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DRAFT REPORT

on the 2018 Commission Report on Turkey
(2018/2150(INI))

Committee on Foreign Affairs

Rapporteur: Kati Piri

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The European Parliament,

- having regard to its previous resolutions on Turkey, in particular those of 24 November 2016 on EU-Turkey relations¹, of 27 October 2016 on the situation of journalists in Turkey², and of 8 February 2018 on the human rights situation in Turkey³,
- having regard to the Commission communication of 17 April 2018 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on EU Enlargement Policy (COM(2018)0450), to the Turkey 2018 Report (SWD(2018)0153) and to the revised indicative strategy paper for Turkey (2014-2020) adopted in August 2018,
- having regard to the Presidency conclusions of 13 December 2016 and of 26 June 2018, and to the 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')⁴, 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 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 to 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 restrictions or 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 of 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 for in the recent

¹ Texts adopted, P8_TA(2016)0450.

² Texts adopted, P8_TA(2016)0423.

³ Texts adopted, P8_TA(2018)0040.

⁴ OJ L 51, 26.2.2008, p. 4.

Emergency Decree-Laws with respect to freedom of the media and on the duties, competences and functioning of the criminal peace judgeships, those of 6-7 October 2017 on the provisions of Decree-Law No 674 concerning the exercise of local democracy, those of 9-10 December 2016 on Emergency Decree-Laws Nos 667-676 adopted following the failed coup of 15 July 2016, and those of 14-15 October 2016 on the suspension of the second paragraph of Article 83 of the Constitution, focusing on 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 findings and conclusions of the OSCE/ODIHR Needs Assessment Mission on the early presidential and parliamentary elections of 24 June 2018,
- having regard to Resolution 2156 of the Parliamentary Assembly of the Council of Europe (PACE) of 25 April 2017, entitled ‘The functioning of democratic institutions in Turkey’ and resulting in the reopening of the monitoring procedure,
- 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), to the Commission communication to the European Parliament and the Council of 14 March 2018 on the Second Annual Report on the Facility for Refugees in Turkey (COM(2018)0091), 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 special report of the European Court of Auditors of 14 March 2018 entitled ‘EU pre-accession assistance to Turkey: Only limited results so far’,
- having regard to the fact that the EU-Turkey Joint Parliamentary Committee (JPC) held its long-awaited 77th meeting in Brussels on 28 April 2018, after three years of standstill in interparliamentary relations,
- having regard to the 2018 World Press Freedom Index published by Reporters Without Borders, which ranks Turkey 157th out of 180 countries,
- having regard to the fact that respect for the rule of law and fundamental rights, including the separation of powers, democracy, freedom of expression, human rights, the rights of minorities and religious freedom, and freedom of association and the right to peaceful protest, are at the core of the negotiation process,
- having regard to the fact that, in November 2016, Parliament called on the Commission

and the Member States to initiate a temporary freeze on the ongoing accession negotiations with Turkey and committed to reviewing its position once the disproportionate measures under the state of emergency in Turkey are lifted,

- having regard to the fact that in July 2017 Parliament called on the Commission and the Member States, in accordance with the Negotiating Framework, to formally suspend the accession negotiations with Turkey without delay should the constitutional reform package be implemented unchanged,
 - having regard to the fact that, according to the Office of the United Nations High Commissioner for Refugees (UNHCR), Turkey hosts the largest refugee population in the world, with more than 3 million registered refugees from Syria, Iraq and Afghanistan,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A8-0000/2018),
1. Welcomes the decision of 19 July 2018 to lift the state of emergency, which was introduced after the 2016 coup attempt and extended 7 times; notes that the prolonged state of emergency has led to an erosion of the rule of law and deterioration of human rights in Turkey; regrets that the adoption of new legislative proposals preserves many of the abusive powers granted to the President and the executive under the state of emergency and thereby dampens any positive effect of its termination;
 2. Recalls that over 150 000 people were taken into custody in the post-coup crackdown and 78 000 have been arrested on terrorism charges, while more than 50 000 people remain in jail; expresses concern at the excessively lengthy pre-trial detention and judicial proceedings, the fact that in several cases no indictment has been issued yet, and the harshness of detention conditions; is particularly concerned at the fact that such arrests seem to also target legitimate voices of dissent or members of the opposition; is very worried at the allegations of ill-treatment and torture of those in prison, as reported by several human rights organisations;
 3. Notes that since the introduction of the state of emergency more than 152 000 civil servants - including teachers, doctors, (peace) academics, judges and prosecutors - have been dismissed; notes that 125 000 people applied to the Inquiry Commission on the State of Emergency Measures (CoSEM), which is tasked with reviewing and deciding within two years on complaints against measures taken under the state of emergency and related decrees, and 89 000 of them are still awaiting a decision; is concerned about the narrow scope of the mandate of the Inquiry Commission, its lack of independence, and the fact that examinations are made on the sole basis of documents in the case-file, without participation of the person concerned; notes that the dismissals have had an extremely harsh impact on the individuals concerned and on their families, including financially, and come with a lasting social and professional stigma; calls on the Turkish government to ensure that all individuals have the right to have their cases reviewed by an independent court that can award compensation for the material and moral damage caused by their arbitrary dismissal;
 4. Condemns the increased executive control over and political interference with the work

of judges and prosecutors; stresses that a serious reform of the legislative and judicial branches of power is needed for Turkey to comply with its obligations under international human rights law; is awaiting, in this regard, the Reform Action Group's action plan on judicial reforms;

5. Expresses serious concern about the disproportionate and arbitrary measures curtailing freedom of expression, media freedom and access to information; condemns the closure of more than 160 media outlets and the large number of arrests of journalists in the aftermath of the coup attempt; urges Turkey to guarantee media freedom as a matter of priority and to immediately release and acquit all unlawfully detained journalists;
6. Expresses concern at the shrinking space for civil society and the promotion of fundamental rights and freedoms; notes that a large number of activists, including human rights defenders, were arrested and demonstrations were recurrently banned during the state of emergency; calls on Turkey to protect the fundamental rights of minorities, such as LGBTI people;
7. Condemns the arbitrary detention of Osman Kavala, a prominent and respected leading civil society figure in Turkey, who, to date, has been detained without indictment for more than a year; pledges to continue to follow his case very closely and calls for his immediate and unconditional release;
8. Is deeply concerned at the situation in Turkey's South-East and the serious allegations of human rights abuses, especially since the collapse of the Kurdish settlement process in 2015; reiterates its firm condemnation of the return to violence by the Kurdistan Workers' Party (PKK), which has been on the EU list of terrorist organisations since 2002; stresses the urgency of resuming a credible political process leading to a peaceful settlement of the Kurdish issue; calls on Turkey to promptly investigate serious allegations of human rights abuses and killings and to allow international observers to carry out an independent verification;
9. Notes with concern that during the state of emergency a very large number of mayors and co-mayors in the South-East were dismissed or arrested and that the Government appointed trustees to replace them; takes the view that the municipal elections in March 2019 must provide an important opportunity to fully reinstate the principle of direct democratic mandate;
10. Notes that the state of emergency further constrained the capacity of the Grand National Assembly to fulfil its fundamental role of democratic scrutiny and accountability; notes with great concern the arrest of two members of parliament from the Republican People's Party (CHP), as well as the way the People's Democratic Party (HDP) has been particularly marginalised, with many HDP lawmakers being arrested on the grounds of alleged support for terrorist activities;
11. Condemns the continued arrest of Selahattin Demirtas, opposition leader and presidential candidate; pledges to continue to follow his case very closely and calls for his immediate and unconditional release; expects the European Court of Human Rights to deliver without delay its final judgement in the case;
12. Recalls that the Venice Commission assessed the constitutional amendments related to

the introduction of a presidential system as lacking sufficient checks and balances as well as endangering the separation of powers between executive and judiciary; recalls further that the European Parliament called on the Government of Turkey to implement constitutional and judicial changes and reforms in cooperation with the Venice Commission, and last year also called for the formal suspension of the accession negotiations should the constitutional reform be implemented unchanged, since this would be incompatible with the Copenhagen criteria;

13. Calls on the Commission and the Member States, taking all of the above into account and in accordance with the Negotiating Framework, to formally suspend the accession negotiations with Turkey; remains, however, committed to democratic dialogue with Turkey; asks the Commission to use, during the formal suspension of negotiations, all funds available under IPA II and the future IPA III to support, through a dedicated envelope directly managed by the EU, Turkey's civil society, and to increase opportunities for people-to-people contacts, academic dialogue, access for Turkish students to European universities and media platforms for journalists;
14. Notes that while the EU accession process was at its start a strong motivation for reforms in Turkey, there has been a stark regression in the areas of the rule of law and human rights during the last few years; recalls that Parliament repeatedly called for the opening of Chapter 23 on Judiciary and Fundamental Rights and Chapter 24 on Justice, Freedom and Security at a time when the Turkish government had pledged to conduct serious reforms; regrets deeply that the accession instruments could not be used to the fullest extent owing to a continued blockage by the Council;
15. Believes that a door should be left open for the modernisation and upgrading of the 1995 Customs Union between the EU and Turkey, to include relevant areas such as agriculture, services and public procurement, which currently are not covered; recalls that two thirds of Foreign Direct Investment (FDI) in Turkey comes from EU Member States and that Turkey is an important growth market for the EU; believes that the upgrade would provide a valuable opportunity for democratic conditionality, positive leverage and the possibility of a roadmap where upgrading the Customs Union would go hand in hand with concrete commitments by Turkey on democratic reforms; believes further that the upgrading of the Customs Union would provide an important opportunity for policy dialogue on climate change as well as on labour rights in Turkey; calls on the Commission to start preparatory work for the upgrading of the Customs Union as soon as the Turkish Government indicates its readiness for serious reforms;
16. Points out that trade union freedom and social dialogue are vital to the development of a pluralistic society; regrets the legislative shortcomings on labour and trade union rights and stresses that the right to organise, the right to collective bargaining and the right to strike are fundamental rights of workers; is seriously concerned about the working conditions for workers during the construction of the new Istanbul airport, given that reportedly 38 workers have died in work-related accidents since the start of construction in May 2015 and 31 people, including a union leader, are currently held in prison for protesting against poor working conditions; calls on the Turkish authorities to consult closely with the relevant trade unions on the issue of necessary safeguards for workers on-site, to carry out a thorough investigation into the deaths and injuries, and to allow trade unions full access to the workers;

17. Notes that visa liberalisation is of great importance for Turkish citizens, particularly for students, academics, business representatives and people with family ties in EU Member States; encourages the Turkish Government to fully comply with the 72 criteria identified in the visa liberalisation roadmap; stresses that the revision of Turkey's anti-terrorism legislation is a key condition for ensuring fundamental rights and freedoms, and that visa liberalisation will be possible once all the criteria have been met;
18. Recalls the important role played by Turkey in responding to the migration crisis resulting from the war in Syria; takes the view that Turkey's population has shown great hospitality by offering shelter to more than 3 million Syrian refugees; calls on the EU and its Member States to keep their promise regarding a large-scale resettlement, and to ensure adequate financial resources for the long-term support of Syrian refugees in Turkey;
19. Welcomes the efforts by the UN to resume negotiations on the reunification of Cyprus; supports a fair, comprehensive and viable settlement in line with the relevant UN Security Council resolutions and the EU acquis; reiterates its call on Turkey to commit and contribute to a comprehensive settlement, to begin withdrawing its troops from Cyprus, to transfer the sealed-off area of Famagusta to the UN, and to refrain from actions altering the demographic balance on the island; praises the important work of the Committee on Missing Persons; recognises the right of the Republic of Cyprus to enter into bilateral agreements concerning its exclusive economic zone; urges Turkey to engage in the peaceful settlement of disputes, and to refrain from any threat or action which might have negative effects on good neighbourly relations;
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, the Member States, the Government of Turkey and the Grand National Assembly of Turkey.