EUROPEAN PARLIAMENT

54th MEETING OF THE EU-TURKEY JOINT PARLIAMENTARY COMMITTEE

Istanbul, 13-14 June 2005

MINUTES

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587650/EN PE 358.349

The Co-Chairman Mr DUMANOGLU opened the meeting at 15h10.

- 1. The agenda was adopted.
- 2. The minutes were adopted.
- 3. and 4. (EU-Turkey relations in the context of Turkey's accession / Relations with Turkey's civil society)

The Turkish Co-Chairman Mr. DUMANOGLU welcomed all participating JPC members and guests. He informed that unfortunately none of the invited Ministers from the Turkish government was able to attend the opening exchange of views of the JPC due to an important cabinet meeting in Ankara the same day. He transmitted the deep regret and apologies from the Turkish government. He was however sure that the newly appointed Turkish chief negotiator, Ali BABACAN, will be able to attend a next JPC meeting. Mr. DUMANOGLU stressed that with the opening of accession negotiations ahead on 3rd October, a new era of EU-Turkey relations was about to start. He recalled the long history of relations and in particular referred to the unanimous Council decision of 17 December 2004 on the opening of negotiations. The most recent referenda in FR and NL as well as the subsequent internal EU discussion had raised some concerns in Turkey. But for Turkey there was clearly no alternative to full EU membership as the outcome of accession negotiations. He hoped that the incoming UK Presidency could reiterate this on the EU side. The Turkish people would not accept anything else. Mr DUMANOGLU expressed his hope that current discussions about "alternatives" to full membership could be clarified soon. He conceded that both in Turkey and the EU certain difficulties and "welfare issues" would need to be addressed. Mr DUMANOGLU further gave an overview about the Turkish achievements in adopting the remaining legislation and fulfilling the outstanding commitments related to the opening of accession negotiations. He saw a very good progress on all remaining issues, including the new penal code, the eradication of torture, the issue of honour killings, the law on foundations, dialogue with civil society, but also religious freedom including the issue of the Greek Orthodox Halki School. Finally Mr DUMANOGLU stressed the importance of giving clear signals also to the Turkish citizen in order to maintain a positive public opinion on the EU. The current customs union was not advantageous for Turkey as imports from the EU were by far exceeding exports from Turkey. It would need to be clarified that the EU did not now consider alternatives to full EU membership for Turkey.

Mr MATSAKIS took the floor to contest the denomination of his country as "South Cyprus" in certain documents submitted by the Turkish side.

Mr LAGENDIJK also welcomed the participants to the JPC. He agreed with Mr DUMANOGLU on the special moment of this meeting, following the recent referenda in FR and NL, and ahead of the scheduled opening of accession negotiations. He expressed his hope that enlargement of the EU would not become one of the first victims of the recent referenda. Reflection was now going on and certainly enlargement would need to be better communicated to citizen. On the developments and accession preparations in Turkey during the past months, following the December 2004 Council decision on the opening of negotiations, Mr LAGENDIJK noted a significant "change of momentum". He recognised the tremendous achievements in Turkey during recent years, but this was now not the moment to sit back. Some unfortunate recent incidents like the forced cancellation of a conference on the Armenian issue

had raised some additional doubts on the EU side. Mr LAGENDIJK expressed regrets about the inability of Mr BABACAN to participate in the JPC.

Mr Sjoerd GOSSES, Ambassador of the Netherlands to Turkey, took the floor representing the Luxembourg Presidency-in-Office of the Council of Ministers of the EU. He conceded that there was a lot of speculation inside the EU about the outcome of the recent referenda in FR and NL and that some parts of the population did have now a more critical look on future enlargements. But at the same time it was clear that the EU would stand by its commitments, including the 1999 decision to accept Turkey as a candidate country and the December 2004 Council decision to open accession negotiations. According to Mr GOSSES, the best way to convince those Europeans who have still doubts about Turkey's European vocation would be to continue a sustainable and irreversible path of reforms, aimed at fulfilling the Copenhagen criteria. He welcomed progress on the new penal code. But Turkey would need to show a clear commitment on all outstanding issues, based on a clear strategy. Implementation of laws was now a priority. On the political Copenhagen criteria, Mr GOSSES recalled that the December 2004 decision was based on a "sufficient fulfilment". However, a lot remained to be done to be able to speak of complete fulfilment. Several grave problems remained for example in the area of freedom of expression and religious freedom (including property issues and training of clergymen), but also in terms of the situation of Kurds in the South Eastern parts of Turkey. The EU side was also looking forward to the signing of the Ankara protocol and the normalisation of Turkey's relations with all EU member states, including Cyprus. Furthermore Mr GOSSES informed about recent developments in implementing the association agreement and the customs union.

Mr KRETSCHMAR, Head of the Ankara Delegation, took the floor on behalf of the European Commission. He showed himself convinced that the accession negotiations would start on 3rd October as scheduled. At the same time he recalled that this would not mean that accession was guaranteed already with the opening of negotiations. Turkey should not be distracted by the recent referenda in FR and NL, but focus on the tasks ahead. He recalled that the Commission in its October 2004 recommendations to the Council had noted that only a continued determination of reform efforts would guarantee a successful outcome of negotiations. However, since December 2004 there had been only limited reform progress. Some remaining draft legislation, like the one on the law on foundations, was not satisfactory, and the focus on implementation of legislation in general was not sufficient. He agreed with Mr GOSSES on the need to keep track on the political criteria for accession, including freedom of expression, religious freedom, military-civilian relations, internally displaced persons and women's rights. The European Commission would submit later in June a Communication on the dialogue with civil society. Finally, Mr KRETSCHMAR stressed the importance of clear political leadership on the Turkish side, putting the EU accession agenda up front as "the" reform project since the foundation of Turkey.

Ambassador DEMIRALP, on behalf of the Turkish government, supplemented the introductory statement by Mr DUMANOGLU on the perspective of opening of accession negotiations on 3rd October and the Turkish reform progress. He showed himself confident that the EU would stick to this schedule. Mr. DEMIRALP expressed his hope that the JPC could play a much more important role in the future. It should be a true forum for consultation rather than confrontation. He invited the JPC to continue an intensive dialogue on political reform and human rights issues, but to possibly do this in a less confrontational style. At the same time, the JPC could become involved in the technical conduct of accession negotiations. This could be explored by the JPC secretariat. Thirdly, the JPC should play an important role in the envisaged intensified dialogue with civil society.

The introductory interventions were followed by a general discussion, which was only interrupted by the more specific discussion of agenda item 5 (situation of women in Turkey) and resumed the next day.

Mr. ELEKDAG opened the discussion. He rejected the impression that the recent Armenia conference had been cancelled. It was just postponed. He regretted that the Armenian Diaspora was trying to criticise Turkey for its history. It was unacceptable that a conference on such a sensitive issue would have only represented one view. But no pressure whatsoever was used. Turkey was ready to face any responsibility, but a serious scientific research would need to enlighten this, possibly through an objective committee and the searching of archives on both sides. On Turkey's perspective of membership, Mr ELEKDAG stressed that Turkey would never agree on anything like a "privileged partnership". Full membership was Turkey's right. He regretted a current "campaign against Turkey" inside the EU.

Mrs BOZKURT regretted a slowing down of Turkish reform efforts since the December 2004 decision on the opening of accession negotiations.

Mr BEGLITIS stressed the need for EU and Turkey, including MEPs and MPs to work together in bringing Turkey closer to the EU. He conceded that the EU itself was going through a difficult period. But there was a clear legal base for enlargement. Turkey would have now a clear interest in continuing reforms and fulfilling its commitments, including on the political criteria. One should not play with the fears of citizen.

Mr CEYLAN saw a campaign in some EU member states against Turkish accession negotiations. Any talk about a "privileged partnership" would however deeply hurt the Turkish people and strengthen those forces who oppose EU membership. He reassured the EU side that Turkey was committed to fulfil all requirements for full membership. He rejected the denomination of the Kurds as a Turkish minority. They were an integral part of the Turkish society. In any event, a lot has been done already to improve the situation in the South East.

Mr EURLINGS regretted that Minister BABACAN could not come to the JPC. He informed about the main messages of the EP resolution on Turkey, in particular the need for further efforts on fulfilling the political criteria. The EU side was worried about the slowing down of reforms during recent six months. Some elements of the new penal code and the criminal procedure code remain a problem. Mr EURLINGS suggested that on the remaining reports on torture cases, human rights NGOs should be involved in the investigations and inspections. The issue of village guards in the South East would need to be addressed urgently in order to facilitate the return of displaced persons. He further raised the need to sign the Ankara protocol and regretted the circumstances of the cancellation or postponement of the recent Armenia conference. The proposal of PM Erdogan to have a profound scientific discussion on these historic events was to be welcomed.

Mr ÖYMEN stressed that for Turkey anything else than full EU membership was not acceptable and even incompatible with a sense of friendship and sincerity. It would insult and hurt the feelings of Turkish citizen. On Turkey's relations with Cyprus, he noted the existence of "two sovereignties" on the island. This fact of life would need to be reconciled in a constructive manner. Turkey would therefore never recognise "South Cyprus" as a separate independent state. On minorities' rights in Turkey, he suggested that if the EU would continue to raise this issue, Turkey could raise e.g. the cases of expelled Turkish citizen from the EU. On the issue of

the Armenia conference, Mr ÖYMEN noted that it was unacceptable that the official view was not represented at the conference. He finally rejected criticism of religious freedom in Turkey as reflected in recent Commission and Council documents.

Mr DUFF stressed that the Liberal group in the EP clearly supports the opening of accession negotiations with Turkey on 3rd October. At the same time it was clear that the process of EU integration has met a set-back at the recent referenda in FR and NL. He called upon Turkey to convince the EU that it was not any more a nationalistic state, including by constructively contributing to a solution of the Cyprus issue.

Mr MATSIS expressed his strong support to Turkey's European path, including the hope for full implementation of the EU acquis. But the Cyprus issue would need to be solved. Cyprus was recognised by all countries in the world except Turkey. He pleaded for a stronger EU role.

Mr SCHÖPFLIN supplemented that settling disputes with neighbours had always been a precondition for accession to the EU. On the discussion about a possible "privileged partnership" of the EU with Turkey, he noted that categories like "hurt feelings" or "insult" were not helpful.

Mr ALABOYUN expressed his concern about a general anti-Turkish and anti-Islamic attitude in Europe since "9/11", even in the tolerant Netherlands.

Mr BUDAK also stressed that full EU membership was the target for Turkey. Turkey was not to be made responsible for the recent negative referenda on the EU constitution. It would continue its path of reforms. Mr BUDAK called for a more objective and sober discussion of the Armenia and Cyprus issues, including at this JPC. At the same time he recalled that it was the Greek Cypriot side that had rejected the Annan Plan.

Mr VAN ORDEN agreed that there had been a diversity of reasons for the negative referenda on the EU constitution. Many voters had expressed their discontent with an over-integrated Europe and with their own elites who now try to translate this into a vote against Turkey. Enlargement should not be made hostage to the failure of European integration. He showed himself concerned however about the perceived slowing down of reform enthusiasm in Turkey.

Mr TOUBON noted that the current destabilisation of public opinion inside the EU was not only related to the questions of institutional reform. One would need to listen to the people. He regretted the slowing down of Turkish reform efforts since December 2004 and saw some doubts over EU membership also among Turkish population. One should not pretend to ignore these two phenomena. He asked whether the cancellation of the Armenia conference at the Bosporus University was based on Article 305 of the penal code.

Mr ÖZDEMIR (MEP) stressed that the alleged Armenian genocide had nothing to do with the question of Turkey's EU integration. Turkish PM Erdogan had sent a letter to Armenian President Kocharian suggesting that the issue be dealt with by historians. A clear answer was still pending. Any unnecessary demands from the side of the EU would only support anti-EU positions in Turkey. On the Cyprus issue, he recalled that it was not Turkey that occupied Cyprus, but that Turkey intervened on its right as a guarantor in order to prevent massacres.

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The meeting closed at 18h00 and resumed the following day at 09h20 with Mr LAGENDIJK in the chair.

Due to the long list of pending interventions in the opening discussion, it was decided to resume this debate (on agenda item 3) after agenda item 5 (situation of women in Turkey) and to drop agenda item 6 (Integration of the Turkish population living in the EU) completely.

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5. Mr LAGENDIJK referred to the draft report of MEP Mrs BOZKURT which would be adopted in the EP in the nearest future. The draft was available in the room.

Mrs CUBUKCU, Turkish Minister of State responsible for women's issues, family and children's issues, opened this agenda item with a presentation on the development of the situation of women in Turkey. She stressed that women's issues in Turkey were of a complex and multidimensional nature. Major changes had occurred since 1920 with a successive development from rural to urban society and economy. The unique reform path started by Atatürk has influenced all parts of society. Women were today considered as an equal part of society. Gender equality was one of the criteria for EU accession, but also subject to several international conventions. Turkey had done its homework in adopting the relevant legislation, and efforts would now focus on implementation. The minister informed about some of the specific practical measures like the establishment of family courts, gender equality in labour law, and the definition of sexual harassment, domestic violence and honour killings as heavy offence and crime under the penal code. Severe punishment was now foreseen for honour killings. However, she conceded that certain traditional values persist in the private domain. A profound social and mental transformation was required. The government, in cooperation with the UN, has launched a major campaign against honour killings. Women shelters are being established. Minister CUBUKCU stressed the importance of education for women. She showed herself proud of the schooling rate of 95% in 2004. The target was 100% in 2010 for boys and girls. She noted that in academic life the share of women with 25% was already quite high.

Mrs BOZKURT (MEP) informed about her draft report and its state in the EP. The report was adopted by the EP's Women's Rights Committee with the support of all political groups. She agreed with Minister Cubukcu on the considerable progress in the legislative area but stressed that the focus should be on implementation and improvement of the situation of women in practice. Several problems remain, including access to education, violence against women, political participation and discrimination in employment. Mr. BOZKURT stressed the importance of the involvement of relevant NGOs. She presented some of the key recommendations from her report. She was satisfied with the proposal to create a women's rights committee in the Turkish parliament and expressed the hope that this would be established soon.

Mrs SOMMER recalled the obvious difficulties for legislative and real changes to the situation of women in a traditionally patriarchal society. Improvements in economic and social life would usually facilitate developments. She encouraged Minister Cubukcu on her ambitious work. A priority should remain the fighting of honour killings. But attention should also be given to human trafficking, forced marriages, women shelters. She asked what was planned in terms of education for adult women in order to improve their chances in society.

Mr MATSAKIS noted that the situation of women in Turkish society was still very bad. As examples he referred to the still low level of political participation and schooling. He asked what the government was doing in terms of preventive medicine in the area of breast cancer.

Mrs GUTIERREZ saw still some resistance from fundamentalist forces in Turkish society. In real terms the progress for the situation of women was limited. Education was of utmost importance.

Mr HACALOGLU stressed the importance of the Atatürk reforms in terms of modernisation and secularisation of Turkish society. This has contributed to an improved situation of women. Much has been achieved since, including in education and social participation of girls and women.

Mrs RESETARITS expressed concern about the low level of literacy among girls and women in rural areas, were according to her information only 10% of women were able to read and write. She asked whether there was a discrepancy between this figure and the officially reported general schooling rate of almost 95%.

Mr HATZIDAKIS noted considerable progress and achievements and asked whether it was wise to "impose" the Western model on the Turkish society. He asked what the government position on the head scarf issue was.

Mrs UCA asked for precise figures on honour killings and concrete projects for education and employment in the South Eastern part of Turkey.

Mr KOC saw a link between what he described as ultra-liberal policies and certain health risks. On the question of Mr Matsakis on preventive health care he noted that fundamental health care in Turkey did function very well. On the question of the head scarf he recalled that 95% of Turkish population were practicing Moslems, but that the state was secular.

Mrs RÜHLE reminded that problems in the situation of women did also exist in EU member states. There should be no prejudices towards Turkey, but a differentiated picture. Civil society dialogue and cooperation was of utmost importance.

Mrs THYSSEN noted the positive achievements in Turkey and asked Minister Cubukcu whether she felt support by her male colleagues.

Minister CUBUKCU informed that a number of new women shelters were planned. She was in contact with several mayors on this issue. Some municipalities saw "social centres" as alternatives to these women shelters. On schooling rates for girls and boys she reconfirmed her earlier statement and expressed doubt about the figure given by Mrs RESETARITS that in rural areas only 10% of women and girls were able to read or write. Indeed, however, education for women was a priority of the government. She noted a good cooperation with other government departments on this issue. On the issue of genital examination of girls, based on a decision of a judge, the minister clarified that this was not a "virginity tests" as alleged by some NGOs but a way to testify eventual rape. Mrs. CUBUKCU informed that a women's rights committee of parliament was indeed soon to be established.

Mrs BOZKURT reiterated the many positive developments with regard to the situation of women in Turkey, but noted also that a number of problems remain, like for example the honour

killings. As regards the forced genital examinations, she referred to the relevant recommendations in her report.

Mr KRETSCHMAR, for the European Commission, recalled that the Commission had put great importance on the situation of women in its last progress report, but also in shaping and implementing relevant EU assistance. This has contributed to the improvement of the situation. NGOs have also been developing dynamically and are very active. He expressed the hope that these NGOs would meet a wider acceptance in Turkish society. The Commission communication on dialogue with civil society, scheduled for the end of June, would also address women issues. A bottom-up approach was essential.

Mrs SOMMER stressed that it was necessary to name and not hide existing problems. She also raised the specific situation of women in the South East.

Mr DEMIRKIRAN admitted a low level of political participation of girls and women as well as obstacles to their full access to education. But one would also need to take into account their religious belief and the relevant restrictions set by a secular state (He mentions the head scarf). He advocated a facilitated financing procedure for EU funded education projects.

Mr HÖKMARK suggested differentiating between the headscarf as a religious symbol and the headscarf as a symbol of backward traditions.

Mr ÖYMEN suggested clarifying that wearing a headscarf was not a violation of human rights. This had been confirmed by the European Court for Human Rights. He asked whether forcing women not to wear a headscarf was not instead preventing them from education.

Mrs RÜHLE recalled that the issue of women and Islam has already become a European problem. An intensive intercultural dialogue was needed as well as a debate about integration and education.

Minister CUBUKCU conceded that in terms of the situation of women, including the wearing of headscarf, there were strong regional differences. She did not agree that most of these women would cover their head because they were forced by their families, but because of their religious belief. Their rights should indeed be guaranteed. Also, one should not label women with headscarves as one homogenous group. Equally, these women would not all belong to the same political group. It was only religion that united them. This was not an issue for confrontation but for compromise.

Mrs BOZKURT agreed on the importance of civil society dialogue and involvement. She also called upon Turkish political parties to support political participation of women. On the headscarf issue she noted that it was the Turkish parliament that could change the relevant legislation.

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(3.) Following the discussion on agenda item 5, the general discussion of yesterday on EU-Turkey relations in the context of Turkey's accession was continued.

Mr LANGEN regretted what he saw in the initial discussion on the previous day as a "dialogue of the deaf". He referred to remarks of Turkish colleagues that full EU membership was the right of Turkey and that all alternatives would violate feelings and rights of Turkish citizen. Mr LANGEN strongly suggested thinking in alternatives. The recent referenda in FR and NL

showed that a large number of EU citizen were not only worried about a certain social model of the EU, but also about the final boundaries of the EU. At the same time there was indeed a "4th" Copenhagen criterion - the ability of the EU to take on new members.

Mr ZAHRADIL recalled that the new EU member states were generally very supportive of further EU enlargement, including Turkey. This was also a moral obligation and an important element in strategic considerations. The possible failure of the EU Constitution was far from being the end of EU integration or enlargement. It was just the end of one particular version of a constitution. One should not take enlargement hostage with the failed constitution. On the discussion about alternatives to full membership, Mr ZAHRADIL noted that within ten years the notion of membership could in any event be something completely different. There might be a much more flexible type of EU integration and membership.

Mr HOWITT noted that there were no legal, technical or other arguments to stop the start of negotiations with Turkey. There might be however attempts to abuse the discussions about the negotiating mandate. He saw some possible implications from the German election campaign. The best way ahead for Turkey was to continue its reform path with full commitment in order not to give any arguments to those inside the EU who would want to oppose Turkish accession. He raised the issue of the suppression of the Turkish teachers trade union because of the Kurdish language issue.

Mrs ROTHE stressed that she had very much welcomed the Council decision of last December on the opening of accession negotiations. She did not agree with Mr LANGEN that negotiations should have an open result. The target of negotiations should clearly be membership. But she urged the Turkish side to take EU concerns about a perceived slowing down of reforms serious. The developments of recent six months had been rather worrying. On the issue of the Armenia conference, Mrs. ROTHE noted that also a possible one-sided conference would need to be tolerated. She urged the Turkish side to constructively contribute to a solution of the Cyprus issue.

Mr MATSAKIS stressed that he was in favour of reforms and strengthening of human rights in Turkey leading to Turkish accession to the EU. If EU concerns were sometimes perceived by the Turkish side as aggressive, this was probably due to the fact that the EU was hoping for a more dynamic progress. According to Mr MATSAKIS Turkey still had tremendous problems in terms of democracy and human rights, including the situation of Kurds, women and Cyprus. Turkey would need to recognise the Republic of Cyprus and also address the issue of missing people in the North of Cyprus, in cooperation with relevant international authorities.

Mr KOC recalled the historic events in and around Cyprus between 1960 and 1973. As regards missing people he stressed that also many Turkish Cypriots were missing. Many mass graves had been found at the time. The Turkish army had intervened to protect the Turkish Cypriots. On the remark of Mr HOWITT concerning the teachers' trade union, Mr KOC noted that anybody could learn his mother tongue but that there was only one official language in Turkey, which was also the official teaching language. He hoped that the teachers' trade union would revise their statute accordingly.

Mr HATZIDAKIS recognised that Turkey has advanced considerably on its reform path, but that more remains to be done in order to be prepared for accession. He raised the importance of improving the law on foundations and the need to solve the situation of the Greek Orthodox Halki School.

Mrs GUTIERREZ stressed the importance of fighting corruption and financial reform.

Mr ÖGER recalled that no other country had been waiting for 42 years to join an organisation. He saw many Europeans acting in a dishonest way if now that Turkey has accomplished substantial reforms they would not want to fulfil their promises. A privileged partnership or anything similar was to be excluded. Pacta sunt servanda. Many current EU member states had gone through a long path towards democracy. If the current Copenhagen criteria had been applied on Greece back in 1980, it would not have joined the EU. Many things were also much different in other EU member states still in the 1960s and 70s. The target for accession negotiations must now be full membership. For Turkey this was also a question of pride. At the same time Mr ÖGER criticised current tendencies towards a populist nationalism in Turkey.

Mr DEMIRKIRAN elaborated on the difficult process of the return of more than 350.000 displaced persons in the South East. Although the government had put a lot of effort in this, including as regards compensation for lost properties, only 131.000 have returned by March 2005. Additional incentives were needed. He called on the European Commission to allocate additional financial resources for the South East.

Mrs SOMMER stressed that from her point of view the EU constitution was of utmost importance for the EU and a prerequisite for future integration and enlargement. This had nothing to do with taking Turkey or enlargement hostage. She clarified that the German CDU proposal of a privileged partnership was not directed against Turkey. Also, it was not necessarily excluding future membership. She clarified that accession negotiations must be result open. She agreed on the need to further develop the South Eastern regions of Turkey. But it was not just additional money that was needed. The village guards remained a serious problem and obstacle to the return of displaced persons.

Mr LAGENDIJK reacted on the issue of negotiations being result-open by stating that any negotiations would by definition be result-open, but in the case of accession negotiations the envisaged goal was clearly EU membership.

Mr ÖYMEN reiterated that Turkey deserved full membership and showed himself worried about religious and cultural reasons invoked by some EU politicians to exclude Turkey.

Mr DUMANOGLU regretted that certain issues have been repeated over and over again during the discussions. He agreed that Turkey still needed to overcome certain shortcomings, but that also the EU needed reforms. He compared Turkish and international reactions to the police actions against demonstrations on Women's' day on 8 March 2005 with similar actions by French police during the month of April. Turkey needed further support from the EU like it was given in the past to other candidate countries. Turkey was committed to sharing the same values as the EU and to become an independent member of the EU.

- 6. This agenda item was not discussed.
- 7. No other business was raised.
- 8. Mr. LAGENDIJK proposed that the next JPC should take place in Brussels, in October / November 2005.

The meeting closed at 13h00.

EUROPEAN PARLIAMENT

54th MEETING OF THE EU-TURKEY JOINT PARLIAMENTARY COMMITTEE

Istanbul. 13-14 June 2005

Participants

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Mr Jacques TOUBON, 1st Vice-Chairman

Mr Andrew DUFF, 2nd Vice-Chairman

Ms Renate SOMMER, 3rd Vice-Chairman

Mr Panagiotis BEGLITIS, 4th Vice-Chairman

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