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## **MOTION FOR A RESOLUTION**

to wind up the debate on statements by the Council and Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Ria Oomen-Ruijten

on behalf of the Committee on Foreign Affairs

on Turkey's progress report 2008

**B6-0000/2008**

**European Parliament resolution on Turkey's progress report 2008**

*The European Parliament,*

- having regard to the Turkey 2008 Progress Report of the Commission,
  - 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> and of 21 May 2008 on Turkey's 2007 progress report<sup>3</sup>,
  - having regard to the Negotiating Framework for Turkey, approved on 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 Turkey ('the Accession Partnership'), as well as to the previous Council decisions on the Accession Partnership of 2001, 2003 and 2006,
  - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas accession negotiations with Turkey were opened on 3 October 2005 after approval by the Council of the Negotiating Framework, and whereas the opening of those negotiations was the starting-point for a long-lasting and open-ended process,
- B. whereas Turkey has committed itself to reforms, good neighbourly relations and progressive alignment with the EU, and whereas these efforts should be viewed as an opportunity for Turkey itself to further modernise,
- C. whereas full compliance with all the Copenhagen criteria and EU integration capacity, in accordance with the conclusions of the December 2006 European Council meeting, remain the basis for accession to the EU, which is a community based on shared values,
- D. whereas the Commission concluded that 2008 had been marked by strong political tensions, and that the Turkish government had not, despite its strong mandate, put forward a consistent and comprehensive programme of political reforms,
- E. whereas Turkey has still not implemented the provisions stemming from the EC-Turkey Association Agreement and the Additional Protocol thereto,
- F. whereas four negotiating chapters were opened in 2008,
1. Is concerned to see in Turkey, for the third consecutive year, a continuous slowdown of the reform process, and calls on the Turkish government to prove its political will to

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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> Texts adopted, P6\_TA(2008)0224.

continue the reform process to which it committed itself in 2005; stresses that such modernisation is first and foremost in Turkey's own interest and for the benefit of Turkish society as a whole;

2. Is concerned by the ongoing polarisation within Turkish society and between the main political parties, which has deepened in the course of 2008 and has negatively affected the functioning of the political institutions and the process of reforms;
3. Stresses that political reforms are at the heart of the reform process, and welcomes the fact that the Turkish government prepared and approved the National Programme for the Adoption of the Acquis;
4. Urges the leaders of the political parties to seriously seek dialogue and to agree, in a spirit of compromise, on a reform agenda for the modernisation of Turkey towards a stable, democratic, pluralist and prosperous society, guided by respect for human rights and fundamental freedoms, and based on the rule of law;

### ***I. Fulfilling the Copenhagen Criteria***

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

5. Regrets that the initial effort to reform comprehensively the constitution resulted in dispute over the headscarf issue and generated further polarisation of society; calls on the Turkish government to resume its work on a new, civilian constitution which would place the protection of human rights and fundamental freedoms at its core, and urges the government to ensure that political parties and civil society, as well as ethnic and religious minorities, are closely involved in this constitutive process;
6. Is concerned by the closure cases opened in 2008 against two parliamentary parties, especially the case still pending against the DTP; emphasises the need to amend, as a matter of priority, the legislation on political parties so as to bring it fully into line with the case-law of the European Court of Human Rights and the recommendations of the Council of Europe's Venice Commission;
7. Calls on the Turkish authorities to take all necessary steps to allow all parties taking part in elections to be represented within the electoral commission;
8. Regrets that no progress has been made on establishing full systematic civilian supervisory functions over the military and on strengthening the parliamentary oversight of military and defence policy;
9. Notes the progress made with regard to the development of a judicial reform strategy; points out, however, the urgent need for further systematic efforts to enhance the impartiality and professionalism of the judiciary, and to ensure that members of the judiciary refrain from interfering in political debate and that they respect the standards of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR);

10. Regrets that no progress has been made on establishing the Ombudsman's office; takes note of the negative decision of the Constitutional Court on the Ombudsman Law, and urges the Turkish government to reintroduce as soon as possible the necessary legislation to establish this office, as supported by both the government and the parliament in the past;
11. Regrets that the Turkish government has not presented any comprehensive anti-corruption strategy; underlines the need to strengthen parliamentary oversight over public expenditure and the need for new legislation in respect of the Court of Auditors;
12. Welcomes the beginning of the trial against those accused of being members of the Ergenekon criminal organisation; encourages the authorities to continue investigations and to fully uncover the organisation's networks which reach into the state structures; is concerned about reports regarding the treatment of defendants in this case; urges the Turkish authorities to provide them with a fair trial and to adhere strictly to the principles of the rule of law;

*Human rights and respect for, and protection of, minorities*

13. Regrets that freedom of expression and freedom of the press are still not fully protected in Turkey; is of the view that freedom of the press in a democratic, pluralistic society is served neither by frequent website bans nor by pressures on and lawsuits against critical press; is also of the opinion that the amendment to Article 301 of the Penal Code, adopted in April 2008, was not sufficient, as people continue to be prosecuted for expressing non-violent opinions on the basis of this as well as of other articles of the Penal Code, the Anti-Terror Law or the Press Law, such as the Sakharov Prize laureate Leyla Zana; reiterates that the repeal of Article 301 as well as a fundamental reform of the Penal Code and of other laws used to arbitrarily restrict non-violent opinions is needed, so as to ensure that freedom of expression is fully respected in line with ECHR standards;
14. Welcomes the apologies offered by the Minister of Justice Mehmet Ali Sahin on behalf of the government to the family of Engin Ceber, who died in prison as a consequence of abuse; joins the Human Rights Committee of the Turkish Parliament in its concern over the failure of the judiciary to prosecute cases of torture and ill-treatment, the number of which is growing; calls on the Turkish government to undertake further systematic efforts to eliminate torture and ill-treatment, inside and outside official places of detention, and to end the culture of impunity; stresses in this regard that ratification and implementation of the Optional Protocol of the UN Convention against Torture would increase considerably the credibility of these efforts; is also concerned about excessive use of police force in dealing with public demonstrations;
15. Welcomes the work done by the Human Rights Investigation Committee of the Turkish Grand National Assembly in its investigation of torture and ill-treatment in prisons and of the murder of journalist Hrant Dink; urges the Turkish authorities to follow up fully the findings of the Committee's reports, as well as the findings of the report of the Prime Ministerial Inspection Board; also takes the view that the hypothesis of Ergenekon's involvement should be taken more seriously when considering other unsolved cases, such as the murder of Hrant Dink;

16. Welcomes the adoption in February 2008 of the Law on Foundations and appreciates the Commission's assessment that the Law on Foundations addresses a number of outstanding property-related issues concerning non-Muslim communities; urges the Turkish government to ensure that the law is implemented in line with the ECHR case-law, and to tackle the so far unresolved issue of properties seized and sold to third parties as well as that of properties of foundations fused before the adoption of the new legislation;
17. Reiterates that a legal framework developed in line with the ECHR case-law is still needed so as to enable all religious communities to function without undue constraints, in particular as regards their legal status, training of clergy, election of their hierarchy, religious education and the construction of places of worship; encourages Turkish authorities, all political parties, civil society and the communities concerned to engage in creating an environment conducive to full respect for freedom of religion in practice; reiterates its call for the immediate re-opening of the Greek Orthodox Halki Seminary and the public use of the ecclesiastical title of the Ecumenical Patriarch; welcomes the recent initiatives by the government and its ongoing talks between the government and Alevi leaders on long-standing issues, such as Alevi places of worship and the setting-up of a memorial commemorating the Sivas massacre, and calls on the Turkish government to address their concerns without delay and to make state-run courses on religion non-compulsory; regrets the planned expropriation of the Syriac Orthodox Monastery of St Gabriel in Tur Abdin and the court procedures against representatives of the monastery;
18. Calls on the Turkish government to launch as a matter of priority a political initiative favouring a lasting settlement of the Kurdish issue, which initiative needs to address the economic and social opportunities of citizens of Kurdish origin, and to tangibly improve their cultural rights, including real possibilities to learn Kurdish within the public and private schooling system and to use it in broadcasting and in access to public services, and to allow elected officials to use a second language apart from Turkish in communicating with their constituents; welcomes the start of a 24-hour public television channel in the Kurdish language from 1 January 2009;
19. Condemns the violence perpetrated by the PKK and other terrorist groups on Turkish soil; reiterates its solidarity with Turkey in the fight against terrorism and once again calls on the PKK to declare and respect an immediate and unconditional ceasefire;
20. Urges the DTP and all its elected members to distance themselves clearly from the terrorist PKK and from its use of violence, and appeals to all parties to contribute to a solution that enhances the stability, prosperity and integrity of the Turkish state;
21. Notes that the Turkish government has decided to complete the Southeast Anatolia Project (GAP) for the development of the south-east of Turkey; points, however, to its the social, ecological, cultural and geopolitical consequences, including those on the water supplies of the neighbouring countries, Iraq and Syria, and calls on the government to take these issues fully into consideration, to protect the rights of the population affected and to ensure close cooperation with local and regional authorities as it continues its work on the plan; calls on the Commission to present a study on the GAP and its consequences;

22. Reiterates that European values of pluralism and diversity incorporate respect for a far wider definition of minorities, on the basis of the Treaty of Lausanne, than that adopted by Turkey; is concerned about continuing hostility and violence against minorities; is concerned that Turkey has made no progress on ensuring cultural diversity and promoting respect for, and protection of, minorities in accordance with the ECHR standards; urges the Turkish government to start the overdue dialogue with the OSCE High Commissioner on National Minorities on issues such as the participation of minorities in public life and broadcasting in minority languages;
23. Calls on the Turkish government to take action against organisations and groups which stir up hostility against minorities and to protect all those who are threatened and fear for their lives, while making sustained efforts to create an environment conducive to full respect of fundamental human rights and freedoms;
24. Calls on the Turkish government to seek solutions to preserve the bicultural character of the Turkish islands Gökçeada (Imvros) and Bozcaada (Tenedos), and to address the problems encountered by members of the Greek minority with regard to their education and property rights;
25. Welcomes the Commission's assessment that the legal framework guaranteeing women's rights and gender equality is broadly in place; urges the Turkish government, however, to ensure that it is implemented so as to have a positive effect on the situation of women in Turkey; reiterates its frequent demands for a permanent Women's Rights and Gender Equality Committee in the Turkish Parliament as an essential instrument for improving the situation regarding women's rights and gender mainstreaming in Turkey, and points to upcoming local elections as an opportunity to remedy the low representation of women in politics;
26. Is concerned that the number of reported so-called 'honour killings' is increasing in Turkey, and calls on the Turkish authorities and civil society to intensify their efforts to prevent these killings, domestic violence and forced marriages; welcomes the increase in the number of shelters, but calls urgently for effective and sustainable policies on budgetary and staffing matters, and for support for women and their children after they leave the shelters; asks the Turkish government to combat the trafficking of women in close cooperation with the Member States;
27. Welcomes the decision of the Supreme Court of Appeals not to uphold the decision banning the interest group Lambda Istanbul; urges the government to ensure that equality regardless of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation is guaranteed;

*Existence of a functioning market economy*

28. Welcomes the Commission's assessment classifying Turkey as a functioning market economy;
29. Notes that although economic growth in Turkey slowed in 2008, its overall economic

performance demonstrated that the foundations and resilience of the Turkish economy are substantially stronger than some years ago; notes that the impact of the global financial crisis on the Turkish banking system has remained limited so far, but is concerned about the effect of the crisis on economic growth; asks the Commission to report specifically on the consequences of the crisis for the Turkish economy; encourages the Turkish government to continue its close cooperation with the International Monetary Fund and other international and European financial institutions;

#### *Ability to take on the obligations of membership*

30. Regrets that a number of commitments made by Turkey within the EC-Turkey customs union remain unfulfilled, distorting bilateral trade relations;
31. Notes that the customs union obliges Turkey to negotiate and conclude free trade agreements (FTAs) with third countries with which the EU has concluded FTAs; calls on the Commission and the Council to include Turkey in the impact assessment studies of prospective FTAs between the EU and third countries and to further strengthen the transmission of information on the EU's position and the state of play of the FTA negotiations;
32. Regrets that the EC-Turkey Association Agreement and the Additional Protocol thereto have not yet been implemented fully by the Turkish government; recalls that the non-fulfilment of Turkey's commitments by December 2009 may further seriously affect the process of negotiations; invites the Council to continue to follow up and review progress made on the issues covered by the declaration of the Community and its Member States of 21 September 2005 in accordance with its conclusions of 11 December 2006;
33. Commends Turkey on its progress in the field of education and culture; reiterates that providing access to education for all is not just a good strategy for the inclusion of minorities but also the basis for a prosperous and modern society; views the plan to open departments for Armenian and Kurdish studies at Turkish universities as a sign of goodwill that needs to be followed up by concrete action;

## ***II. Enhancing prosperity***

### *Enhancing social cohesion and prosperity*

34. Points out that a socially oriented market economy is the basis for a socially coherent society and one of the keys to stability and prosperity; welcomes in this regard the adoption of the Social Insurance and General Health Insurance Law as a contribution to strengthening the social cohesion of Turkish society;
35. Also welcomes the adoption of the employment package in May 2008 by the Turkish Parliament, aimed at promoting job opportunities for women, young people and people with disabilities; is concerned, however, about the ongoing weakness of the employment market, which engages only 43% of the working-age population, and is particularly

worried about the decreasing overall rate of employment of women; encourages the Turkish government to take further action to tackle the problem of the informal economy;

36. Reiterates its calls for the Turkish government to take further tangible steps to empower women in the political, economic and social sector, through, for instance, temporary measures to increase their active involvement in politics; points out the need to take effective measures to increase women's access to education, which regrettably still remains the lowest among OECD countries;
37. Takes note of the progress made in the area of health protection; is concerned, however, that no progress can be reported on mental health; urges the Turkish authorities to make more resources available for mental health care, and to find a solution to the problem of inadequate general medical care and treatment of people with mental disabilities in mental health hospitals and rehabilitation centres; calls for the treatment of children and adults with disabilities in institutions to fully respect their rights;
38. Regrets that no progress has been made on amending the legislation on trade union rights, and calls on the Turkish Parliament to adopt a new law on trade unions that is in line with the International Labour Organization conventions; regrets that, despite the fact that regulations on union formation and membership were eased in 2004, trade union activities remain subject to constraints; calls on the Turkish authorities to find a solution, together with the trade unions, that enables peaceful demonstrations to take place on 1 May on Taksim Square in Istanbul, respecting the freedom of association;
39. Points, once again, to the need to address the problem of development disparities among Turkish regions and between rural and urban areas, which is a major obstacle to the prosperity of Turkish society; regrets, therefore, that no comprehensive strategy has so far been presented by the Turkish government to tackle this problem, and is disappointed that the Commission has not presented any information about the EU's contribution under the Instrument for Pre-Accession Assistance to this strategic planning, as requested by Parliament in its above-mentioned resolution of 21 May 2008;

### ***III. Building good neighbourly relations***

40. Stresses the need for a comprehensive settlement of the Cyprus question based on UN Security Council resolutions and on the principles on which the European Union is founded; welcomes the renewed commitment of both political leaders on both sides to a negotiated solution and supports the ongoing direct negotiations by the leaders of the two communities in Cyprus and will accept any agreement reached by them provided that it is in conformity with the principles on which the EU is founded, including the four fundamental freedoms, and that it is accepted after a referendum; calls on Turkey to facilitate a suitable climate for negotiations by withdrawing Turkish forces and allowing the two leaders to negotiate freely their country's future;
41. Encourages greater trans-border cooperation between local authorities, business people and other local partners with the neighbouring EU members Greece and Bulgaria;
42. Welcomes the communication and cooperation developed over the last year between

Turkish and Iraqi authorities, including the contacts between Turkey and the Kurdish regional government in Northern Iraq; encourages those authorities to further intensify their cooperation, so as to ensure that terrorist attacks from Iraqi territory are prevented under Iraqi responsibility, to guarantee stability and to contribute to the economic development of the whole Turkish-Iraqi neighbourhood area; recalls its earlier appeals to the Turkish government to respect, when conducting anti-terrorist operations, Iraq's territorial integrity, human rights and the rule of law, and to make sure that civilian casualties are avoided;

43. Welcomes the visit of President Gül to Armenia in September 2008 following an invitation from President Sarkisian, and hopes that it will indeed foster a climate favourable to the normalisation of relations between their countries; calls on the Turkish government to re-open its border with Armenia and to restore full economic and political relations with Armenia; once again calls on the Turkish and Armenian governments to start a process of reconciliation, in respect of the present and the past, allowing for a frank and open discussion of past events; calls on the Commission to facilitate this reconciliation process;
44. Appreciates the continued efforts of the Turkish and Greek governments to improve bilateral relations; reiterates that the repeal of the *casus belli* declared by the Turkish Grand National Assembly in 1995 would provide important impetus for further improvement of those relations; recalls that Turkey has committed itself to good neighbourly relations and calls on the Turkish government to make serious and intensive efforts to resolve any outstanding dispute peacefully and in accordance with the UN Charter, other relevant international conventions and bilateral agreements and obligations;

#### ***IV. Strengthening EU-Turkey bilateral cooperation***

45. Calls upon the Council to consider making progress on opening of negotiations on chapters in which Turkey, according to the Commission's assessment, fulfilled the conditions for opening;
46. Recognises Turkey's ambition of becoming a Eurasian energy hub and the role it can play in contributing to Europe's energy security; commends the progress achieved by Turkey in the field of energy; recalls its above-mentioned resolution of 24 October 2007 supporting the opening of negotiations on this chapter and regrets that no agreement has been reached on this in the Council; encourages Turkey to join the European Energy Community as a full member, so as to strengthen energy cooperation between the EU and Turkey, which can benefit all parties involved; calls on Turkey to fully support the Nabucco pipeline project, which is a European priority project, and expects that an inter-governmental agreement aimed at bringing the pipeline into operation will be concluded soon;
47. Takes note of the progress made in the area of migration and asylum; regrets, however, that Turkey has not, since December 2006, resumed the negotiations on a readmission agreement with the EC, the signing of which is a condition for a visa facilitation agreement; and calls on the Turkish government to intensify its cooperation with the EU on migration management, including through proper implementation of the existing

bilateral readmission agreements and protocols with Member States; notes that no development can be reported on alignment with EU visa lists; calls on the Commission and the Turkish government to start negotiations on a visa facilitation agreement; urges the Member States to ease visa restrictions for bona fide travellers such as students, academics or businessmen; calls for full respect of the human rights of asylum-seekers and refugees, including open and unrestricted access to all detention centres by the UN High Commission for Refugees;

48. Welcomes the launch in September 2008 of a new generation of projects aimed at enhancing the dialogue between civil society in Turkey and in the EU; asks the Commission to report on activities carried out within the framework of the EU-Turkey Civil Society Dialogue; reiterates its call on the Turkish government to involve civil society more closely in the reform process;
49. Notes that the Commission intends to provide impact assessments on only certain policy areas<sup>1</sup>; urges the Commission to issue a more comprehensive impact study as a follow-up to the one presented in 2004, and to present it to Parliament without delay;
50. Asks the Turkish government and judicial authorities to cooperate better with EU Member States and authorities in criminal cases in which EU citizens and residents have been the victims of fraud, as in the case of the so-called "Green Funds" (Islamic investment funds based in Turkey) and in the case of "Deniz Feneri", a charity based in Germany;

#### *Cooperation on international and global issues*

51. Appreciates Turkey's efforts to contribute to a solution for many of the world's crisis regions, in particular in the Middle East and the South Caucasus, and also with regard to relations between Afghanistan and Pakistan; in particular, welcomes Turkey's active and constructive involvement, following the conflict between Russia and Georgia, aimed at promoting peace and stability in the South Caucasus, notably through its proposal for a Stability Pact; calls on the Council and the Commission to intensify cooperation with Turkey and to look for synergies in the EU's and Turkey's approach to these regions;
52. Congratulates Turkey on its election to the UN Security Council, and encourages the Turkish government to adopt an approach within the UN that is closely coordinated with the EU's position;
53. Welcomes the ratification of the Kyoto Protocol by the Turkish parliament;
54. Welcomes Turkey's continuous contribution to European Security and Defence Policy and NATO operations; regrets, however, that the NATO-EU strategic cooperation extending beyond the "Berlin Plus" arrangements continues to be blocked by Turkey's objections, which has negative consequences for the protection of the EU personnel deployed, and urges Turkey to set aside these objections as soon as possible;

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<sup>1</sup> European Commission: Action taken on Parliament's non-legislative resolutions – May II 2008.

55. Calls on the Turkish government to sign and submit for ratification the Statute of the International Criminal Court, thus further increasing Turkey's contribution to, and engagement in, the global multilateral system;

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56. 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, the governments and parliaments of the Member States and the Government and Parliament of the Republic of Turkey.