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DRAFT REPORT

on the 2016 Commission Report on Turkey
(2016/2308(INI))

Committee on Foreign Affairs

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The European Parliament,

- having regard to its previous resolutions, in particular those of 24 November 2016 on EU-Turkey relations, and 27 October 2016 on the situation of journalists in Turkey,
- having regard to the Commission communication of 9 November 2016 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Enlargement Policy (COM(2016)0715), and to the Turkey 2016 report (SWD(2016)0366),
- having regard to the Presidency conclusions of 13 December 2016, and to previous relevant Council and European Council conclusions,
- having regard to the Negotiating Framework for Turkey of 3 October 2005,
- having regard to Council Decision 2008/157/EC of 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the Republic of Turkey ('the Accession Partnership'), and to the previous Council Decisions of 2001, 2003 and 2006 on the Accession Partnership,
- having regard to the joint statement following the EU-Turkey Summit of 29 November 2015, and the EU-Turkey Action Plan,
- having regard to the Conference with Turkey of 30 June 2016 during which chapter 33 on financial and budgetary provisions was officially opened,
- having regard to the declaration issued by the European Community and its Member States on 21 September 2005, including the provision that the recognition of all Member States is a necessary component of the negotiations, and the need for Turkey to fully implement the Additional Protocol to the Ankara Agreement by removing all obstacles to the free movement of goods without prejudice and discrimination,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to Article 46 of the European Convention on Human Rights (ECHR), which states that the contracting parties undertake to abide by the final judgments of the European Court of Human Rights (ECtHR) in any case to which they are parties,
- having regard to the Opinions by the Council of Europe's Venice Commission, in particular those of 10-11 March 2017 on the amendments to the Constitution to be submitted to a national referendum, on the measures provided in the recent Emergency Decree Laws with respect to freedom of the media and on the duties, competences and functioning of the criminal justice system, of 9-10 December 2016 on Emergency Decree Laws N°s 667-676 adopted following the failed coup of 15 July 2016, and of 14-15 October 2016 on the suspension of the second paragraph of Article 83 of the Constitution (parliamentary inviolability),

- having regard to the statement by the Council of Europe’s Commissioner for Human Rights of 26 July 2016 on measures taken under the state of emergency in Turkey,
- having regard to the EU-Turkey Statement of 18 March 2016,
- having regard to the Commission communication of 2 March 2017 to the European Parliament and the Council on the First Annual Report on the Facility for Refugees in Turkey (COM(2017)0130) and to the Commission’s Fifth Report of 2 March 2017 to the European Parliament, the European Council and the Council on the Progress made in the implementation of the EU-Turkey Statement (COM(2017)0204),
- having regard to the Commission recommendation of 21 December 2016 for a Council Decision authorising the opening of negotiations with Turkey on an Agreement on the extension of the scope of the bilateral preferential trade relationship and on the modernisation of the Customs Union,
- having regard to the fact that respect for the rule of law, including in particular the separation of powers, democracy, freedom of expression, human rights, the rights of minorities and religious freedom, freedom of association and peaceful protest, are at the core of the negotiation process,
- having regard to the fact that in November, 2016 the European Parliament called on the Commission and the Member States to initiate a temporary freeze of the ongoing accession negotiations with Turkey and committed to reviewing its position when the disproportionate measures under the state of emergency in Turkey are lifted and base the review on whether the rule of law and human rights are restored throughout the country,
- having regard to the crisis in Syria, the efforts towards a ceasefire and a peaceful settlement, and Turkey’s obligations to enhance stability and promote good neighbourly relations through intensive efforts in order to resolve outstanding bilateral issues, disputes and conflicts with its neighbouring countries over land and maritime borders and airspace, in accordance with the UN Charter,
- having regard to Turkey’s deteriorated security situation, both internally and externally, and to the terrorist attacks carried out in the country,
- having regard to the fact that Turkey hosts the largest refugee population in the world, with almost 3 million registered refugees from Syria, Iraq and Afghanistan, according to the UNHCR,
- having regard to the ‘Statement of Preliminary Findings and Conclusions’ of the International Referendum Observation Mission, issued on 17 April,
- having regard to Rule 52 of its Rules of Procedure,

Introduction

1. underlines that 2016 was a difficult year for Turkey’s population as a result of the continuing war in Syria, the high number of refugees, a string of heinous terror attacks, and a violent coup attempt in which 248 people were killed; reiterates its strong condemnation of the

coup attempt of 15 July and expresses its solidarity with the people of Turkey; recognises the right and responsibility of the Turkish government to take action in bringing the perpetrators to justice;

2. underlines, however, that measures taken under the state of emergency had large-scale, disproportionate, and long-lasting negative effects on the protection of fundamental freedoms in the country; condemns the collective dismissal of civil servants, the mass liquidation of media outlets, the arrests of journalists, academics, judges, human rights defenders, elected officials and ordinary citizens, the confiscation of property and passports on the basis of emergency decree laws without individualized decisions, and without the possibility of timely judicial review;
3. stresses the strategic importance of good EU-Turkey relations for both sides; recognizes that both Turkey and the EU have gone through their own internal transformation since the accession negotiations were opened in 2004; regrets that the accession instruments have not been used to the fullest and that over the years Turkey's full integration into the EU lost public support on both sides; remains committed to cooperate and maintain an open dialogue with the Turkish government, in order to address common challenges; recommends the Council to urgently invite the Turkish government for a Summit to discuss the obvious crisis in EU-Turkey relations that we are faced with;
4. takes note of the outcome of the referendum that took place on 16 April, held under the state of emergency and under circumstances that prevented a fair campaign; supports an independent evaluation of all claims regarding irregularities; notes the remarks of the Venice Commission on the constitutional reform and underlines that proposed constitutional amendments do not respect fundamental principles of the separation of powers and sufficient checks and balances, and are not in line with Copenhagen criteria;
5. calls on the Commission and the Member States to suspend the accession talks with Turkey if the constitutional package is implemented unchanged;

Human rights and fundamental freedoms

6. notes that measures undertaken following the declaration of the state of emergency have targeted alleged members/supporters of the Gülen movement, dissent in general and political parties of the opposition in particular; strongly condemns the imprisonment of 13 MPs belonging to HDP, including their co-chairs, and of 90 Kurdish municipal mayors; urges the Turkish government to immediately lift the state of emergency; underlines that reintroduction of the death penalty would violate Turkey's international commitments and lead to an immediate end of the EU accession talks;
7. calls on the Turkish government to offer to all persons subject to restrictive measures appropriate and effective remedies and judicial review in line with the rule of law; calls on Turkey to revise the 'Commission of Inquiry for State of Emergency Practices' in such a way that it becomes a robust, independent and fully capacitated commission capable to give individual treatment to all cases and to process effectively the enormous number of applications it will receive and to ensure it does not unduly delay the judicial review;
8. strongly condemns the violations of freedom of expression and the serious infringements on media freedom, including the disproportionate bans of media sites and social media; notes

with concern the closure of around 170 media outlets - including almost all Kurdish language media outlets - and the jailing of more than 150 journalists; recalls that a free and pluralistic press is an essential component of any democracy and urges the Turkish government to immediately release all journalists;

9. expresses serious concerns about the ever-deteriorating situation in South-East Turkey, especially where curfews were imposed, whereby some 2000 people were reportedly killed in the context of security operations in the period July 2015 - December 2016, and an estimated half a million people became displaced; notes that local prosecutors have consistently refused to open investigations into the reported killings; is convinced that only a fair political settlement of the Kurdish question can bring sustainable stability and prosperity to the area and to Turkey as a whole; notes that a series of laws created an atmosphere of 'systematic impunity' for the security forces; regrets the decision of the Turkish parliament to unconstitutionally lift the immunity of a large number of MPs, paving the way for the arrests of opposition politicians;
10. is concerned that judges and prosecutors continue to be under strong political pressure and that many were dismissed or arrested; calls on Turkey to restore and implement all legal guarantees to ensure full respect for the independence of the judiciary including amending the law on the High Council of Judges and Prosecutors (HSYK) in order to reduce the executive's influence within the Council; is particularly concerned that 'criminal judges of peace' appear to have been transformed into an instrument of harassment to stifle opposition, as well as controlling the information available to the general public;
11. calls on Turkey to protect the rights of the most vulnerable groups and of persons belonging to minorities; regrets that the LGBTI marches in Ankara and Istanbul were banned for the second consecutive year; is seriously concerned about gender-based violence, discrimination, hate speech against minorities, hate crime and violations of human rights of LGBTI persons; calls on Turkey to harmonise its domestic legislation with the Council of Europe Istanbul Convention, which it ratified in 2014; welcomes the government's national strategy and action plan for Roma and encourages the authorities to address key obstacles to social inclusion of Roma;

EU-Turkey relations

12. welcomes the deepening of EU-Turkey relations in key areas of joint interest, such as counter-terrorism, migration, energy, economy and trade; believes EU-Turkey cooperation in these areas to be an investment in the stability and prosperity of both Turkey and the EU;
13. believes that strengthening trade relations could bring concrete benefits to citizens in Turkey and the EU and, therefore, supports the Commission's proposal to start negotiations on the upgrade of the Customs Union; reiterates that EU is Turkey's main trading partner and two thirds of Foreign Direct Investment (FDI) in Turkey comes from EU Member States; considers the involvement of social partners in negotiations as crucial; calls on the Commission to include political benchmarks on human rights and fundamental freedoms in the upgraded Customs Union;
14. notes that visa liberalisation is important for the Turkish population and will enhance people to people contacts; encourages the Turkish government to comply with the last outstanding criteria, including revision of its anti-terrorism legislation;

15. calls on the Commission to take into account the latest developments in Turkey when conducting the mid-term review of the IPA-funds in 2017 and to suspend all pre-accession funds if Turkey no longer sufficiently complies with the EU's Copenhagen criteria; calls on the Commission to use those funds to support Turkish civil society and to invest more in people to people exchange programmes, such as Erasmus+ for students;
16. condemns in the strongest terms all terrorist attacks carried out in Turkey and stands firmly by Turkey's population in our joint fight against terrorism; welcomes the close bilateral relations between EU Member States and Turkey in the field of anti-terrorism cooperation, including on 'foreign fighters'; reiterates its condemnation of the return to violence by PKK, which is on the EU's terrorist list since 2002; invites EU Member States to enforce legislation banning the use of signs and symbols of organizations which are on the EU's list of terrorist organizations;
17. commends the engagement by the Turkish government and hospitality shown by the population in hosting around 3 million refugees; notes the EU-Turkey statement on migration and urges the EU Member States to initiate the voluntary resettlement scheme for the most vulnerable refugees in Turkey; calls on the European Commission to ensure long-term investment in both refugees and their host communities in Turkey; encourages the Turkish government to grant work permits to all Syrian refugees; calls on Ankara to keep up patrolling in the Aegean and to fully implement bilateral readmission agreements signed with Bulgaria and Greece;
18. condemns strongly recent statements by President Erdogan, accusing some EU leaders of 'nazi practices' and warns that the continuation of such unwarranted statements undermines Turkey's credibility as a political partner; notes with concern the reports about alleged pressures on members of the Turkish diaspora living in Member States and condemns Turkish authorities surveillance of citizens with dual nationalities abroad; is concerned about the cancellation of a large number of passports, which leave people stateless;
19. underlines that a settlement of the Cyprus problem would have a positive impact on the entire region, while first and foremost benefiting Greek Cypriots and Turkish Cypriots; praises the leaders of the Greek and Turkish communities in Cyprus for having achieved major progress in the settlement talks; welcomes the exchange of preferred maps, so far unprecedented, and the first international conference that was held with the guarantor powers; supports the settlement based on a bi-communal, bi-zonal federation with political equality, a single international legal personality, a single sovereignty and single citizenship with political equality between the two communities, in line with relevant UN Security Council resolutions and with respect for the principles on which the Union is founded; welcomes the intensified engagement by the parties to the settlement of the Cyprus problem; expects Turkey's active support to the negotiations and reiterates that Turkey's commitment and contribution to a comprehensive settlement remains crucial; praises the important work of the Committee on Missing Persons (CMP) and calls on Turkey to allow access to all relevant sites and to assist the CMP by providing information from its military archives;
20. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign and Security Policy and the Member States.