growth (around 7,6%) and a growing volume of foreign direct investment in 2005; whereas, however, concerns remain regarding the current account deficit, which continues to grow, and the high unemployment rate (around 10,9% in March 2006),
- W. whereas Turkey's strategic geographic position in the region, together with a number of transnational issues (e.g. energy, water resources, transport, border management, the fight against terrorism), the dynamism of its economy and its human resources, enable it to play an important role in addressing the different challenges faced by the region,
- X. whereas Turkey's cultural and historical background puts the country in a position to act as a bridge-builder between Europe and the Islamic world,
- Y. whereas Turkey's geostrategic situation, NATO membership and relationship with the Islamic world may represent a security policy asset for Europe,
- Z. whereas Turkey has signed, but not ratified or implemented, the Protocol extending the Ankara Agreement and whereas this results, inter alia, in a continued embargo against vessels flying the Cypriot flag as well as vessels approaching from harbours in the Republic of Cyprus, denying them access to Turkish ports, and against Cypriot aircraft, denying them flying rights over Turkey and landing rights at Turkish airports,
- AA. whereas, as stated in the Declaration of the European Community and its Member States

of 21 September 2005 and in the conclusions of the European Council of 15-16 June 2006, the EU will closely monitor and evaluate full, non-discriminatory implementation of the Ankara Protocol by Turkey in 2006, and whereas the European Community and its Member States have declared that failure on the part of Turkey to implement its contractual obligations in full will affect the overall progress in the negotiations,

AB. whereas Turkey continues to exert an unjustifiable blockade against Armenia; whereas this blockade threatens the stability of the region, hampers good-neighbourly regional development and breaches the priorities of the revised Accession Partnership and the requirements of the Negotiation Framework,

### ***Democracy and the rule of law***

1. Welcomes that the active phase of the accession negotiations between Turkey and the European Union has begun with the opening and provisional closure of the "Science and research" chapter; regrets, however, the slowing down of the reform process over the last year, as reflected in persistent shortcomings or insufficient progress in particular in the areas of freedom of expression, religious and minority rights, civil-military relations, law enforcement on the ground, women's rights, trade union rights, cultural rights and the swift and correct enforcement of court rulings by State services; urges Turkey to reinvigorate the reform process;
2. Welcomes the Government's initiative to resume the process of legislative change by submitting to the Turkish Parliament the ninth package of legislative reforms, including, inter alia, an Ombudsman Law, a Law on the Court of Accounts - permitting the auditing of military expenditure -, a Law on Foundations and measures to strengthen the functioning of the judiciary such as the Law on Administrative Procedures, measures to fight corruption, measures to facilitate the functioning of minority schools and measures to increase transparency in the funding of political parties;
3. Emphasises that in a democracy draft legislation touching upon questions of fundamental rights and freedoms should be discussed openly and transparently and that civil society should be fully involved in these debates at all stages;
4. Expects that, in order to enable the ninth package to give a truly new impetus to the reform process, the Turkish Parliament will amend and subsequently adopt this package of legislative reforms, bearing in mind in particular the following:
  - the functioning and independence of the judiciary will be strengthened through appropriate measures to be included in a Settlement Law, a Law on Administrative Procedures and a Law on Administrative Legal Procedures;
  - the Law on Foundations will remove all existing restrictions faced by religious minorities as regards legal personality, the training of clergy, work permits, schools and internal management, will properly address the issues of confiscated properties and the institution of proceedings for damages against the State for failure to enforce court rulings, and will allow full freedom of association, thus supporting the principle of pluralistic, independent and self-confident civil society;
  - the Law on the Financing of Political Parties will bring about a real increase in

transparency and put an end to corruption;

- any remaining competence of military courts to try civilians will effectively be abolished;
  - international agreements such as the Council of Europe Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages, the Rome Statute of the International Criminal Court and the United Nations Convention on the Law of the Sea of 10 December 1982 will be signed and ratified;
  - the legislative process in general and the implementation of the ninth package in particular are best served by constant and structural engagement of NGOs;
5. Takes note of the adoption on 30 June 2006 of the new Anti-Terror Law; calls on the Turkish authorities to ensure that its implementation will not further restrict the exercise of fundamental rights and freedoms and that it will strike the right balance between security needs and human rights guarantees; underlines in particular the importance of a strict and restricted definition of terrorist acts, of full guarantees for freedom of expression and freedom of the media, including the freedom to defend all causes through democratic means, of proportionate sentences for terror crimes, of full rights of the defence according to European standards, of full accountability for crimes committed by security forces or intelligence officials and of extreme caution in the authorisation for law enforcement agents to use fire-arms;
  6. Notes that if a continued need exists to classify some organisations linked to terrorist crimes as terrorist organisations, with adverse legal consequences, the procedure for such classification should be transparent and objective, and the organisations concerned should be able to appeal to an independent judicial body;
  7. Recognises the importance of the Act on Compensation of Victims of Terrorism, which extends to victims of acts of terrorism as well as to victims of counter-terrorism operations by the State; regrets that the Law does not fully meet expectations because the loss assessment commissions under the Law are ill-equipped to fulfil their tasks appropriately;
  8. Calls on Turkey to ensure equal treatment before the law to all Turkish citizens during the whole legal process including investigations, trial, sentencing and detention, without derogations for Government officials, military staff or members of the security forces; stresses that in the fight against impunity and in order to build public trust in law enforcement, it is important that the grounds on which officials charged with crimes are detained and arrested are the same as those applying to other criminal suspects;
  9. Calls on Turkey to abolish or amend, at short notice, those provisions of the Penal Code, such as Articles 216, 277, 285, 288, 301, 305 and 318, which allow for arbitrary interpretations by judges and prosecutors leading to judgments which run counter to freedom of expression and freedom of the press and thus constitute a threat to respect for human rights and freedoms and negatively affect the progress of democracy;
  10. Recognises the improvements in legislation resulting from the efforts made since 2002 by the Turkish Government as regards the policy of zero tolerance towards torture, thereby



fulfilling recommendations of the European Parliament; stresses that more effective implementing measures are needed, as is highlighted by the renewed increase in the number of reported cases of torture and ill treatment, especially in the South East, by law enforcement officials and the impunity often enjoyed by those officials; encourages Turkey to ratify the Optional Protocol to the Convention against Torture; is concerned about the quality of law enforcement on the ground, which falls short of EU standards;

11. In order to combat any remnants of impunity and to strengthen the international protection of human rights, stresses the importance of the ratification by Turkey of the Rome Statute of the International Criminal Court;
12. Recognises the improvements in legislation resulting from the efforts made since 2002 by the Turkish Government to combat corruption; calls on the Turkish authorities to energetically pursue the fight against corruption on the ground; recalls the recommendations issued by the Group of States against Corruption in March 2006 and encourages Turkey to follow and implement them;
13. Regrets that no functioning system for the monitoring of places of detention by independent human rights institutions exists in the country to date;
14. Notes that certain progress has been made as regards women's rights following the entry into force of the new Penal Code; stresses, however, that non-respect for women's rights in Turkey remains a matter of serious concern and underlines that further efforts need to be made to eradicate discriminatory practices and violence against women and to provide more shelters for women in distress, in cooperation with women's organisations in civil society and supported by adequate funding; calls on Turkey to step up its efforts to ensure that women are able to assert to the full their right to an education and employment opportunities; notes some progress in the fight against honour crimes since the penalty has been raised to a life sentence, but expresses its concern over the rapid increase in alleged suicides of women in South-East Turkey; welcomes in this context the awareness campaigns organised by NGOs and the press in Turkey;
15. Calls on the Turkish authorities to engage in a constant dialogue with the European Parliament on women's rights in Turkey and to take note in this regard of the second resolution on the role of women in Turkey in social, economic and political life, due to be debated in 2006 in the European Parliament;
16. Notes that women make up 50% of all university graduates and 40% of professional classes including lawyers and doctors,
17. Expresses its deep concern over the Şemdinli affair, which involved the bombing of a bookshop, allegedly by Turkish security forces, and the subsequent dismissal of the prosecutor Ferhat Sarikaya, which has been investigated by the Turkish Parliament; emphasises that it has serious concerns about the continued – not to say resurgent – role of the army in Turkish society; emphasises that objective and impartial investigations are necessary prerequisites to restoring public trust and ensuring the credibility of the judiciary; calls, therefore, for the publication of the investigation report of the Turkish Grand Assembly;
18. Maintains that clear-cut constitutional separation of civil and military political and

institutional roles in Turkey is a condition that has to be fulfilled if there is to be serious talk of Turkish accession to the EU;

19. Reiterates its call for the electoral system to be reformed by reducing the threshold of ten per cent, thereby ensuring wider representation of political forces and minorities in the Grand National Assembly; welcomes in this light the current debate on reforms of the electoral system;
20. Recalls that it regards the drafting of a new Constitution as a further and probably necessary reflection of the very fundamental nature of the changes required for EU membership, and notes that a modern Constitution may form the basis for the modernisation of the Turkish State;
21. Strongly condemns the killing of a judge of Turkey's highest court; is concerned about the low level of security offered to such judges by the police despite clear and public threats; calls on the Turkish Government to remedy this situation;
22. Condemns the recent bomb attacks in different cities in Turkey; expresses its condolences to the victims of these and previous attacks;
23. Calls on the Turkish government to apply the EU environmental standards to projects that are expected to result in possible damage to the environment, such as the proposed gold mine in Bergama and other comparable mining projects, and Yortanlı dam, which is currently under construction, and other dam projects planned in Munzur valley and Yusufeli in Rize province, which could result in the destruction of historically important landscapes such as Hasankeyf and Allionoi;

#### ***Human rights and the protection of minorities***

24. Deplores the fact that only limited progress has been reported over the last year as regards fundamental rights and freedoms; condemns violations of human rights and freedoms and constraints on the exercise of those rights and freedoms;
25. Reiterates the need for Turkey to comply with the European Convention for the Protection of Human Rights and Fundamental Freedoms, including full and timely execution of all judgments of the European Court of Human Rights;
26. Is concerned by the number of asylum-seekers originating from Turkey to the industrialised states during the year 2005; takes this to be an indication of Turkish under-performance either in the maintenance of its own borders or in the fields of justice, tolerance and the safeguarding of human rights; at the same time, recognises the progress made over the period from 2001 to 2005 in reducing by 65% the number of asylum-seekers originating from Turkey, to just over 10,000 in 2005;
27. Reminds Turkey of its recommendation that current human rights inspection services be reformed by assigning their tasks to independent inspection services, which should be given sufficient resources to operate effectively in all regions of Turkey and empowered to investigate any police detention facility at any time while closely cooperating with independent Turkish human rights NGOs; stresses that there is an urgent need to consolidate and strengthen the capacity of institutions promoting and enforcing human

rights; welcomes cooperation by Turkey with the UN Human Rights Council (UNHRC) Special Rapporteur on Torture and calls on Turkey to maintain a standing invitation to all UNHRC special procedures;

28. Deplores the absence of progress in the area of freedom of religion since Parliament's last report; emphasises that the freedom of citizens to practise whichever religion or be part of whichever denomination they choose must extend to affording them similar legal and administrative opportunities to practise their religion, organise their communities, hold and administer community assets and train their clergy;
29. Respects the sensitivities that exist in a country where the large majority are Sunni Muslims but reminds Turkey of the important cultural and historic heritage handed down to it for safe-keeping by the multicultural, multi-ethnic and multi-religious Ottoman Empire;
30. Roundly condemns the murder of Father Andrea Santoro, an Italian priest and missionary;
31. Reiterates its call on Turkish authorities, expressed in its previous resolutions, to fulfil their commitments regarding freedom of religion and to take concrete steps to eradicate obstacles facing religious minorities as regards, in particular, their legal status, the training of clergy and their property rights (the Ecumenical Patriarchate, for example, has suffered the expropriation of 30 properties in recent times); calls for an immediate stop to all seizure and selling off by the Turkish authorities of properties belonging to religious communities; calls for the immediate re-opening of the Greek Orthodox Halki seminary and the public use of the ecclesiastical title of the Ecumenical Patriarch; calls for the protection and recognition of the Alevites, including the recognition of Cem houses as religious centres; calls for the protection and recognition of the Yezidis and the establishment of Yezidi, places of prayer, and for all religious education to be voluntary and to cover not only the Sunni religion, and for the establishment of an alternative subject, for those who do not wish to take part in religious instruction, in which values, standards and ethical issues are discussed; calls for the protection of the fundamental rights of all Christian minorities and communities in Turkey (e.g. Greeks of Istanbul, Imvros and Tenedos);
32. Calls on the Turkish authorities to fully respect and implement all decisions handed down by, and to comply with the case-law of, the International Court of Justice;
33. Insists on Turkey's obligation to ensure that the protection of the fundamental rights of all religious communities is fully guaranteed; demands that a revised draft of the Law on Foundations must reflect recommendations made by the European Parliament and the Commission and must comply with European standards while satisfying the expectations of the multi-religious Turkish society;
34. Notes that an important discussion on headscarves is going on within Turkish society; points out that there are no European rules in this matter, but expresses its hope that a compromise will be found in Turkey on the wearing of headscarves by students at universities;
35. Reiterates its call on the Turkish authorities to apply the ILO standards for trade union rights, refrain from political interference in the functioning of trade unions, take them into

account in the policy-making process and pay special attention to the participation of women in the labour market, and, while welcoming recent successes such as a project in Adana against child labour, calls for the introduction of further legislation prohibiting the employment of children;

36. Welcomes the opening of broadcasting in Kurdish – which may be regarded as an important step provided that it is followed by a further lifting of all restrictions and constraints – including specialist programming produced by and for Kurdish communities, allowing the free exercise of their cultural and educational rights by the Kurds;
37. Recalls that the European Court of Human Rights advised Turkey to prepare a new legal framework for conscientious objectors and reminds Turkey that the right to conscientious objection is recognised in the European Charter of Fundamental Rights; therefore welcomes the initiative by the Ministry of Justice to legalise the right to conscientious objection and to propose the introduction of an alternative service in Turkey; is concerned that in a recent judgment of the Turkish military court a conscientious objector to military service was sentenced to imprisonment and that the military court openly declined to follow a relevant ruling of the European Court of Human Rights; condemns the on-going persecutions of journalists and writers who have expressed their support for the right of conscientious objection to military service;
38. Strongly supports the activities of Turkey’s democratic civil society, first and foremost the ‘Turkish Human Rights Association’ and the ‘Turkish Human Rights Foundation’; recognises that democratic organisations of this kind do invaluable work, especially in monitoring the human rights situation;
39. Calls on the Commission to provide comprehensive and resolute support, especially from the financial point of view, for the activities of the above-mentioned democratic organisations representing Turkish civil society;
40. Strongly condemns the xenophobic and racist ‘Talaat Pacha committee’, run by extreme right-wing organisations, for gravely infringing European principles, and the denialist demonstrations in Lyon and Berlin organised by those same organisations; calls on Turkey to abolish this committee and to end its activities;

### ***South East***

41. Strongly condemns the resurgence of terrorist violence on the part of the PKK; stresses that there can never be an excuse for the violence that has been used against Turkish citizens in various parts of the country by any party involved in the conflict; expresses its solidarity with Turkey in its fight against terrorism;
42. Notes that a great many civil society representatives are at present still being tried and are subjected to intimidation every day, one victim being Mehdi Zana, husband of the European Parliament Sakharov prizewinner Leyla Zana; calls on the Turkish Government to lift the restrictions still imposed on these representatives of Turkey’s democratic civil society;
43. Is deeply concerned about the resulting tensions in the South East, which constitute a serious threat to peace and stability in the region; stresses the importance of the further

progress in reducing the tensions in Eastern and South-Eastern Turkey which needs to be accomplished in order to ensure that reforms are sustainable and credible; calls on all parties involved in the conflict to refrain from using violence or reacting to it with violence; considers it important not to stretch the legal concept of terrorism in such a way as to bring non-terrorist crimes within the scope of the Turkish Anti-Terror Law, which defines terrorism on the basis of its purpose or aims rather than referring to specific criminal acts, which is formulated vaguely and in very broad terms, and which thereby jeopardises basic freedoms;

44. Calls on the Turkish authorities to apply European standards for the arrest and detainment of suspects; calls on the Turkish authorities to allow full access by independent pathologists in the case of deaths in custody or as a result of alleged violence by security forces; is concerned about the violence against children which resulted in casualties during riots in Diyarbakir in March; notes that a new Law on the Protection of Children adopted in July 2005 does not fully comply with international standards as regards the provisions related to juvenile offenders;
45. Calls on the Turkish Government to pursue a democratic solution to the Kurdish issue following Prime Minister Erdogan's encouraging statement of last year; considers it essential to strike a balance between the need to control the situation as regards security, avoiding civil-military strains, and effectively promoting the political dialogue and the economic and social development of the South East region through a comprehensive strategy supported by adequate means; calls on the Turkish Government to invest in the socio-economic development of the South East, to address the disparities between the national average and the East and South-East in, inter alia, unemployment, access to education, and housing and health care and to engage in a constructive dialogue with peaceful interlocutors; calls on the elected representatives of the Kurdish community to respond positively to any such dialogue with the Turkish government, upholding firmly the principle of non-violence; recalls in this context the importance of allowing elected Kurdish representatives to participate more strongly in the democratic process by appropriate means such as reducing the electoral threshold; emphasises the need for the establishment of an efficient decentralised administration;
46. Expresses its belief that the necessary financial means for such an investment and development programme for the South East cannot be met by Turkey alone and should therefore be raised in a broader international framework; calls on the Turkish government and the European Commission to examine the extent to which EU pre-accession assistance could be used in this context;
47. Welcomes the adoption of the Law on internally displaced people which, if applied efficiently, can serve as an important instrument of redress; notes however that the continued presence of village guards and the resurgent violence is hampering the right to return; consequently, urges the Turkish authorities to disarm the village guards and to disband the village guard system;

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

48. Reaffirms its belief that a modern, democratic and secular Turkey, whilst progressively aligning itself with the policies of the EU Member States, could play a constructive and stabilising role in promoting understanding between civilisations and between the

European Union and countries in the region surrounding Turkey, particularly in the Middle East; welcomes in this respect the decision of the Turkish government to participate in the UN peace-keeping forces in Lebanon;

49. Reiterates its call on Turkey to acknowledge the Armenian genocide, as called for in previous European Parliament resolutions of 15 December 2004 and 28 September 2005; considers such acknowledgement to be a precondition for European Union accession;
50. Takes note of the proposal by Turkey to establish a bilateral committee of experts in order to overcome the tragic experience of the past, and the position of Armenia regarding that proposal; urges both the Turkish Government and the Armenian Government to continue their process of reconciliation leading to a mutually acceptable proposal; welcomes that, with the recent debates in Turkey, at least a start has been made with the discussion on the painful history with Armenia; stresses that, although the recognition of the Armenian genocide as such is formally not one of the Copenhagen criteria, it is indispensable for a country on the road to membership to come to terms with and recognise its past; calls in this respect on the Turkish authorities to facilitate the work of researchers, intellectuals and academics working on this question, ensuring them the access to the historical archives and providing them with all the relevant documents; urges Turkey to take the necessary steps, without any preconditions, to establish diplomatic and good neighbourly relations with Armenia, to withdraw the economic blockade and to open the land border at an early date, in accordance with the resolutions adopted by Parliament between 1987 and 2005, thereby fulfilling the Accession Partnership priorities and the requirements of the Negotiation Framework on 'peaceful settlement on border disputes' which are both mandatory for EU accession; a similar position should be adopted for the cases of other minorities (e.g. the Greeks of Pontos and the Assyrians);
51. Calls on Turkey to commit itself to good neighbourly relations; reminds Turkey in this context that it should refrain from any threats against neighbouring countries (e.g. the "casus belli" threat against Greece concerning its right to determine the extent of its territorial waters), as well as from tension-prone military activities (e.g. continuous violations of the Athens FIR rules and of Greek national airspace) which also threaten air-navigation safety, affect good neighbourly relations and could negatively influence the accession process; calls on Turkey to engage in serious and intensive efforts for the resolution of outstanding disputes with all its neighbours, in accordance with the UN Charter and other relevant International Conventions; as stated in the conclusions of the Helsinki European Council and in the short-term priorities of the Accession Partnership, failing a settlement, outstanding delimitation issues (e.g. delimitation of the Aegean sea continental shelf) should be brought before the International Court of Justice, with a view to a final and compulsory settlement;
52. Expresses its disappointment over the fact that, in spite of its contractual obligations, Turkey continues to maintain restrictions against vessels flying the Cypriot flag and vessels approaching from harbours in the Republic of Cyprus, denying them access to Turkish ports, and against Cypriot aircraft, denying them flying rights over Turkey and landing rights at Turkish airports; reminds Turkey that this practice constitutes a breach by Turkey of the Association Agreement, the related Customs Union and the Additional Protocol, as the restrictions infringe the principle of the free movement of goods; seeks to work with the Turkish authorities to enable them to comply in full with their obligations in

this respect without seeking to exacerbate domestic political tensions contrary to the interest of long-term reconciliation for Cyprus; regrets that Turkey maintains its veto against the participation of the Republic of Cyprus in international organisations and in multilateral agreements;

53. Urges Turkey to take concrete steps for the normalisation of bilateral relations between Turkey and all EU Member States, including the Republic of Cyprus, as soon as possible; in this context, recalls the Council's Declaration of 21 September 2005;
54. Notes the current difficulties in EU-NATO cooperation and calls upon Turkey to reconsider its position towards including all EU Member States;
55. Reminds Turkey that recognition of all Member States, including the Republic of Cyprus, is a necessary component of the accession process; calls upon Turkey to take concrete steps for the normalisation of bilateral relations with the Republic as soon as possible; urges Turkey to fully implement the provisions stemming from the Association Agreement and its Additional Protocol as well as the priorities stemming from the Accession Partnership; calls on the Turkish authorities to maintain a constructive attitude in finding a comprehensive settlement of the Cyprus question within the UN framework, acceptable to both Greek Cypriots and Turkish Cypriots, leading to an equitable solution based upon the principles on which the EU is founded, as well as on the *acquis*, and, pursuant to the relevant UN resolutions, to effect an early withdrawal of their forces in accordance with a specific timetable; welcomes the meeting between Mr Papadopoulos and Mr Talat on 3 July, which led to the agreement of 8 July; encourages further contacts in order to pursue dialogue which should lead to a comprehensive settlement;
56. Calls on both parties to adopt a constructive attitude in finding a comprehensive settlement of the Cyprus question within the UN framework and based upon the principles on which the EU is founded;
57. Points out that the withdrawal of Turkish soldiers could facilitate the resumption of substantive negotiations and, pursuant to the relevant UN resolutions, calls on the Turkish government to effect an early withdrawal of Turkish forces in accordance with a specific timetable;
58. Welcomes the establishment of an instrument of financial support to encourage the economic development of the Turkish Cypriot community following the General Affairs Council of 27 February 2006; supports the Commission in its efforts to implement these funds; calls on the Council to make renewed efforts to reach an agreement on trade facilitation regulation concerning the northern part of Cyprus without undue delay, including further attention to possible joint control of the Port of Famagusta under the aegis of the EU and UN, in accordance with the unanimous General Affairs Council decision of 27 February 2006, taking into account the Council conclusions of 26 April 2004 but also the consultations held under the Luxembourg Presidency and Protocol No 10 to the Act of Accession of the Republic of Cyprus, and calls on the Governments of Cyprus and Turkey to undertake new initiatives to strengthen the ties between the two communities, thereby building mutual trust;
59. Welcomes positive developments in the Turkish economy registering a high level of growth (around 7.6 % in 2005) and an important and growing volume of foreign direct

investment (FDI); however, remains concerned about the current account deficit, which continues to widen, and a high unemployment rate (around 10.9 % in March 2006); calls on the Turkish government to pursue efforts to transform the positive dynamics into sustained growth and macro-economic stability while seeking to diminish significant regional disparities in socio-economic development in terms of income, health, access to education, labour market and other living conditions (per capita income in the Istanbul region being 43% higher than the national average and about 4 times per capita income in the poorest region);

60. Notes that, despite the overall success of the Customs Union, there are a number of long overdue, unfulfilled commitments by Turkey related in particular to existing technical barriers to trade, for example a ban on imports of beef meat, lack of alignment in the area of State aid and serious gaps in the enforcement of intellectual property rights; urges Turkey to make immediate progress in this area and reminds it on the need to respect its obligations under the Customs Union agreement;

### *Negotiations*

61. Reminds Turkey that the Council decision requires the Commission to report in 2006 on the full implementation by Turkey of the Ankara Protocol, and that a lack of progress in this regard will have serious implications for the negotiation process and could even bring it to a halt;

62. Regrets that Turkey continues to oppose Cyprus's membership of international organisations and mechanisms such as the OECD, MTCR, Black Sea Cooperation and the Wassenaar Arrangement; calls upon Turkey to change this policy towards the Republic of Cyprus as soon as possible;

63. Stresses the need to intensify the EU-Turkey energy security dialogue, given that diversification of energy supply routes is in the interests of both parties;

64. Expects that, in line with its previous resolutions and the position taken by the Council and the Commission, the short-term priorities set out in the Accession Partnership will be accomplished before the end of 2007 and the medium-term priorities before the end of 2009; underlines that priority should be given to the full implementation of the political criteria in the first phase of the negotiations and that attaining these clear targets is a condition for a continuation of the negotiation process;

65. Welcomes the proposal by the EU Presidency that the political criteria be addressed throughout the negotiation process, starting with the chapter covering education and culture; deeply regrets that no consensus has been reached on this proposal and that the political criteria will therefore only be addressed during the negotiations on certain policy areas; stresses that this makes it even more essential to respect the agreed terms for the achievement of the short and medium-term priorities in the Accession Partnership (before the end of 2007 and the end of 2009 respectively) so as to safeguard the necessary political reforms and the credibility of the accession process as such;

66. Stresses that, in Turkey's own interests and in order to maintain confidence in the irreversibility of the reform process, it is important that the reforms be given impetus from within the country by the authorities themselves, both civilian and military, as well as by



civil society and are not merely the result of pressure from outside Turkey;

67. Considers it equally important for the Turkish government to undertake an increased effort to explain to the public that the process of Turkey's accession to the Union implies a continuous domestic reform process in which the yardstick for success is not the fulfilment of certain individual measures but the attainment of a European standard with respect to democratisation and political liberalisation, in order to change not just certain practices but public and official mindsets;
68. Takes note of the intention of the Turkish government to proceed with the construction of nuclear reactors for the production of nuclear energy for civilian purposes; urges the Turkish government to commit itself to the full respect of the terms and conditions set by the International Atomic Energy Agency and to closely cooperate with it for the safety of the reactors as well as protection of the environment; within this framework, calls on the European Commission to strictly monitor the implementation of the acquis communautaire during the accession negotiations;
69. Stresses that the opening of negotiations is the starting point for a long-lasting process, which by its very nature is an open-ended process and does not lead a priori and automatically to accession; emphasises, however, that the objective of the negotiations is Turkish EU membership but that the realisation of this ambition will depend on the efforts of both sides;
70. Reiterates that, in case of a serious and persistent breach of the principles of democracy, respect for human rights and fundamental freedoms, the rule of law and the principles of international law, the Commission could recommend the suspension of negotiations to the Council, which will decide by a qualified majority;
71. Considers that, regardless of whether or not negotiations are successfully concluded, relations between the EU and Turkey must ensure that Turkey remains fully anchored in European structures;
72. Recalls that the EU's capacity to absorb Turkey while maintaining the momentum of integration is an important consideration in the general interest of both the EU and Turkey; regrets that the Commission has not been able to deliver the follow-up to the impact study in 2005; asks that it be provided with the follow-up to the impact study in 2006; considers it of paramount importance that the European Union puts in place the institutional and financial preconditions in due time for Turkey's accession; recalls in this respect that the Nice Treaty is not an acceptable basis for further decisions on the accession of any more new Member States and therefore insists that the necessary reforms be brought into force within the framework of the constitutional process; recalls that the budgetary impact of Turkey's accession can only be fully assessed in the framework of the financial perspectives from 2014 onwards; looks forward, in this regard, to the report the European Commission is to present on the Union's absorption capacity before the December 2006 European Council;
73. Emphasises that, unlike in previous negotiations, in the case of Turkey it would be necessary to inform the European public continuously and intensively about the negotiations themselves and Turkey's progress in this regard;

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74. Instructs its President to forward this resolution to the Council, the Commission, the Secretary-General of the Council of Europe, the President of the European Court of Human Rights and the Government and Parliament of Turkey.

11.7.2006

## **OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY**

for the Committee on Foreign Affairs

on Turkey's progress towards accession  
(2006/2118(INI))

Draftswoman: Emine Bozkurt

### **SUGGESTIONS**

The Committee on Women's Rights and Gender Equality calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas, although the legal reforms in Turkey in the area of women's rights go a long way in implementing the *acquis*, translating the reforms into practice remains a serious problem,
- B. whereas the Commission's progress report identifies the following areas of concern as regards the situation of women: violence against women, particularly domestic violence and crimes of honour, forced marriages, the high illiteracy rate and lack of appropriate access to education, the low level of participation by women in parliament and in local representative bodies, and the low level of participation and prevailing discrimination in the labour market,
- C. whereas, in some regions in Turkey, newborn children are not registered immediately, and whereas, by means of the practice of later registration, the age of young women can be arbitrarily fixed and under-age girls can be declared to have reached majority, thereby providing 'de facto' legitimation for forced marriages,
  1. Stresses that respecting human rights, including women's rights, is a *conditio sine qua non* for membership of the European Union and calls on the Commission to make the issue of human rights, including women's rights, central to the agenda for the negotiations with Turkey;
  2. Commends the Turkish Government and parliament on the legislative reforms relating to the situation of women in the fields of the Constitution, the Civil and the Penal Code and the Labour Code; expresses its concern regarding application of the reforms and urges the government to direct more attention to implementation of the legislation;

3. Calls on the government to provide women who are victims of violence or are at risk of violence with healthcare and legal support and protection and more and better shelters, and to provide telephone help lines to report violence and request support;
4. Reiterates its demand to the Commission to present Parliament with a full report concerning the brutality of the Turkish police in Istanbul on 6 March 2005 during the demonstration to mark International Women's Day;
5. Calls on the Turkish authorities to engage in a constant dialogue with the European Parliament on women's rights and on the role of women in Turkey in social, economic and political life;
6. Calls on the Turkish Government to eliminate the obstacles women continue to face in gaining access to education and ensure equal access for them;
7. Calls on the Commission, in the accession negotiations with Turkey, to press for steps to be taken to ensure that newborn children are registered immediately, thereby putting an end to any illegal practices, in particular that of applying to Turkish family courts to have girls' ages increased so that they can officially be declared to have reached majority, with a view to avoiding prosecution for forcing girls into marriage;
8. Calls on the Turkish Government to ensure that marriages are registered legally throughout the country;
9. Calls on the Turkish Government to implement a global strategy for the promotion of gender equality and the protection of women's rights across the spectrum of its policies and in cooperation with political parties, social partners, NGOs and the media.

## PROCEDURE

<b>Title</b>	Turkey's progress towards accession
<b>Procedure number</b>	2006/2118(INI)
<b>Committee responsible</b>	AFET
<b>Opinion by</b> Date announced in plenary	FEMM 1.6.2006
<b>Enhanced cooperation – date announced in plenary</b>	
<b>Drafts(wo)man</b> Date appointed	Emine Bozkurt 28.6.2006
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	11.7.2006
<b>Date adopted</b>	11.7.2006
<b>Result of final vote</b>	+: 27 -: 0 0: 0
<b>Members present for the final vote</b>	Edit Bauer, Emine Bozkurt, Hiltrud Breyer, Maria Carlshamre, Edite Estrela, Ilda Figueiredo, Věra Flasarová, Lissy Gröner, Zita Gurmai, Livia Járóka, Rodi Kratsa-Tsagaropoulou, Urszula Krupa, Astrid Lulling, Siiri Oviir, Doris Pack, Marie-Line Reynaud, Teresa Riera Madurell, Raül Romeva i Rueda, Amalia Sartori, Eva-Britt Svensson, Britta Thomsen, Anna Záborská
<b>Substitute(s) present for the final vote</b>	Iratxe García Pérez, Lidia Joanna Geringer de Oedenberg, Anna Hedh, Mary Honeyball, Christa Kläß, Karin Resetarits
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	
<b>Comments (available in one language only)</b>	...

## PROCEDURE

<b>Title</b>	Turkey's progress towards accession				
<b>Procedure number</b>	2006/2118(INI)				
<b>Committee responsible</b> Date authorisation announced in plenary	AFET 1.6.2006				
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	FEMM 1.6.2006				
<b>Not delivering opinion(s)</b> Date of decision	DEVE 11.7.2006	INTA 11.7.2006	BUDG 5.7.2006	CONT 20.6.2006	ECON 5.7.2006
	EMPL 21.6.2006	ENVI 14.6.2006	ITRE 20.6.2006	IMCO 20.6.2006	TRAN 20.6.2006
	REGI 21.6.2006	AGRI 30.5.2006	PECH 20.6.2006	CULT 20.6.2006	JURI 21.6.2006
	LIBE 4.9.2006	AFCO 10.7.2006	PETI 11.7.2006		
<b>Enhanced cooperation</b> Date announced in plenary					
<b>Rapporteur(s)</b> Date appointed	Camiel Eurlings 13.9.2004				
<b>Previous rapporteur(s)</b>					
<b>Discussed in committee</b>	20.6.2006 4.9.2006				
<b>Date adopted</b>	4.9.2006				
<b>Result of final vote</b>	+ 54 - 6 0 7				
<b>Members present for the final vote</b>	Vittorio Agnoletto, Panagiotis Beglitis, Bastiaan Belder, Elmar Brok, Marco Cappato, Philip Claeys, Paul Marie Coûteaux, Simon Coveney, Véronique De Keyser, Giorgos Dimitrakopoulos, Camiel Eurlings, Maciej Marian Giertych, Alfred Gomolka, Klaus Hänsch, Jana Hybášková, Anna Ibrisagic, Toomas Hendrik Ilves, Jelko Kacin, Georgios Karatzaferis, Ioannis Kasoulides, Bogdan Klich, Helmut Kuhne, Joost Lagendijk, Vytautas Landsbergis, Emilio Menéndez del Valle, Willy Meyer Pleite, Francisco José Millán Mon, Pasqualina Napoletano, Vural Öger, Cem Özdemir, Justas Vincas Paleckis, Mirosław Mariusz Piotrowski, Hubert Pirker, Bernd Posselt, Poul Nyrup Rasmussen, Raúl Romeva i Rueda, Jacek Emil Saryusz-Wolski, György Schöpflin, Hannes Swoboda, Antonio Tajani, Charles Tannock, Inese Vaidere, Geoffrey Van Orden, Jan Marinus Wiersma, Luis Yañez-Barnuevo García, Josef Zieleniec				
<b>Substitute(s) present for the final vote</b>	Irena Belohorská, Carlos Carnero González, Alexandra Dobolyi, Árpád Duka-Zólyomi, Michael Gahler, Kinga Gál, Milan Horáček, Sajjad Karim, Tunne Kelam, Alexander Lambsdorff, Miguel Angel Martínez Martínez, Erik Meijer, Doris Pack, Mechtild Rothe, Csaba Sándor Tabajdi, Marcello Vernola				
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Adamos Adamou, Emine Bozkurt, Andrew Duff, Marios Matsakis, Kyriacos Triantaphyllides				
<b>Date tabled</b>	13.9.2006				
<b>Comments</b>					