

**Working Paper, Austrian Institute for European Security Policy
August 2005**

The Political Criteria of Copenhagen and their application to Turkey

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An analysis and assessment by
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1. Fulfilment of the political criteria as a condition for the start of negotiations

In June 1993 the European Council of Copenhagen laid down the conditions (the so-called *Criteria of Copenhagen*) for the accession process of Central and Eastern European Countries to the EU.ⁱ

These single criteria are:

- (1) **The political criteria:** *"Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities."*
- (2) **The economic criteria:** *"The existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union."*
- (3) **The adoption of the *acquis communautaire*:** *i "Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union."*
- (4) **The fourth criterion laid down in Copenhagen is** *"The capacity of the Union to absorb new Member States while maintaining the momentum of the European integration process."*

In connection with the enlargement process the European Council of Helsinki of 10 and 11 December 1999 confirmed that all States willing to accede to the European Union have to share the values and goals of the European Union as stipulated in its Treaties. In addition the Council indicated that fulfilment of the political criteria set by the European Council (Copenhagen) is a pre-condition for the initiation of negotiations and that fulfilment of all the Criteria of Copenhagen is fundamental to an accession to the Union.ⁱⁱ

It was clearly stipulated by the European Union that fulfilment of the political criteria is a precondition for the initiation of accession negotiations with a candidate State. Measures in connection with fulfilment of the political criteria are not a subject of accession negotiations. The condition of fulfilment of the political criteria formulated by the EU is a legal and political consequence of the fundamental principles of the EU as laid down in Article 6 in the Treaty of the Union of Amsterdam and Nice.

Article 6 (1) TEU states: "**The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law; these values are common to all Member States.**"

As regards the values of the Union, Article 2 of the "Constitution for Europe" provides: "**The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights. These values are common to the Member States in a society of pluralism, tolerance, justice, solidarity and non-discrimination.**"

The decisions of Helsinki regarding fulfilment of the political criteria emphasize that the European Union is a Union **based on common values**, i.e. a community of laws and values. Candidate States therefore have to fulfil them completely before the start of negotiations.

The other criteria laid down in Copenhagen, above all the economic criteria and the assumption of the *acquis communautaire* of the Union are matters for the accession negotiations and only have to be fulfilled at the time of accession or afterwards, according to transitional regulations.

The values and principles of the EU are not only essential components of every Member State's legal system but also part of social reality. In the societies of all Member States of the Union there exists a common consensus regarding these values and principles, which are also part of practical life. Also in the new Central and Eastern European Member States a broad social consensus on European values exists, due to the painful experiences of the past communist regime.

In interpreting the political criteria as decided in Copenhagen on the one hand the legal situation as laid down in the applicable Union Treaties and on the other hand the standard of

practical implementation in the previous Member States (EU-15) must be fully considered . This establishes a benchmark for fulfilment of the political criteria for an accession candidate, both in the legislative and practical aspects and is binding on all EU Institutions, especially on the EU Commission as guardian of the treaties and the common interests of the Union and its citizens.ⁱⁱⁱ

Deviation from these principles and, as a consequence thereof, the dilution of the political criteria of Copenhagen puts the credibility of the European Union as a community of laws and values into question and could mean the end of the Union as a community of values because the EU would rob itself of its established benchmarks.

In connection with Turkey's candidacy for EU Membership, the European Council of Helsinki decided, in December 1999, that the criteria for accession, especially fulfilment of the political criteria before the start of accession negotiations, are also to be applied to Turkey.^{iv} In addition, the Council formulated other political conditions for Turkey's accession, such as the resolution of the existing conflict between the EU Member Greece and Turkey, and the Cyprus problem.

2. The EU Commission's Regular Reports on Turkey's progress towards accession for 2003 and 2004 – analysis and assessment

According to the mandate given to it by the European Council, the European Commission has published regular reports on Turkey's progress towards accession.

The European Council of Copenhagen of 12th and 13th of December 2002 took the decision with respect to Turkey's candidacy for EU membership that the European Council would decide on the opening of negotiations in December 2004 on the basis of a report and a recommendation of the Commission confirming that Turkey fulfills the political criteria.^v The Commission Report dated 6 October 2004 therefore constitutes the basis for the decision of the European Council to start accession negotiations with Turkey.^{vi}

The purpose of this study is to examine and analyze the question of whether Turkey has in December 2004 fulfilled the political criteria as a precondition for opening accession negotiations as laid down by the European Council in Helsinki. In analyzing and assessing the

said Report, the progress report of 5 November 2003 was also looked at.^{vii} To gain a better overall view of the reform measures undertaken by Turkey and the still existing implementation deficits ascertained, an overview was prepared which shows the most important measures resolved by Turkey in the areas of legislation and administration and also shows existing and ascertained implementation deficits, and reform measures not yet adopted. In describing the implementation deficits, both the progress reports of the European Commission for 2003 and 2004 and analyses by experts from European and American think tanks and NGOs were used.^{viii}

Overall, it has to be stated that the Regular Report 2003 confirms that Turkey has made "further impressive legislative efforts" but a number of other reform measures at a legislative and practical level, in particular in the areas of justice and the rule of law, human rights and protection of minorities as well as regarding political and civil rights are necessary. This also includes complete and effective implementation of the reforms. According to the opinion of many experts it will take substantial efforts and a considerable amount of time to fulfil the Copenhagen criteria.

In the Regular Report 2004 the Commission pointed out that the Turkish Parliament adopted two major constitutional reforms as well as eight legislative packages between February 2002 and autumn 2004. A new civil code and a new penal code were adopted and several implementation measures were introduced. Despite substantial progress, implementation of the reforms remains inconsistent. Laws on the reform of the administration were adopted but are blocked by a presidential veto. In the justice sector, state security courts were abolished; the legal bases for establishing courts of appeal were recently adopted. A new code of criminal procedure and a law regulating the criminal police and the prison regime are yet to be adopted. Although legal bases for measures against corruption were created, corruption still remains a serious problem in all sectors of the economy and public life.

The Commission Report clearly shows that additional measures for legal and practical implementation are necessary in the field of protection of human rights and fundamental freedoms including women's rights and religious freedom. Political change and changes in the legal system in the last three years are part of a major process and it will take some time before the spirit of the reforms will be realised nationwide at all levels of the executive and legal authorities. The authorities pursue a "zero tolerance policy" regarding torture. Torture no

longer occurs systematically but cases of mistreatment, including torture, are still frequent. Regarding free expression of opinion, many problems still remain and with respect to freedom of opinion the new penal code only constitutes limited progress. In the field of protection of minorities and the exercise of cultural rights, the prohibition on the use of the Kurdish and other languages was lifted, but these minority groups are still discriminated against considerably. Cultural rights in the field of broadcasting and training in minority languages are still considerably restricted.

The EU Commission's Regular Report 2004 is formulated in a careful and diplomatic manner, predominantly descriptive and not very analytical, but, in the interest of a objective description, it shows a large number of implementation deficits in the field of the political criteria of Copenhagen (more than two dozen). It also indicates that further reform measures both at legal and practical level are still required nationwide and that the adopted and future reforms have to be internalised in justice, administration and society. This can hardly be achieved in a short period of time. Sustainability of the reform measures is not guaranteed either. Regarding some important issues, problems are briefly addressed but neither discussed in detail nor dealt with in depth – e.g. the restrictions of freedom of religion or the Kurdish problem.

Reports by international experts and renowned international institutes and NGOs are clearer on many of these points.

Using a few examples we would like to show a certain vagueness of the Commission Report and some fundamental problems in connection with implementation of the reform measures.

2.1. Democracy and Constitution

Article 2 of the current Constitution of the Republic of Turkey lays down the characteristics of the Republic, namely that: "*The Republic of Turkey is a democratic, secular and social state governed by the rule of law; bearing in mind the concepts of public peace, national solidarity and justice; respecting human rights; loyal to the nationalism of Atatürk, and based on the fundamental tenets set forth in the Preamble.*"

Article 3 provides that "*The Turkish state, with its territory and nation, is an indivisible entity...*"

According to Article 5 "The fundamental aims and duties of the state are to safeguard the independence and integrity of the Turkish Nation, the indivisibility of the country"

The basic principles listed in the Preamble include the historical and ideal values of patriotism and nationalism, the principles and reforms, as well as the principle of civilisation of Atatürk.

The reports of the European Commission describe the parliamentary system of Turkey as a stable democracy which is based on effective public elections. The parliamentary elections on 3 November 2002 are considered to have been in line with international standards. In this context it has to be stated that Turkish electoral law provides that nationwide a minimum percentage of 10% of the votes is required for representation of a party in parliament, which means that large parts of the population are not represented in Parliament. The "Justice and Development Party" (AKP), winner of the elections on 3 November 2002, was able to achieve a constitutional majority of 66% of parliamentary seats with only 34.2% of the actual votes.^{ix} The second party represented in parliament, the Republican People's Party "CHP", with 19.4% of the votes achieved 34% of the seats nationwide. This means that 46% of the Turkish population, who voted for different parties, are not represented in parliament. The Turkish electoral system primarily discriminates against Kurdish parties, for which it is impossible to be represented in Parliament. For example, the Kurdish party "DEHAP" does not have a single member in parliament, although it won 6% of the votes nationwide and more than 45% in primarily Kurdish populated regions (5 out of 81 Turkish provinces).^x

Considering this fact, it becomes clear that the constitutional majority of the *Erdogan* government is based on only one third of Turkish voters. This raises the question of democratic legitimacy of a government, which almost two thirds of the population did not elect. The sustainability of the reform measures adopted under the *Erdogan* government can also be questioned, especially considering the fact that these measures have not definitely been internalised by Turkish society.

2.2. International Treaties, International Agreements and National Law:

Nationalism and the idea of absolute sovereignty are not only principles of the Turkish Constitution but are also reflected even in the relation between international law and international treaties and Turkish national law. The Turkish Constitution contains no

provision regulating the status of international law in relationship to (Turkish) national law, and there is no provision establishing the supremacy of international law over Turkish national law, as in EU Member States.

With the amendments to the constitution in May 2004 the supremacy of international human rights conventions (not international law in general) over national statutory regulations was laid down in the Turkish Constitution. In the case of conflicts of laws, Turkish courts have to apply the international human rights conventions. The Commission's Report believes this to be significant progress. In this context, it should be pointed out that due to the fact that Turkey has been a member to the Council of Europe for over 50 years (since 1950) it would have been obliged to fulfil the obligation of such an adaptation of the Turkish Constitution long ago.

2.3. The Rule of Law

The functioning of the rule of law in all EU Member States, legal security and equality before the law are important Community assets and also a basic requirement for the creation and the functioning of an area of freedom, security and justice in the European Union. In view of the legal framework conditions and the weaknesses and deficits in the fields of administration and the judiciary, Turkey cannot at present be described as a state governed by the rule of law according to the European standard. As a consequence, mutual recognition of regulations and decisions such as the European arrest warrant as an important instrument in the fight against terrorism is largely impossible. The principle of the mutual recognition of regulations is also a constitutive principle of the Single European Market.

In its report the European Commission pointed out that the principle of independence of the judiciary is anchored in the Turkish Constitution but is undermined by several constitutional regulations. An effective self-administration of the judges is not guaranteed, because of their total administrative dependence on the Ministry of Justice.

In addition, for the rule of law to function, a basic mental change of perspectives on the part of administrative and judicial bodies is necessary.

2.4. Human rights, fundamental rights and fundamental freedoms

The Commission Report clearly shows that additional measures for legal and practical implementation are necessary in the field of respect of fundamental freedoms and protection of human rights - including women's rights and the freedom of religion, which means that the political criteria of Copenhagen are not fulfilled here.

For several years there has been a State Minister for Human Rights in Turkey, and in 1997 a High Council for Human Rights was installed at the Prime Minister's Office. In 1950, Turkey became a member of the Council of Europe and joined almost all international and European human rights conventions, although mostly with reservations. The numerous condemnations of Turkey by the European Court of Human Rights show clear shortcomings and deficits of Turkey in the field of human rights and fundamental freedoms. Since October 2003, 162 judgments have been passed with regard to Turkey, and in 132 judgments infringements against the European Conventions on Human Rights were ascertained.

In its "Country Report on Human Rights Practices" 2003 and 2004, the US Department of State established serious breaches of human rights and fundamental rights in the field of political and civil rights. The pro-Kurdish People's Party HADEP was prohibited and efforts were undertaken to forbid the Democratic People's Party DEHAP. The report mentioned torture by police officers, political pressure, ill-treatment, and arbitrary imprisonment of human rights activists, journalists and lawyers, violence and permanent discrimination against women.^{xi}

According to the Commission's 2004 Report, torture does not occur systematically but several cases of ill-treatment are mentioned, including torture. In the first eight months of 2004 the "Human Rights Foundation" (Ankara) listed 597 complaints of torture and ill-treatment.^{xii} *Yuvas Önen*, representing the Human Rights Foundation, stated: "Torture continues throughout Turkey" and expressly pointed out that "torture is systematically used" and that "this is not the misbehaviour of certain individuals."^{xiii} The Turkish Advisory Council on Human Rights, established at the Prime Ministers office, speaks even of 692 cases of torture in the first six months of 2004.^{xiv}

The Turkish government is opposed to Turkish human rights organisations, which it repeatedly pressurises. Indeed there is no co-operation at all between the government and human rights organisations.^{xv}

The problems in connection with the enforcement of human rights as well as fundamental political and civil rights are described in detail in the annex.

The deficits in the field of human rights and fundamental freedoms are also reflected by the number of Turkish asylum seekers and the actual number of approved applications for asylum. In Germany, Turkey is no longer classified as a "safe third country". In 2003, 713 applications for asylum (out of 6.301) by Turkish citizens were allowed.^{xvi} In Austria the number of approved applications was 73 out of 2.839. The majority of applicants were Kurds from the Southeast of Turkey. Throughout the EU the number of recognized Turkish asylum seekers exceeds 2.000 per year.

In the country ratings of 2004, in which the human rights situation is assessed, the renowned U.S. organisation Freedom House classified Turkey only as a "partly free state" ("3.5"). The rating published by Freedom House is based on a scale of 1 to 7, where 1 indicates the best and 7 the poorest result. In the overall assessment, states with a rating between 1 and 3 are classified as "free", from 3-5.5 as "partly free" and of above 5.5 as "not free".^{xvii}

Comparison of Political Rights and Civil Liberties in 2004^{xviii}

	Political Rights	Civil Liberties	Total	Trend	Classification
EU-15	1.0	1.0	1.0	positive	free
MOE Round 1	1.0	1.8	1.0	stable	free
MOE Round 2	1.5	2.0	1.8	positive	free
Turkey	3.0	4.0	3.5	positive	partly free
Ukraine	4.0	4.0	4.0	stable	partly free

2.5. Freedom of Religion

The personal right of freedom of religion and conscience is, subject to certain limitations (Article 14), anchored in the Turkish Constitution in Article 24. One basic principle of the Turkish State – laicism - is also anchored in the Turkish Constitution. The Turkish concept of laicism does not correspond to laicism as it is understood in France or the separation of State

and religion as it is defined and applied in other EU Member States. Turkish laicism is no separation of state and religion, but rather the control, administration and instrumentalisation of the (Sunnite) Islam by the state.^{xix} Sunnite Islam was also systematically "turkified".

State control is exercised by way of an "State Authority for Religion", which is also responsible for construction and maintenance of mosques, for education and recruitment of the clergy (Imams) and for the general compulsory Sunnite religious education.

The almost 20 million Alevi who live in Turkey are still not recognised as a separate Muslim religious community. A secured legal status which they demand has always been denied to them and the so-called "Cem houses" have not been acknowledged as "places of worship" as mosques are. Separate religious education for Alevi children was not allowed. Instead, they have to attend compulsory Sunnite religious education.^{xx} The Commission report deals with the Alevi problem in only 16 lines and there is no in-depth analysis of the Alevi problem in the report.

The Treaty of Lausanne regulates the rights of the non-Muslim minorities in Turkey. The Treaty is always interpreted very restrictively by the Turkish, i.e. only Jews, Armenians and Greeks are acknowledged as a minority in the ethnic and religious sense. In Turkey the Catholic, United, Orthodox and Protestant churches are not recognised as religious minorities and actually have for decades existed in a lawless state. The legal position of Christians and their churches was indeed legally better secured under edicts of the "Tanzimat" reform of the 19th century.^{xxi} Today a small minority of about 100,000 Christians and 20,000 Jews out of 68 million citizens live in Turkey. Dioceses, rectories and religious institutions of the Catholic and other Christian minorities have no legal personality and their staff (bishops, priests, etc.) are not considered clergy. Furthermore, the ownership of real estate by churches is not recognised, but has to be registered under the name of an individual or foundation, and in the foundation's bodies there must be at least one representative of the religious authority, i.e. a Muslim. Furthermore, the legal framework conditions regarding religious education and the education of the clergy are still missing. Christian clergymen have difficulties obtaining residence permits. Christians and non-Muslim people, even if they are Turkish citizens, are often regarded as "suspicious foreigners" by Turkish society. These problems are partly dealt with in the 2003 and 2004 Regular Reports.

2.6. Minority rights:

2.6.1. Kurds

In 1918 Great Britain and France promised the right of self-determination to all the peoples of the Osman Empire and for the Kurds the Treaty of Sèvres even today symbolises the promise by the victorious powers of their own state. In the Peace Treaty of Lausanne 1923 any reference to the Kurds or Kurdistan was avoided and full sovereignty was granted to the Turkish state over the territory militarily held by it. In the Treaty of Lausanne only Armenians, Greeks and Jews were recognised as minorities.

About 12 to 15 million out of Turkey's 68 million inhabitants are Kurds, i.e. about 20% of the Turkish population. Every fourth Turk speaks Kurdish or is of Kurdish descent. In the course of the fight against the PKK about 40,000 people, 90% of whom belong to the Kurdish ethnic group, were killed in military operations between 1984 and 1999. To this date 3,500 Kurds are kept as political prisoners for "separatist activities". Between 1984 and 1999 about 2.4 million Kurds were displaced from their villages and since then have lived as refugees. According to Turkish information (report by a fact-finding commission of the Turkish National Assembly) 3,428 settlements composed of Kurds, Alevites, Armenians and Yezides were destroyed. Since the end of the state of emergency, village guardians have tried to keep displaced people from returning to their settlements and from returning villages and belongings to their legitimate owners.

The Turkish constitution regards the national territory and its people as an indivisible entity. For this reason there is only little leeway for a political solution of the Kurdish problem through the granting of autonomy or collective ethnic rights. The approach of the *Erdogan* government has so far consisted of conceding very restricted individual rights, such as lifting the ban on the use of the Kurdish language as well as broadcasting rights for radio and television which are very restricted as to time and content. Six private Kurdish schools have been permitted so far.

Continuation of the pending ban proceedings before the Constitutional Court against the Kurdish People's Party (DEHAP), the persecution of the party's officials as well as the oppression of Kurdish daily and weekly newspapers are clear indications of the attitude of the state machinery to suppressing the practice of Kurdish cultural rights.^{xxii}

2.6.2. Armenians

Before World War One, the Armenians were the largest non-Turkish minority. The 1915/16 genocide of the Armenians, in the course of which at least 1 million Armenians were killed, led to an "ethnic cleansing" of Anatolia. Moreover, 500,000 Assyrian Christians fell victim to the genocide. Turkish official quarters still deny the Armenian genocide and the "ethnic cleansing". Far from it, it is commonly taught in schools that no genocide has ever occurred.

3. Conclusions and recommendations of the Commission

Simultaneously with the 2004 Regular Report the European Commission adopted a Communication to the Council and the European Parliament giving a recommendation regarding the progress of Turkey on its way to accession.^{xxiii} These conclusions and recommendations essentially stated the following:

1. Turkey has substantially progressed in its political reform process, in particular by means of far reaching constitutional and legislative changes adopted over the last years [...]. However, the Law of Association, the new Penal Code and the Law on Intermediate Courts of Appeal have not yet entered into force. Moreover, the Code on Criminal Procedure, the legislation establishing the judicial police and the law on execution of punishments and measures are still to be adopted.
2. Turkey is undertaking strong efforts to ensure proper implementation of these reforms. Despite this legislation and implementation measures need to be further consolidated and broadened. This applies specifically to the zero tolerance policy in the fight against torture and ill-treatment and implementation of provisions relating to freedom of expression, freedom of religion, women's rights, ILO standards including trade union rights, and minority rights.
However the Communication does not deal in detail with the substantial shortcomings identified by the Regular Report.
3. The Commission stated that the irreversibility of the reform process and its implementation, in particular with regard to fundamental freedoms, will need to be confirmed over a longer period of time. Accordingly the Commission is of the opinion that the reform process needs to be monitored on an ongoing basis. As accompanying

measures the Commission proposes a yearly general review of the progress of political reforms. The Commission further proposes the suspension of the negotiations in the case of serious permanent breach of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law on which the Union is founded.

4. The Commission considers that Turkey sufficiently fulfils the political criteria and recommends the accession negotiations to be opened.
5. The only additional condition for starting accession negotiations laid down by the Commission is the entry into force or the adoption of the legislative measures still outstanding. However, the Commission does not make the start of negotiations subject to elimination of the large number of currently existing implementation deficits, which are even shown in the Regular Report itself.

4. Assessment of the Regular Report and the Commission's conclusions and recommendations

1. The conclusions and recommendations of the Commission are contradictory to the content of its Regular Report 2004, which showed a large number of actual shortcomings in the implementation of legal reforms concerning human rights, political rights and civil rights (freedom of opinion and religion, women's and minority rights, etc.). The Commission rather believes that Turkey's legislative reform measures as well as a number of reform measures which have been taken are sufficient for fulfilment of the Copenhagen criteria.
2. It is striking that the only condition for commencement of accession negotiations set by the Commission is the carrying out of further legislation but not the practical and sustainable remedy of the deficits shown in the 2004 Regular Report.
3. This approach is all the more questionable as a number of reports from human rights organisations and other NGOs precisely show serious deficits in the fields of human rights and fundamental political, economic and religious rights. The Country Reports

on Human Rights Practices 2003 and 2004 drawn up by the Bureau of Democracy at the US State Department also highlights numerous shortcomings in this area. In this regard it also seems significant that the Freedom House Report 2004 gives Turkey's fundamental rights situation a rating of 3.5 (partly free), whereas the EU-15 are all given a 1 rating and some of the EU-25 1.5 (free).

4. The Commission's conclusion that Turkey fulfils the political criteria of Copenhagen, therefore, cannot be sustained by the prevailing facts. Apparently the Commission aims at making a (foreign)-policy based recommendation and in so doing rather focuses on Turkey's development rather than on the effects on the European Union as a community of values and laws.
5. In this context it has to be stated that the conclusions and recommendations of the Commission display a clear dilution of the hitherto established standards in the field of political criteria. They also conflict with the Council resolution passed in Helsinki in December 1999, which explicitly stated that **the political criteria needed to be complied with by a candidate State prior to the opening of accession negotiations.** This is not the case as regards Turkey.
6. If the EU wants to prevent itself from losing its credibility as a community of values and laws as defined in its treaties (Art. 2 and 6 (1) TEU), the standard achieved by itself and its Member States must be maintained. The benchmark for such standard can only be the standard actually implemented by the EU-15, whereas it cannot be based on the possibly lower standard of a candidate country. The Commission, as the guardian of the treaties and of the common interests of the Union and its citizens would have above all the task and the responsibility to safeguard the political standard set by the EU itself and applied by its 15 Member States in the interest of the EU and its Member States instead of single-handedly reducing the established standards out of political considerations.
7. The values and principles of the EU are not only essential components of every Member State's legal system but also part of social reality. Now if the Commission as the guardian of the treaties and the common interests of the Union and its citizens^{xxiv}

starts diluting the values and principles of the EU and its members, it will undermine the confidence citizens have in the European legal system and institutions.

Looking at the Commission's conclusions and recommendations in the light of the values and principles as they were defined in the Union treaties and taking the current standards as a benchmark, Turkey has not sufficiently fulfilled the Copenhagen criteria. This prerequisite, as defined by the European Council of Helsinki in December 1999 as a basic condition for the opening of negotiations, is therefore not fulfilled.

Turkey and the political criteria of Copenhagen

Reform measures and implementation deficits – Overview

2004 Regular Report of the European Commission on Turkey's progress towards accession:	2003 Regular Report of the European Commission on Turkey's progress towards accession:
4.1. PARLIAMENT	
<p>Reform measures:</p> <ul style="list-style-type: none"> • Accession to UN Covenant on Civil and Political Rights • Accession to UN Covenant on Economic, Social and Cultural Rights with reservations • Primacy of international and European human rights conventions over national law enshrined in the constitution • July 2004: legislative package Reforming Public Administration passed; goal: achieving a higher degree of decentralisation • Since October 2003: 261 new laws (8 Legislative packages): Law on the National Security Council (NSC), Law on Public Financial Management and Control, Law on Banking, Law on Juvenile Courts, the Law on establishing the Intermediate Courts of Appeal, 8th Harmonization Package implementing the Constitutional Amendments of May 2004, Law on Social Insurance, Law on Associations, new Penal Code (September 2004) • Free and democratic elections <p>Deficits:</p> <p>EU Commission:</p> <ul style="list-style-type: none"> - <i>“Neither the Law on Association, nor the Penal Code, nor the Law on Intermediate Courts of Appeal has come into force.”</i> - <i>“... a draft new Code of Criminal Procedure and a draft Law on Execution of Punishment remain to be adopted;”</i> <p>Independent Experts:</p> <ul style="list-style-type: none"> ❖ <i>Implementation of laws partly questionable!</i> ❖ <i>President vetoed administration and education reforms (Islamic Imam-Hatip schools) 8 times in 2003-2004</i> ❖ <i>European Social Charter not ratified</i> ❖ <i>Framework Convention for National Minorities not ratified</i> 	<ul style="list-style-type: none"> • Amendments to the constitution (Article 76, right to be elected) • Legislative changes: Parliament adopted 143 new laws and ratified several international and European conventions
4.1.1. GOVERNMENT MEASURES - ADMINISTRATION	
<p>Reform measures:</p> <ul style="list-style-type: none"> • Reform Monitoring Group with Secretariat set up by the government • January 2003: Action plan for modernisation of the administration • September 2003: Monitoring group (human rights) <p>Deficits:</p> <p>EU Commission:</p> <ul style="list-style-type: none"> - <i>“Apart from the law on Metropolitan Municipalities, the reforms could not enter into force as several</i> 	<ul style="list-style-type: none"> • National Programme for the Adoption of the <i>acquis communautaire</i> (July 2003) • The goal of EU accession has been amongst the new single-party government's main priorities • Setting up of a Reform Monitoring Group

<p><i>articles ... of the administration reform were vetoed by the President." (p. 21)</i></p> <ul style="list-style-type: none"> - <i>In connection with the implementation of the reform, regulations were adopted and/or measures were taken which restricted the reforms strongly (e.g. radio and television broadcasting in languages other than Turkish)</i> <p>Independent Experts:</p> <ul style="list-style-type: none"> ❖ <i>Implementation of the administration reform is questionable</i> 	
<h2>5. MILITARY – NATIONAL SECURITY COUNCIL (NSC)</h2>	
<p>Reform measures:</p> <ul style="list-style-type: none"> • January 2004: a regulation was adopted implementing previous legislative changes of July 2003 • Strengthening of the advisory quality of the NSC • Military representatives have been removed from the Education and Audio-Visual Board • NSC no longer manages special funds (now controlled by the prime minister) • First civilian Secretary General of the NSC (strengthening of civil control) • Enhanced transparency of (cut!) defence expenditure (control by the court of auditors) <p>Deficits:</p> <p>EU Commission:</p> <ul style="list-style-type: none"> - <i>"The armed forces in Turkey continue to exercise influence through a series of informal mechanisms" (p. 23)</i> - <i>"National security" defined in such broad terms that it could ... be interpreted as covering almost every policy area." (p. 23)</i> <p>Independent Experts:</p> <ul style="list-style-type: none"> ❖ <i>Civilians can also in future be tried before military courts.</i> 	<ul style="list-style-type: none"> • Fundamental changes to the tasks and functioning of the NSC; competences of the armed forces heavily restricted (July 2003). • The Armed Forces continue to enjoy a substantial degree of autonomy with respect to the defence budget and to public procurement in the defence-related area. • In addition, the armed forces in Turkey exercise significant influence through a series of informal mechanisms. • Representatives of the NSC are represented in the High Audio-Visual Board (RTÜK) and the High Education Board (YÖK)
<h3>5.1.1. LEGAL SYSTEM/JUDICIARY</h3>	
<p>Reform measures:</p> <ul style="list-style-type: none"> • The State Security Courts have been abolished and replaced by Regional Serious Felony Courts; jurisdiction over organised crime, drug trafficking, terrorist offences (May 2004) • Right to be represented by a lawyer embodied in the law • Justice Academy established • New law on juvenile courts • Many indictments according to Articles 159, 169, 312 of the Penal Code and Article 7 of the Anti-Terror Law led to acquittal of defendants <p>Deficits:</p> <p>EU Commission:</p> <ul style="list-style-type: none"> - <i>"...of those accused of crimes related to the State Security Courts in the first quarter of 2004, only 46%</i> 	<ul style="list-style-type: none"> • Numerous changes to strengthen the efficiency and EU-conformity of the judiciary; • A Reform Monitoring Group was set up; • Amendment to the Code of Civil Procedure and the Code of Criminal Procedure to introduce the right to appeal in cases of ECHR violations; • Numerous deficits are listed, which means that further intensive implementation efforts (e.g. strengthening of rights of the defence) are necessary; • Enormous backlog of open files; • Procedural reforms Articles 312, 159, 8 Anti-Terror Law; • Inconsistent use of articles of the Penal Code when applied to cases related to freedom of

<p><i>requested and were given access to their lawyers...” (p. 35)</i></p> <ul style="list-style-type: none"> - <i>“... numerous cases of ill-treatment including torture still continue to occur”</i> - <i>“... the courts have used other Articles to prolong the confiscation order despite the repeal of Article 8.”</i> - <i>“...in general trials last for long periods ...” (p. 26)</i> - <i>“... only 16 juvenile courts have been established.” (p. 25)</i> <p><i>Independent Experts:</i></p> <ul style="list-style-type: none"> ❖ <i>unlawful killings, torture, beatings and abuse by security forces</i> ❖ <i>harassment by the police</i> ❖ <i>inadequate prison conditions</i> ❖ <i>judicial independence formally guaranteed but no legal protection against discharge or transfer (no judicial autonomy)</i> 	<p>expression (broad use made by Article 312 and 169 of the Penal Code as well as Article 7 of the Anti-Terror Law);</p> <ul style="list-style-type: none"> ● Lack of intermediate courts of appeal (Supreme Court still functions as court of appeal); ● Possibility of removal and transfer of judges
<p>5.1.2. CORRUPTION</p>	
<p><u><i>Reform measures:</i></u></p> <ul style="list-style-type: none"> ● Turkey joined the Group of States against Corruption (GRECO, January 2004) ● UN Convention against Corruption ratified ● OECD Convention on Combating Bribery ratified ● Parliament agrees to bring the former State Ministers before the High Tribunal (July 2004); ● Parliamentary report on corruption cases involving former members of the government was published; (July 2003) ● The scope of Parliamentary immunity was identified as a problem <p><u><i>Deficits:</i></u></p> <p><i>EU Commission:</i></p> <ul style="list-style-type: none"> - <i>“... no development in limiting the scope of Parliamentary immunity” (p.28)</i> - <i>“... corruption remains a very serious problem in Turkey.”</i> - <i>“The efficiency and effectiveness of various governmental, parliamentary and other bodies established to combat corruption remain a matter of concern.” (p.29)</i> <p><i>Independent Experts:</i></p> <ul style="list-style-type: none"> ❖ <i>Cases of corruption of judicial authorities</i> 	<ul style="list-style-type: none"> ● Turkey has ratified the Civil Law Convention on Corruption, but still ● Corruption occurs at a high level;
<p>5.1.3. HUMAN RIGHTS CONVENTIONS</p>	
<p><u><i>Reform measures:</i></u></p> <ul style="list-style-type: none"> ● Turkey ratified most of the important international and European Conventions, although in some cases with reservations ● UN International Covenant on Civil and Political Rights ratified ● UN International Covenant on Economic, Social and Cultural Rights ratified with reservations ● Protocol No. 6 ECHR (Protection of Human Rights) ● UN Convention on the Elimination of Racial Discrimination 	<ul style="list-style-type: none"> ● July 2002: UN Covenants (civil, political, social, economic rights) ratified with reservation ● Turkey <i>did not</i> ratify the Council of Europe's Convention for the Protection of Minorities

<p>ratified</p> <ul style="list-style-type: none"> • European Convention on the Rights of the Child ratified • UN Convention on the Elimination of All Forms of Discrimination against Women ratified • Turkey strengthened its efforts for implementation of judgments of the European Court of Human Rights <p><u>Deficits:</u></p> <p><i>EU Commission:</i></p> <ul style="list-style-type: none"> - <i>“Since October 2003, the European Court of Human Rights (ECHR) has delivered 161 judgments concerning Turkey. On 132 occasions the Court found that Turkey had violated the ECHR, ... 2,934 new applications regarding Turkey were made to the ECHR” (p.30)</i> - <i>“388 individuals filed complaints of human rights violations from January to June 2004. Their complaints concerned, inter alia, torture and ill-treatment and the right to liberty and security. The independence of the Boards has been brought into question ...” (p. 31)</i> - <i>“In June 2004 the Parliamentary Assembly of the Council of Europe noted that ...the ECHR decisions had not been implemented ...” (p. 31)</i> - <i>“The Parliamentary Human Rights Investigation Committee ... received 791 complaints between October 2003 and June 2004; of these, 322 have been dealt with.” (p.32)</i> - <i>The gendarmerie's Human Rights Violations Investigation and Assessment Centre ... as of August 2004 had received 339 applications.” (p. 32)</i> 	
<p>5.1.4. <i>ENFORCEMENT OF HUMAN RIGHTS</i></p>	
<p><u>Reform measures:</u></p> <ul style="list-style-type: none"> • Human rights bodies and committees were established • Significant progress in bringing legal framework conditions for fundamental freedoms in line with European Standards • The principle of gender equality between men and women was strengthened and reduced sentences for so-called “honour killings” were removed • New Penal Code brings rights further equality, especially concerning women’s rights; improvements in the field of discrimination against women <p><u>Deficits:</u></p> <p><i>EU Commission:</i></p> <ul style="list-style-type: none"> - <i>“... the impact of these bodies has as yet been very limited” (p. 32)</i> - <i>“Turkey still lacks legislation against discrimination on ... grounds, such as racial and ethnic origin, The ... report under the UN Convention on the Elimination of All Forms of Racial Discrimination, which was due in October 2003, has still not been received by the UN.” (p. 33)</i> 	<ul style="list-style-type: none"> • Human rights bodies and committees were strengthened • No comprehensive strategy for protection against discrimination • EU anti-discrimination acquis still to be implemented • Judgments of the ECHR are <i>not</i> executed • Additional protocol No. 12 of the ECHR not yet ratified

<p><i>Independent Experts:</i></p> <ul style="list-style-type: none"> ❖ <i>ECHR condemnations of Turkey because of wrongful deprivation of personal liberty, deprivation of rights like freedom of opinion;</i> ❖ <i>Progress in the fight against discrimination; however, additional protocol No. 12 EHRC not yet ratified</i> ❖ <i>Lawyers who defend their clients against accusations of terrorism, illegal party membership or torture or who seek direct contact to their clients are harrassed</i> 	
<p>5.1.5. ABOLITION OF DEATH PENALTY:</p>	
<p><u>Reform measures:</u></p> <ul style="list-style-type: none"> ● Second optional protocol on the abolition of the death penalty ratified (April 2004) ● Protocol No. 13 ECHR signed (April 2004) 	<ul style="list-style-type: none"> ● Death penalty abolished in August 2002 (exception: war or immediate war risk) ● Additional protocol of the ECHR ratified, Council of Europe not yet notified (July 2003)
<p>5.1.6. TORTURE</p>	
<p><u>Reform measures:</u></p> <ul style="list-style-type: none"> ● Further efforts in the fight against torture and mistreatment have been undertaken, such as, e.g., life imprisonment <p><u>Deficits:</u></p> <p><i>EU Commission:</i></p> <ul style="list-style-type: none"> - <i>“In the first 6 months of 2004 the Turkish Human Rights Association received 692 complaints related to torture, a 29% decrease on the first six months of 2003. However, the number of complaints related to torture outside of formal detention centres has increased considerably as compared with 2003.... such practise remains a problem.” (p. 34)</i> - <i>“Following allegations of “systematic” torture in Turkey the Commission undertook a fact finding mission in September 2004 ... confirms that the Government is seriously pursuing its policy of zero tolerance in the fight against torture; no systematic torture anymore but numerous cases of torture and ill-treatment” (p. 35)</i> - <i>“... a number of recommendations of the Council of Europe’s Committee for the Prevention of Torture and Ill-Treatment (CPT) and UN bodies ... have still not been followed up” (p. 33)</i> - <i>“Concerns remain that despite reforms prosecutors are not always promptly and adequately conducting investigations against public officials accused of torture.” (p. 34)</i> - <i>“The use of torture methods such as suspension by the arms and electric shocks is now very rare, although in some police headquarters such methods were reported. Less detectable methods of torture or ill-treatment still occur.” (p.35)</i> <p><i>Independent Experts:</i></p> <ul style="list-style-type: none"> ○ In practice almost no convictions for torture 	<ul style="list-style-type: none"> ● Legal system close to European standards ● Obligation to “zero tolerance policy“: number of torture cases only decreased ● Article 243 (torture), Article 245 (ill-treatment) of the Penal Code amended ● Important court decisions on conviction of torturers; but concerns against these judgments exist ● Punishment is inappropriately severe ● Pressure is applied to doctors ● “Refined methods of torture“ (German Federal Foreign Office) ● “Systematic torture” (Human Rights Foundation) ● Reports on disappearance of persons, ill-treatment, arbitrary detention, excessive violence against demonstrators

<p>6. PRISONS</p>	<p>7.</p>
<p><u>Reform measures:</u></p> <ul style="list-style-type: none"> • The prison system has continued to improve although • isolation in high-security prisons is still a serious problem <p><u>Deficits:</u></p> <p><i>EU Commission:</i></p> <ul style="list-style-type: none"> - "...use of excessive violence during the transfer of prisoners ... in March 2004 a court found that the state had been at fault with regard to the death of a prisoner..." "...prisoners do not get appropriate medical treatment..." (p. 36) - "... although the isolation of prisoners remains a serious problem." (p. 36) - 	<ul style="list-style-type: none"> • Reform of the prison system was continued; prisoners are granted more rights • In practice, prosecutors not properly informed about prison conditions • In practice, the right to be represented by a lawyer is not always granted • Working methods of State Security Courts not in line with European standard (human rights, rights of legal defence)
<p>8. FREEDOM OF EXPRESSION, FREEDOM OF ASSOCIATION, FREEDOM OF THE PRESS</p>	
<p><u>Reform measures:</u></p> <ul style="list-style-type: none"> • Since January 2004, 103 judgments have contained a reference to Article 10 of the ECHR • Since 2002 restriction on freedom of expression abolished by amendments to the Penal Code, Anti-Terror Law and Press Law • A new – more liberal - Press Law was adopted in June 2004 • Headlines, documentaries and sports news in Bosnian, Arabic, Circassian, and the Kurdish dialects Kirmanci and Zaza in Turkish Radio • A new regulation was passed in January 2004 which established the possibility for private national television to broadcast in languages other than Turkish (strictly limited) <p><u>Deficits:</u></p> <p><i>EU Commission:</i></p> <ul style="list-style-type: none"> - <i>June 2004: The Committee of Ministers of the Council of Europe adopted an Interim Resolution on freedom of expression and noted in particular that Article 6 of the Anti-Terror Law violates against Article 10 of the EHRC</i> - <i>"...there are still a significant number of cases where non-violent expression of opinion is being prosecuted and punished." (p. 37)</i> - <i>"...violations of the freedom of expression as a result of the application of Article 6 of the Anti-terror Law are still a concern ... a journalist was sent to prison in May 2004 on the basis of the 1951 Law on Crimes against Atatürk" (p. 39)</i> - <i>"... numerous provisions in different laws can still be interpreted to unduly restrict freedom of expression and prosecutors continue to open criminal proceedings against those expressing non violent opinion."</i> - <i>"... the frequency of prosecutions against journalists is a cause of concern."</i> - <i>"Reports suggest ... that human rights defenders, including human rights associations, are still subject to harassment by judicial means."</i> - <i>"The Law on Political Parties was amended, limiting the possibility for parties to be dissolved. However, in</i> 	<ul style="list-style-type: none"> • Numerous restrictions abolished, but excessive violence against non-violent demonstrators • In some cases prosecution of members of human rights associations • Use of alternative regulations of the Penal Code (Article 312 and 169) and of the Anti-terror Law (Article 7) • Reforms concerning languages other than Turkish have shown no results • December 2002: Regulation adopted which permits TRT to broadcast in traditional dialects spoken by Turks, but no implementation

<p><i>the last five years, <u>two important political parties were banned</u>, including the main opposition party in 2001. Several provisions of the law fall short of European standards.”</i></p> <ul style="list-style-type: none"> - <i>“While such progress is significant, there are still <u>considerable restrictions on the exercise of cultural rights</u>, including in the areas of <u>broadcasting and education</u>.” (p. 18)</i> - <i>“... the requirement to respect the principle of “the indivisible unity of the state”, remain[s] unchanged. The ban on children’s programmes is maintained.” (p. 40)</i> - <i>“... there are still a significant number of cases where non-violent expression of opinion is being prosecuted and punished.”</i> <p>Independent Experts:</p> <ul style="list-style-type: none"> ❖ <i>Closing of editorial offices of newspapers, punishment for commentaries published 10 year ago</i> ❖ <i>Strict internet censorship</i> ❖ <i>Restriction on the freedom of expression of 82 newspaper correspondents; 8 journalists detained in 2003</i> ❖ <i>Excessive fines imposed on the basis of the Broadcasting Law</i> ❖ <i>Beatings of and violence against demonstrators</i> ❖ <i>Arresting of teachers who mentioned the Armenian genocide at school</i> ❖ <i>Serious penalties imposed / cancellation of broadcasting licences under the Broadcasting Law</i> ❖ <i>Closing down of “Cine Television” for 1 month for broadcasting the same speech as TRT</i> 	
<h2>9. FREEDOM OF ASSOCIATION</h2>	
<p>Reform measures:</p> <ul style="list-style-type: none"> ● Numerous restrictions on the freedom of association lifted, but <p>Deficits:</p> <p>EU Commission:</p> <ul style="list-style-type: none"> - <i>Significant restrictions for the civil society, in particular for human rights defenders (p. 40). “... between October 2003 and August 2004, 98 court cases and investigations were launched against the Turkish Human Rights Association” (p. 42)</i> 	<ul style="list-style-type: none"> ● Restrictions on the right to assembly cancelled by way of the 4th and 7th reform package ● Numerous proceedings (about 500) against human rights organisations initiated
<h2>10. FREEDOM OF RELIGION</h2>	
<p>Reform measures:</p> <ul style="list-style-type: none"> ● Freedom of religion guaranteed in the Constitution <p>Deficits:</p> <p>EU Commission:</p> <ul style="list-style-type: none"> - <i>“Alevis [10 to 12 millions] are not officially recognised as a religious community.” (p. 44)</i> - <i>“... although freedom of religious belief is</i> 	<ul style="list-style-type: none"> ● Changes had no effects ● Freedom of religion is seriously restricted compared to European standards ● Acquisition of property: Regulation adopted in January 2003: non-Muslim foundations require a permission from the Directorate General for Foundations instead of from the Council of Ministers ● All religious communities are excluded which are

<p><i>guaranteed in the constitution ...many [Christian] communities continue to experience problems related to legal personality, property rights, training of clergy, schools and internal management.” (p. 18 and 43)</i></p> <ul style="list-style-type: none"> - <i>“Given the religious communities’ lack of a legal status, their existing properties are permanently at risk of being confiscated ...” (p. 43)</i> <p>Independent Experts:</p> <ul style="list-style-type: none"> ❖ <i>Restrictions on the freedom of movement of religious minorities and</i> ❖ <i>Restriction on the activities of some parties and politicians</i> ❖ <i>Religious harassment and intolerance, bombardment of 2 synagogues, devastation of a protestant church</i> 	<p>not able to establish foundations, such as the Catholic and the Protestant community</p> <ul style="list-style-type: none"> • Ban on clerical education for religious minorities still remains • Deputy head of religious minority schools must be a Muslim appointed by the Ministry of National Education
<h2>11. WOMEN`S RIGHTS</h2>	
<p><u>Reform measures:</u></p> <ul style="list-style-type: none"> • Principle of equality between man and woman has been strengthened • Life sentences for “honour killings” • Virginity testing only possible with court order • Sexual assault within marriage becomes a criminal offence; <p><u>Deficits:</u></p> <p>EU Commission:</p> <ul style="list-style-type: none"> - <i>“... on the ground, violence against women remains a serious problem.” (p. 18)</i> - <i>“Many women are subjected to various forms of <u>physical and psychological violence within the family. These include sexual abuse, forced ... marriages, ..., polygamy, trafficking and “honour killings.” (p. 45)</u></i> 	<ul style="list-style-type: none"> • Abolition of reduced sentences for „honour killings“ (Article 462 Penal Code), but • “Extreme provocation” (Article 51 Penal Code) remains • Violence against women is widespread • Gender equality (Article 1(2) and Article 20 European Social Charter) is not fulfilled • Equal sharing of goods acquired during marriage not fulfilled
<h2>12. CHILDREN`S RIGHTS</h2>	
<p><u>Reform measures:</u></p> <ul style="list-style-type: none"> • Report on the implementation of the UN Convention on the Rights of the Child has still not yet been received by the UN <p><u>Deficits:</u></p> <p>EU Commission:</p> <ul style="list-style-type: none"> • <i>“... <u>child labour</u> remains an issue of serious concern” (p. 18,46)</i> 	<ul style="list-style-type: none"> • Child labour is widespread

13. MINORITY RIGHTS

Reform measures:

- **The ban on the use of the Kurdish language** was lifted through a constitutional amendment
- **Language courses, TV, broadcasting in languages other than Turkish and dialects like Kurdish, Arabic and Bosnian have started**
- Greater tolerance towards cultural activities in the Southeast
- The emergency rule has been completely lifted in 2002

Deficits:

EU Commission:

- *“While such progress is significant, there are still considerable restrictions on the exercise of cultural rights, including in the areas of broadcasting and education.” (p. 18)*
- *“A new regulation was published in January 2004 which established the possibility for private national television and radio channels ... to broadcast in languages other than Turkish. ... It sets strict time limits for broadcasts in other languages (for television, four hours per week, not exceeding 45 minutes per day and for radio, five hours per week, not exceeding 60 minutes per day).” (p. 39)*
- *“... the requirement to respect the principle of “the indivisible unity of the state”, remain[s] unchanged. The ban on children’s programmes is maintained.” (p. 40)*
- *“A number of obstacles, including the village guard system ... currently prevent displaced people from returning to their villages.”*

- Only those ethnic minorities are recognised **that are mentioned in the Treaty of Lausanne of 1923** (only Jews, Armenians and Greeks)
- **Minorities** not mentioned in the Treaty of Lausanne may **not establish schools**; slow implementation of the reforms; political resistance
- **Roma** are considered “wandering gypsies” and no immigrants

ⁱ European Council, Copenhagen, June 21-22 1993, Presidency Conclusions, 7. A. iii)

ⁱⁱ European Council, Helsinki, December 10-11 1999, Presidency Conclusions, 4.

ⁱⁱⁱ Role of the European Commission, http://europa.eu.int/comm/role_en.htm.

^{iv} European Council, Helsinki, December 10-11 1999, Presidency Conclusions, 12.

^v European Council, Copenhagen, December 12-13 1993, Presidency Conclusions, 19.

^{vi} Commission of the European Communities: Regular Report on Turkey’s Progress towards accession 2004, (COM(2004)656 final).

^{vii} Commission of the European Communities: Regular Report on Turkey’s Progress towards accession 2003.

^{viii} US Department of State, Bureau of Democracy, Human Rights and Labour: Turkey, Country Report on Human Rights Practices 2003 (February 25 2004) and 2004 (February 28 2005), Washington D.C.; Advisory Council on International Affairs; Follow-up Report: Turkey, towards Membership of the European Union, No. 37, The Hague, July 2004, pp. 13-19;

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- Human Rights Watch: Eradicating Torture in Turkey's Police Stations, Analysis and Recommendations, Human Rights Watch Briefing Paper, September 2004;
- Amnesty International: Urgent action of 20 July 2004 on Turkey, Torture and ill-treatment;
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- Freedom House: *Freedom in the World 2004*, Selected Data from Freedom House's Annual Global Survey of Political and Civil Liberties.
- ^{ix} Centre for European Policy Studies: *EU-Turkey Working Papers*, No. 2, Brussels, August 2004, p. 11.
- ^x Centre for European Policy Studies: *EU-Turkey Working Papers*, No. 2, Brussels, August 2004, p. 39; OSCE/ODHIR Assessment Report: *Republic of Turkey, Parliament Elections 3 November 2002*, Warsaw, 4 December 2002, 7.
- ^{xi} US Department of State, Bureau of Democracy, Human Rights and Labour: *Turkey, Country Report on Human Rights Practices 2003* (February 25 2004) and *2004* (February 28 2005), Washington D.C..
- ^{xii} Human Rights Watch: *Eradicating Torture in Turkey's Police Stations, Analysis and Recommendations*, Human Rights Watch Briefing Paper, September 2004.
- ^{xiii} *Süddeutsche Zeitung*: *EU prüft die Menschenrechtslage*, 9. September 2004.
- ^{xiv} *Die Presse*, 692 Folterfälle in sechs Monaten, 22. Oktober 2004.
- ^{xv} Nowak, Manfred: *Human Rights in Turkey*, Presentation on October 28 2004 at the Diplomatic Academy Vienna on the occasion of an International Symposium on "Turkey – Austria – The European Union";
- ^{xvi} Rachel, Thomas MdB: *EAK fordert von Parlamentarischer Versammlung des Europarates die Fortsetzung des Menschenrechts-Monitorings der Türkei*, Pressemitteilung, unter: <http://thomas-rachel.de/>
- ^{xvii} Freedom House: *Freedom in the World 2004*, Selected Data from Freedom House's Annual Global Survey of Political and Civil Liberties.
- ^{xviii} Quaisser, Wolfgang / Repegather, Alexandra: *EU-Beitrittsreife der Türkei und Konsequenzen einer EU-Mitgliedschaft*, Osteuropa-Institut München, Working Paper Nr. 252, January 2004, p. 8.
- ^{xix} Goulard, Silvie: *Le Grand Turc et la République de Venise*, Paris 2004;
- The Economist*: *Taith in Europe. Turkey, the EU and religion*, 18 December 2004, p. 14: "The Turkish republic is not as sacular as it seems. To become European, it will have to change."
- ^{xx} Alevitische Union Europa (AABK): *Bericht zum Alevitentum in der Türkei und in den EU-Ländern*, Köln, Juni 2004; Interview mit Vertretern der Alevitischen Gemeinde Österreichs am 24. September 2004 in Wien. Ministerpräsident Erdogan gegenüber dem Generalsekretär der alevitischen Gemeinde Deutschlands im September 2003: „Das Alevitentum ist keine Religion. Cem-Häuser dürfen nicht mit Moscheen verglichen werden. Die Moschee ist ein Gebetshaus, das Cem-Haus ist aber ein Kulturhaus.“
- ^{xxi} See: Common letter of the greek-orthodox, armenian, syrian and roman-catholic churches of 23 September 2003, addressed to the Human Rights Commission of the Turkish National Assembly.
- ^{xxii} Gesellschaft für bedrohte Völker Österreich: *Zur aktuellen Menschenrechtssituation in der Türkei*, Pressemitteilung vom 4. Oktober 2004; Gesellschaft für Bedrohte Völker: *Türkei und Menschenrechte, Sonderweg am Bosphorus, Pogrom Bedrohte Völker*, Nr. 4/2004.
- ^{xxiii} Commission of the European Communities: *Communication from the Commission to the Council and the European Parliament, Recommendation of the European Commission on Turkey's progress towards accession*, 6 October 2004, COM(2004)656 final.
- ^{xxiv} Role of the European Commission, http://europa.eu.int/comm/role_en.htm.