



SUBCOMMITTEE ON HUMAN RIGHTS

- The Secretariat -

Note for the File on the human rights and political criteria aspects of the proposal by the Commission regarding the Accession Partnership 2005 with Turkey

The Accession Partnership for Turkey 2005 is based on the longstanding model for Accession Partnerships since 1998 and prescribes in relative detail short-term and medium-term priorities to be implemented by Turkey.

As usual short-term priorities are deemed to be fulfilled within one to two years and medium-term priorities to be accomplished within a timeframe of three to four years.

Within the short-term priorities the emphasis on the "Enhanced political dialogue and political criteria" in the Accession Partnership is demonstrated by the fact that this section covers nearly **four pages out of a total of eight and a half pages**.

This already indicates the emphasis that the Commission puts on the fulfilment of the political criteria. The Commission in this sense follows the demands of the European Parliament as well as the European Council.

Some of the politically most significant priorities revolve around:

- The reform of the judicial system: here the priorities demand consistent interpretation of legal provisions in line with European Convention on Human Rights and its related case law as well as that Turkey should ensure equality of arms between prosecution and defence during criminal proceedings.
- The observance of international human-rights law: here the priorities include that Turkey needs to implement legal provisions on the right to retrial in line with judgements of the European Court of Human Rights.

This point refers in particular to the problematic "Öcalan"-gap in the relevant legislation of Turkey which excludes retrials as demanded by the European Court of Human Rights for trials which were pending before the European Court of Human Rights prior to 4 February 2003.

- The Prevention of torture and ill-treatment: here the priorities include the intensification of the fight against impunity and in line with Parliament's demands the ratification of the optional protocol to the UN Convention against torture which provides for the establishment of a system of independent monitoring of detention facilities.

- The freedom of expression, association and peaceful assembly: here the priorities include the implementation of measures to prevent the excessive use of force by security force when faced with a case of peaceful assembly.
- The freedom of religion: here the priorities include adopting a law comprehensively addressing all the difficulties faced by non-Muslim religious minorities and communities - this relates to the law on foundations currently for debate in the Turkish Parliament.
- The women's rights: here the priorities include establishing shelters for women at risk of violence in all larger municipalities.
- Minority rights, cultural rights and the protection of minorities: here the priorities include ensuring effective access to broadcasting in languages other than Turkish in particular with regard to local and regional private broadcasters. - This is a direct demand to RTÜK, the Turkish TV and radio broadcasting board, to no longer protract giving licences to broadcasters who want to broadcast in Kurdish.
- The situation in the East and in the Southeast: here the priorities include abolishing the village guard system in the Southeast and to facilitate the return of internally displaced persons to their original settlements as well as to ensure a fair and speedy compensation to people who suffered loss and damage in the Southeast as a result of the security situation.

This last point relates in particular to the problematic and extremely slow implementation of the law on compensation in Turkey.

- Cyprus: here the priorities include that Turkey needs to fully implement the protocol adapting the Ankara agreement to the accession of the 10 new EU member states including Cyprus; and that Turkey needs to undertake steps towards normalisation of bilateral relations between Turkey and all EU member states, in addition Turkey is asked to continue to support the efforts to find a comprehensive settlement of the Cyprus problem within the UN framework and in line with the principles on which the Union is founded.

Evaluation:

Overall this proposed Accession Partnership is the most extensive and detailed Accession Partnership so far proposed for Turkey. Implementation in particular in the fields regarding human rights and the political criteria at large needs to be closely monitored over the next two years.

The Council could be encouraged by the European Parliament to adopt this Accession Partnership as soon as possible and the Commission could be encouraged to make pre-accession funds available to help Turkey implement all political short-term priorities.

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