



POLITICAL REFORMS IN TURKEY



REPUBLIC OF TURKEY
MINISTRY OF FOREIGN AFFAIRS
SECRETARIAT GENERAL FOR EU AFFAIRS

ANKARA 2007

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Introduction

Republic of Turkey, democratic and secular state respecting human rights:

Cultural interaction between Republic of Turkey, a democratic, secular and social state governed by the rule of law; respecting human rights; loyal to the nationalism of Atatürk and Europe, especially Eastern and Southern Europe is traceable in each stage of last six centuries.

Turkey began "modernization" process of its own economic, political and social structures since the beginning of the 19th century. Following the proclamation of the Republic in 1923, Turkey accelerated modernization efforts and in that framework became the second country to institutionalize the secularism while France was the first.

Turkey has ever since been part of the Western World and joined the League of Nations by invitation. Turkey is a founding member of the United Nations as well as a member of NATO, the Council of Europe, Organization on Security and Cooperation in Europe, the OECD, and an associate member of the Western European Union.

During the Cold War, Turkey was part of the Western alliance, defending freedom, democracy and human rights. In this respect, Turkey has played a vital role in the defense of the European continent.

At the 1999 EU Helsinki Summit, the EU Heads of State and Government declared Turkey a candidate to join the EU on the basis of the same criteria as applied to other candidates. From that day on, a comprehensive reform process started in Turkey to fulfill the EU's Copenhagen political criteria, which is a precondition to start accession negotiations with the Union.

At the Summit in Brussels on 17 December 2004, the EU Heads of State and Government decided to start accession negotiations with Turkey and Turkey-EU relations have gained a new ground with the start of the actual negotiations on 3 October 2005.

LEGISLATIVE REFORM

Turkey chose to redress its shortcomings vis-à-vis the political criteria through constitutional amendments, overhaul of basic legal codes and harmonization packages.

During the reform process, a "harmonization package" came to be the term of reference for a draft law consisting of a collection of amendments to different laws, designed to amend more than one code or law at a time, and which was approved or rejected in a single voting session in Parliament. Using this approach, legislation that was not in line with EU standards in such areas as freedom of speech, freedom of assembly or gender equality was targeted. Bearing this in mind, the revision of fundamental laws is an ongoing process that will continue during the accession negotiations.

Constitutional Amendments in 2001 and 2004

These amendments, which testified to a broad-based political will for EU membership in Turkey, introduced new provisions in line with the priorities of the 2001 National Programme for the Adoption of the Acquis (NPAA), such as the freedom of thought and expression, the prevention of torture, strengthening of democracy and civilian authority, the freedom and security of the individual, the right to privacy, the inviolability of the domicile, the freedom of communication, the freedom of residence and movement, the freedom of association and gender equality.

The Turkish Parliament adopted a law foreseeing amendments in Constitution on 7 May 2004. In the framework of the said law, the death penalty has been abolished in all circumstances, all the articles referring to death penalty were amended and the death penalty expressions were removed from the article texts. Article 10 titled "Equality before the Law" was amended and the expression "Men and women have equal rights and the State is responsible to implement these rights" has been added. The equality between men and women are enhanced more through this amendment. With the amendment in Article 30 titled "Protection of Printing Facilities", expression stating "except in cases where it is convicted of offences against the indivisible integrity of the State with its territory and nation, against the fundamental principles of the Republic or against national security" was removed and "press equipment" expression was added. The amended version of the Article is as follows: "Neither a printing house and its annexes duly established as a press enterprise under law nor press equipment shall be seized, confiscated, or barred from operation on the grounds of having been used in a crime". Freedom of press is enhanced more through this amendment. Article 131 of the Constitution titled "Superior Bodies of Higher Education" was amended. The expression "the Chief of the General Staff" was removed from the text of the Article and the member nominated by the Chief of the General Staff was removed from the Higher Education Council through this amendment. The last sentence of the Article 160 of the Constitution titled "Audit Court" which states that "The procedure for auditing, on behalf of the Turkish Grand National Assembly, of state property in possession of the Armed Forces shall be

regulated by law in accordance with the principles of secrecy required by national defence.” was abolished in order to provide transparency in audit. Article 143 of the Constitution regarding the establishment of State Security Courts were abolished. Article 38 titled “Principles Relating to Offences and Penalties” was amended and the expression “except under obligations resulting from being a party to the International Criminal Court.” was added. The last paragraph amended is as follows: “No citizen shall be extradited to a foreign country on account of an offence except under obligations resulting from being a party to the International Criminal Court.” Thus the necessary amendment in the direction of being party to International Criminal Court is made.

Article 90 of the Constitution

In the framework of Constitutional Amendments in 2004, the following sentence has been added to the last paragraph of Article 90 titled “Ratification of International Treaties” with the amendment of Article 90: “ In the case of a conflict between international agreements in the area of fundamental rights and freedoms duly put into effect and the domestic laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail.”

One third of the Constitution was amended by the Constitutional Amendments in 2001 and 2004.

The New Civil Code

Gender equality is one of the basic tenets of the Republic of Turkey. In this respect, it is unique among Muslim countries, insofar as the 1926 Civil Code embodied the essential principles of gender equality. At an earlier date than in many European countries, women in Turkey obtained the right to vote and to be elected in the municipal elections (in 1930), in elections held for village councils (in 1933) and in the parliamentary elections (in 1934).

The new Civil Code, which entered into force on January 1, 2002, was a turning point in Turkey's efforts to align with EU standards as this Code brought significant changes in the areas of gender-equality, protection of the child and vulnerable persons and the freedom of association.

The First Harmonization Package

The first harmonization package, which entered into force on February 19, 2002, enacted a series of amendments to the Penal Code, the Anti-terror Law, Law on the Establishment of and Proceedings at the State Security Courts and the Code of Criminal Procedure in the context of the expansion of the freedom of expression, the reduction of pre-trial detention periods and the safeguard provisions of the rights of prisoners.

An amendment to Article 159 of the previous Penal Code reduced from 6 years to 3 the upper limit of sentences for persons who "openly insult or deride Turkishness, the Republic, the Grand National Assembly, the moral personality of the Government, the Ministries, the military or security forces of the State or the moral personality of the judiciary".

A second amendment to the previous Penal Code on Article 312 abolished the fines stipulated for praising a criminal act, calling for disobedience to the law or inciting hatred on the basis of class, race, religion, sect or territory. This amendment also established "endangering public order" as the criterion for the definition of the crime itself.

The amendments in Article 7 and Article 8 of the Anti-terror Law diminishes the restrictions on the freedom of thought and expression. Article 8 of the Anti-terror Law was repealed by the amendments enacted to this law with the sixth harmonization package.

With respect to the reduction of detention periods and in order to strengthen provisions to safeguard the rights of prisoners and detainees, an amendment to Article 16 of the Law on the Establishment of and Proceedings at the State Security Courts repealed the provision allowing for "up to 7 days" pre-trial detention in collective crimes, reduced pre-trial detention in state of emergency areas from 10 days to 7, reduced the maximum period for pre-trial detention from 7 days to 4, provided that the detainee must be brought before the competent judge prior to an extension of the pre-trial detention period, and allowed for the provision of full access of defendants to their counsels to be also applied to pre-trial detainees for whom the pre-trial detention period has been extended upon the instructions of the public prosecutor. In this framework, in the detention period, access of the persons charged with an offense to lawyer was extended to cover the offences which are in the jurisdiction of State Security Courts.

An amendment to Article 107 of the Code of Criminal Procedure provided that "a relative or a person designated by the detainee shall be informed of the detention and of every decision to extend the detention period, under the instructions of the judge". An amendment to Article 128 of the same Code reduced the maximum period of pre-trial detention for crimes committed collectively from 7 days to 4, provided that "a relative or a person designated by the detainee is informed of the detention and of the instruction for extension of the detention period without delay, upon the instructions of the public prosecutor".

The Second Harmonization Package

In order to enhance the exercise of the freedom of expression, association and peaceful assembly, a second harmonization package was adopted and entered into force on April 9, 2002. The second package amended the Press Law, the Law on Political Parties, the Law on Associations and the Law on Meetings and Demonstration Marches, the Law on Civil Servants and further amended the Law on the Establishment of and Proceedings of State Security Courts, and the Act on the Organization, Duties and Competences of the Gendarmerie and the Act on Provincial Administration.

In the context of freedom of expression, Supplementary Article 1 of the Press Law was amended to remove some of the activities listed in this article within the context of offenses relating to press. An amendment to Supplementary Article 2 of the same Law reduced the penalty limits. The amendment to Article 16 of the same Law removed a paragraph on "publishing in a language prohibited by law".

A series of amendments was enacted to the Law on Association to enhance the exercise of the right to the freedom of association. Article 4 was amended to repeal some of the prohibitions on the founders of associations. This amendment, in addition to other restrictions, repealed the provision on the prohibition of former convicts establishing associations. With an amendment to Article 5, the provision prohibiting the establishment of an association "to protect, develop or expand languages or cultures other than the Turkish language or culture or to claim that there are minorities based on racial, religious, sectarian, cultural or linguistic differences" was repealed. An amendment to Article 6 expanded the freedom of association further by repealing the provision prohibiting associations from using languages prohibited by law while introducing the provision that Turkish was to be the language used in official correspondence. An amendment to Article 34 expanded freedom of associations to establish federations and Article 38 was amended to expand the freedoms of student associations. An amendment to Article 43 introduced the procedure of "notification in advance", replacing the former procedure requiring association to obtain "permission". With the amendments, Articles 7, 11, and 12 on "the prohibition of international activities", "activities abroad of associations established in Turkey" and "activities in Turkey of associations established abroad" were repealed (Provisions of the Civil Code are applied instead).

The Law on Meetings and Demonstration Marches was also amended in the context of the freedom of association and peaceful assembly. Article 9 was amended to expand the freedom to organize meetings and demonstration marches by reducing the minimum age to 18 for eligibility to participate in these, the requirements for membership in the organizing committees and allowing legal personalities to organize meetings and demonstration marches with the consent of their competent bodies. With an amendment to Article 17, the provisions delineating the reasons for which local authorities may prohibit or postpone meetings and demonstration marches were revised. An amendment to Article 19 provided that under certain circumstances meetings are to be "postponed" instead of being "prohibited" and repealed some of the reasons for which meetings may be postponed. Article 21, entitled "meetings and demonstration marches not within the purpose", was repealed to expand the exercise of freedoms in this area.

In the context of the freedom of association and in order to align national legislation with the constitutional amendments, Articles 101 and 102 of the Law on Political Parties were amended to introduce the procedure of "deprivation of the political parties concerned from state aid, in part or in full" as a sanction alternative to the permanent closure of these parties. Article 103 was amended to introduce the criterion that the political party must become the "locus of execution" for criminal activities before these sanctions may be imposed.

The second package also included amendments in the context of the European Court of Human Rights judgments as well as the rights of prisoners and detainees. Article 13 of the Law on Civil Servants was amended to allow recourse to the compensation paid by the state in compliance with judgments of the European Court of Human Rights against personnel responsible for cruel, inhuman or degrading treatment. An amendment to Article 16 of the Law on the Establishment of and Proceedings of State Security Courts strengthened the right of defense and reinforced the right of access of persons detained or taken into custody to their legal counsels for offenses under the jurisdiction of the State Security Courts.

Finally, amendments to Article 9 of the Act on the Organization, Duties and Competences of the Gendarmerie and Article 29 of the Act on Provincial Administration repealed the provision on the competence of the regional/provincial Gendarmerie officers to act temporarily on behalf of the governor or prefect.

The Third Harmonization Package

The third harmonization package, which entered into force on August 9, 2002, abolished the death penalty, introduced provisions to the relevant Codes paving the way for retrial, further extended the freedoms of expression and association, addressed the legal conditions pertaining to real estate held by community foundations, provided for changes in provisions on education and broadcasting vis-à-vis cultural rights and continued to bring national legislation into alignment with the constitutional amendments, with amendments to the Law on Associations, Law on Free Zones, Law on Meetings and Demonstration Marches, Press Law, and Law on Foundations and the Decree on the Organization and Duties of the Directorate General of Foundations, the Code of Civil Procedure and the Code of Penal Procedure, and the Law on the Establishment of Radio and Television Enterprises, and the Law on Foreign Language Teaching and Education as well as the Law on the Duties and Competences of the Police.

The death penalty, not carried out in Turkey since 1984, was abolished with the amendments to the relevant national legislation enacted by the third package in line with Protocol 6 to the ECHR and the former constitutional amendments. Under the new provisions converting death sentences to prison sentences, the death penalty was no longer to be enforced except in times of war and the imminent threat of war, although terrorism was retained as an exception at the time the third package entered into force.

The introduction of provisions allowing for retrial was also one of the most significant legal reforms enacted with the third package. Articles 445 and 448 of the Code of Civil Procedure and Articles 327 and 335 of the Code of Penal Procedure were amended to allow for retrial in light of the decisions of the European Court of Human Rights for civil and criminal law cases. The jurisprudence of the Court became directly applicable to the legal system, reinforcing the opportunities to redress the consequences of human rights violations.

Article 159 of the Penal Code was amended to expand the freedom of expression in alignment with the norms of the ECHR and to remedy ambiguities in the wording of this Article. An amendment to Article 201 introduced new definitions and measures to address the absence of legal provisions against trafficking in human beings and ensure alignment with the provisions of the UN Palermo Convention Against Transnational Crime. Amendments to Article 31 and Supplementary Article 31 of the Press Law enacted by this package repealed prison sentences for criminal offenses related to the press, thereby further extending the freedom of expression.

Provisions to further expand the freedom of association, as enacted by the new Civil Code and the second harmonization package, were undertaken in the third package. Articles 11 and 12 of the Law on Associations were amended to facilitate the activities abroad of associations established in Turkey and the activities in Turkey of associations founded abroad. An amendment to Article 15 combined the registration and related procedures of associations within the Ministry of the Interior rather than the police. Article 39, restricting the establishment of associations by civil servants, was repealed, as well as Article 56, providing for restrictions on students with respect to associations. The amendment to Article 40 repealed the restriction on non-governmental bodies to undertake activities to prepare for earthquakes and other natural disasters (civil defense). Articles 45 and 47 were amended to replace "on-site inspection" with a "written declaration" to be submitted to the highest-ranking gubernatorial authority of the locale. Article 62 was amended to simplify bureaucratic procedures and amendments to Articles 46 and 73 transferred all matters related to associations from the purview of the police to the newly established Department of Associations within the Ministry of the Interior.

Supplementary Article 3 of the Decree on the Organization and Duties of the Directorate General of Foundations was also amended to provide the legal basis for the activities in Turkey of foreign foundations. A number of foreign foundations had already established branches in Turkey. Another change enacted with reference to the freedom of association is notably an amendment to the Provisional Article 1 of the Law on Free Zones, repealing the 10-year ban on strikes, lockouts and mediation in the free zones.

With reference to the freedom of peaceful assembly, while the existing prior permission procedure for foreigners participating in meetings and demonstration marches, provided for in Article 3 of the Law on Meetings and Demonstration Marches, was retained, a "notification" procedure for foreigners addressing meetings and groups taking part in demonstration marches or carrying posters, placards, pictures, flags, inscriptions and equipment was introduced with the amendment to this Article. Article 10 was amended to reduce from 72 hours to 48 the time limit for "notification in advance" of a meeting to be organized by Turkish citizens.

An amendment to Articles 4 of the Law on the Establishment of Radio and Television Enterprises lifted the restrictions on broadcasting in the different languages and dialects traditionally used by Turkish citizens in their daily lives, such as Kurdish. The amendment also deleted the much-criticized provision "the private lives of individuals are not to become subjects of broadcasts with the exception of cases where this is necessary for the

public good" and the abstract expression which read as "pessimism and desperation and encouragement of chaos and violent tendencies". An amendment to Article 26 clarified the principles related to the issue of re-transmission to achieve alignment with the European Convention on Trans-frontier Television. The Law on Foreign Language Teaching and Education was amended to repeal the restriction on the learning of different languages and dialects traditionally used by Turkish citizens in their daily lives. The third package also provided for the preparation of two bylaws on broadcasting in and learning of different languages and dialects traditionally used by Turkish citizens in their daily lives.

Further legal reforms were enacted with the third package, notably the amendments to the Law on the Duties and Competences of the Police in alignment with the former constitutional amendments regarding the freedom and security of the individual, the privacy of private life, the inviolability of the domicile and gender equality, which also included an amendment lowering the minimum age of employment in certain establishments from 21 to 18 and revised provisions on audio-visual works.

Article 1 of the Law on Foundations was also amended to address the legal conditions pertaining to the legal problems regarding the real estate held by community foundations.

The Fourth Harmonization Package

The fourth harmonization package, which entered into force on January 11, 2003, engendered significant changes in the context of the expansion of the freedom of association, deterrence against torture and mistreatment, safeguard provisions on the rights of prisoners with a series of amendments enacted to the Law on the Prosecution of Civil Servants and Public Employees, the Penal Code, Code of Penal Procedure, Decree Law No. 430, the Law on State Security Courts, the Law on the Human Rights Investigation Commission and the Law on Stamp Duties, the Press Law, the Law on Associations and the Civil Code and the Law on Political Parties, the Law on Foundations, the Law on the Use of the Right of Petition and the Law on Criminal Records.

A number of amendments were undertaken to strengthen the safeguards against torture and mistreatment. Article 2 of the Law on the Prosecution of Civil Servants and Public Employees was amended to abolish the permission procedure for the prosecution of civil servants and public employees for allegations of torture and mistreatment. An amendment to Article 245 of the Penal Code provided that sentences for torture and mistreatment may not be converted into fines or any other measures and may not be suspended. Article 316 of the Code of Penal Procedure was amended to strengthen further the right of defense and to ensure that the written statement of the Chief Public Prosecutor of the Supreme Court of Appeals is notified to the suspect or his/her lawyer.

Article 3 of the Decree Law No. 430 was amended to reduce the length of time that a convict or detainee may be taken out of prison or detention house by the security forces from 10 days to 4 days, to ensure that each time the security forces want to take a convict or detainee out of prison or a detention house, s/he will be heard by a judge before the judge takes a decision on this matter, , to guarantee that the convict or detainee will continue to

benefit from his/her legal rights, to ensure that the health of a convict or detainee will be certified by a medical report each time s/he is taken out of the prison or a detention house and returned and to improve detention conditions in regions under a state of emergency.

Article 16 of the Law on State Security Courts was amended to extend the provisions of the Code of Civil Procedure to the rights of persons apprehended or arrested for common criminal offenses to offenses defined as coming under the jurisdiction of the State Security Courts. The purpose of this amendment was to prevent the use as evidence in court of statements taken during detention without allowing the apprehended person to exercise his/her right to access a lawyer.

Article 7 of the Law on the Human Rights Investigation Commission was amended to decrease the maximum period allowed for replies to applications to the Commission related to human rights violations from three months to 60 days.

Supplementary Article 1 to the Law on Stamp Duties exempting the compensation paid in accordance with the European Court of Human Rights rulings and sums for friendly settlement from stamp duties was added as a part of this fourth package in order to resolve problems related to procedure in this area.

As a step taken to further enhance the freedom of expression, Article 15 of the Press Law was amended to introduce provisions that protect the press from being forced to disclose its sources of information in compliance with the European Court of Human Rights case law, safeguarding the fulfillment of the function of the press in a democratic society and the right of the public to be informed.

In the context of the freedom of association, a number of changes to the Act on Associations and the Civil Code were undertaken by the fourth package. Article 5 of the Act on Associations was amended to decrease the restrictions on the purpose for which associations may be established. With an amendment to Article 6, associations were allowed to use foreign languages in their international contacts and unofficial correspondence. Amendments to Article 16 and 18 provided for the membership of legal personalities in associations. The package repealed the requirement for a decision of the administrative board of an association and the signature of its members for announcements, declarations and similar publications and also deleted the expression "in any language prohibited by law and in writing" from the text of the article. Articles 11 and 12 on the activities abroad of associations established in Turkey and on the activities in Turkey of associations established abroad were repealed, while amendments to Article 91 and 92 provided for uniformity in implementation in this area.

An amendment to Article 91 of the Civil Code repealed the procedure for permission from the Council of Ministers for the activities of foreign associations in Turkey and transferred these responsibilities to the Ministry of the Interior, provided that the views of the Ministry of Foreign Affairs are obtained, to facilitate decision-making in this area. An amendment to Article 92 emphasized the condition that "international cooperation is deemed to be beneficial" and removed other restrictions in this area. The amendments to Articles 91 and 92

introduced provisions to both articles related to cooperation undertaken between associations. The package contained an additional provision extending the applicability of the provisions of amended Article 92 of the Civil Code to non-profit organizations other than associations and foundations.

The fourth package also included a number of changes in the legislation on political parties. Article 8 of the Law on Political Parties was amended to align the conditions for eligibility to become a founding member of a party with the conditions for eligibility to become a member of a party. Amendments to Article 11 of the Law Political Parties and Article 11 of the Law on the Election of Members of Parliament repealed the restriction on grounds of a prior conviction for the crime of "openly inciting to hatred on the lines of class, race, religion, sect or territory" and replaced this provision with a "conviction for terrorist acts".

With the amendment to Article 11 of the Law on Political Parties, the limit for sentences served other than those committed without criminal intent was raised from three years to five as a restriction on eligibility to become a Member of Parliament. Article 66 of the Law on Political Parties was amended to introduce a provision prohibiting certain real or legal persons to allow political parties to "use their media [channels]".

According to an amendment to Article 98 of the Law on Political Parties, a "three-fifths majority" vote in the Constitutional Court is required for a decision for the closure of a party to be taken.

vWith an amendment to Article 100, the case for the closure of a political party may be filed only for "reasons stipulated in the Constitution". Article 102 was amended to allow political parties the right to appeal against the request of the Public Prosecutor of the Court of Appeals.

Article 104 was amended to align the procedure with the amendment to Article 69 of the Constitution regarding closure of political parties and introduce the sanction of "depriving political parties partially or fully of State assistance" as an alternative to closure. In order to accelerate the decision process, Article 1 of the Law on Foundations was amended to replace the requirement for a Council of Ministers decision for the acquisition of immovable property by non-Muslim community foundations with that of the Directorate General for Foundations. The bureaucratic procedure for the acquisition of property by community foundations was also simplified. The fourth package also provided for the publication of a bylaw designating the rules and procedures in this area.

Amendments to Article 1,2,3,4 and 7 of the Law on the Use of the Right of Petition aligned the provisions of this Law with the amendment to Article 74 of the Constitution related to the rights of foreigners residing in Turkey to use their right to petition. An amendment to Article 8 introduced a thirty-day limit for obtaining an answer to petitions. Another amendment to Article 7 introduced the requirement to include reasons for the decision in the notification of the outcome to the applicant. The amendments to the Law expanded the scope of the rights and freedoms to foreigners as well.

Article 5 of the Law on Criminal Records was amended so that information in the criminal records on minors under eighteen years of age may be provided only in certain exceptional cases specified in the Article, in accordance with the provisions of the Convention on the Rights of the Child. The amendment to Article 8 made it possible to delete records on certain offenses and introduced provisions on minors that further enhance the rights of the child in accordance with the Convention on the Rights of the Child.

The Fifth Harmonization Package

The fifth harmonization package, which entered into force on February 4, 2003, includes provisions on retrial and on the freedom of association.

The amendments to the Code of Criminal Procedure and the Code of Civil Procedure introduced with the third package concerned retrial on the basis of European Court of Human Rights decisions. The fifth package removed the criterion "the violation ... is seen to have had consequences that cannot be compensated" from law and made it possible for all Court judgments of violation to be considered for retrial, subject to a time limit of one year after the publication of the law for decisions already finalized and one year after the finalization of future verdicts. The fifth package also amended the provisions on retrial to ensure immediate application and implementation and replaced the "Court of Cassation evaluation of the application of retrial" with the principle of "evaluation by the court that gave the first judgment."

The amendment to Article 82 of the Law on Associations replaced prison sentences with fines for offenses such as failure to obtain permission for contacts with foreign associations and organizations, failure to fulfill auditing obligations and failure to declare real estate holdings.

The Sixth Harmonization Package

The sixth harmonization package, which entered into force on July 19, 2003, introduced significant legal changes expanding the freedom of expression, safeguard provisions on the rights of prisoners, religious freedom, right to life and retrial, by a series of amendments enacted to the Anti-terror Law, the Law on the Basic Provisions on Elections and Electoral Rolls, the Law on the Establishment and Broadcasts of Radio and Television Stations and the Law on Cinema, Video and Music Works, the Law on Foundations, the Law on Construction, the Law on Census, the Penal Code, the Law on State Security Courts and the Code of Criminal Procedure, and the Code of Administrative Procedure.

An amendment to Article 1 of the third harmonization package abolished the death penalty in all cases including crimes of terrorism except in times of war and imminent threat of war in line with the Protocol 6 to the ECHR. An amendment to Article 453 of the Penal Code imposed heavier sanctions for the "honor killings of children". An amendment to Article 462 of the same law repealed the article, which allowed for the reduction of sentences in cases known as "honor killings".

An amendment to Article 16 of the Law on State Security Courts changed the heading of this article in line with the previous amendment for the application of the provisions of the Code of Criminal Procedure related to the access to a lawyer in cases under the jurisdiction of the State Security Courts. An amendment to Article 31 of Law No. 3842 applied the provisions of the Code of Criminal Procedure on the rights of the arrested or detained to cases under the jurisdiction of the State Security Courts.

With reference to the expansion of the freedom of expression, an amendment to Article 1 on the definition of terrorism of the Anti-terror Law made the use of force or violence the prerequisite in the definition of the crime of terrorism and stipulated that only acts "constituting a crime" are included in the definition of terrorism. The package also repealed Article 8 of the same law in order to expand freedom of expression. An amendment to the Law on the Basic Provisions on Elections and Electoral Rolls revised the sanctions to be imposed by Supreme Board of Elections on private radio and television corporations for violations of broadcasting rules, thereby enabling a wider range of sanctions to be imposed from lighter ones to heavier ones.

A number of amendments were enacted to the Law on the Establishment and Broadcasts of Radio and Television Stations with this package. Article 3 was amended to reduce the restrictions in relation to monitoring. Article 4 was amended to make it possible for private as well as public radio and television corporations to broadcast in different languages and dialects traditionally used by Turkish citizens in their daily lives. An amendment to Article 6 removed the representative of the Secretariat General for the National Security Council from the Board of Supervision. An amendment to Article 9 of the same Law decreased the restrictions in relation to monitoring and made the decision of a judge along with the decision of the administration necessary as a legal safeguard. An amendment to Article 32 shortened the restriction on broadcasts of election propaganda from one week to 24 hours before the day of the ballot for elections.

The sixth package also included amendments in the area of religious freedom and community foundations. Article 1 of the Law on Foundations was amended to extend the application period allowed to community foundations for registering real estate holdings from six months to eighteen. An amendment to Supplementary Article 2 of the Law on Construction took into consideration the needs for places of worship of different religions and faiths.

In addition, an amendment to Article 16 of the Law on Census removed the condition that children cannot be given names that are not appropriate to the "national culture" and "customs and traditions".

With reference to additional provisions introduced on retrial, the amendment to Article 53 of the Law on the Code of Administrative Procedure paved the way for retrial in light of the decisions of the European Court of Human Rights for administrative law cases as well.

The Seventh Harmonization Package

The seventh harmonization package, which entered into force on August 7, 2003, introduced significant changes in the context of the expansion of the freedom of expression, freedom of association, safeguard provisions on the rights of prisoners, religious freedom, the rights of children, cultural rights, civilian-military relations and the functionality of the executive, by a series of amendments enacted to the Penal Code, Anti-terror Law, Code of Criminal Procedure, Law on the Establishment and Trial Procedures of Military Courts, Law on the Court of Accounts, Law on the Establishment, Duties and Trial Procedures of Juvenile Courts, Law on Associations and the Civil Code, Decree Law on the Establishment and Duties of the Directorate General for Foundations, Law on Assembly and Demonstration Marches, Law on Foreign Language Education and the Learning of Different Languages and Dialects by Turkish Citizens and the Law on the National Security Council and the Secretariat General of the National Security Council.

The package added Supplementary Article 7 to the Code of Criminal Procedure that rendered the investigation and prosecution of cases of torture and mistreatment as urgent matters and as priority cases to be treated without delay. The amendment provided that unless absolutely necessary, a hearing cannot be adjourned for more than 30 days at the most, and these hearings will also be held during the judicial recess. The aim of this amendment is to ensure the speedy conclusion of investigations and prosecutions of cases of torture and mistreatment.

In the context of the freedom of expression, Article 159 of the previous Penal Code was amended to reduce the minimum penalty for those who "openly insult or deride Turkishness, the Republic, the Grand National Assembly, the moral personality of the Government, the Ministries, the military or security forces of the State or the moral personality of the judiciary" from one year to six months and ensured that expressions of thought undertaken solely for the purpose of criticism do not incur any penalties. The amendment to Article 169 of the Penal Code on third parties aiding and abetting gangs and criminal organizations removed the abstract and ambiguous expression "... facilitates their actions in any manner whatsoever" from the text of the Article.

Articles 426 and 427 of the previous Penal Code were amended to exclude scientific and artistic works and works of literary value from the scope of criminal offenses related to published or unpublished work that are offensive to morality or by being of a nature that provokes and exploits sexual desires. The amendment also deleted the word "destroy" from the text of Article, ensuring that the destruction of these works is no longer to be undertaken as part of the sanctions imposed on offenses of this kind. The amendment to Article 7 of the Anti-terror Law, which deals with aiding and abetting terrorist organizations, incorporated the expression "(incitement to) violence" into the text of the Article in order to meet the criteria sought by the European Court of Human Rights. As such, propaganda that incites to terrorism and other forms of violence continues to be a criminal offence.

A number of amendments to the Law of Associations were undertaken with this package, thereby decreasing restrictions and simplifying procedures. Article 4 was amended to reduce further the restrictions on the establishment of associations by lifting the prohibition on the establishment of associations for a specific period of time for those who have been convicted of criminal offenses under Article 312 of the Penal Code. Article 16 was amended to lift the restriction on those who have been convicted of criminal offenses under Article 312 of the Penal Code from becoming members of associations for a specific period of time.

Article 38 was amended to broaden the freedom of association of students registered at institutions of higher education by allowing associations also on artistic, cultural and scientific themes.

An amendment to Article 10 reduced the maximum time period in which the Ministry of the Interior may conclude its evaluation of the charter of an association from 90 days to 60.

Associations were allowed to establish more than one branch in provinces, central townships, townships and villages and the condition for persons establishing these branches to have resided for six months in the locale of the branch was repealed with an amendment to Article 31. In addition to the amendments to the Law on Associations, Article 66 of the Civil Code was amended to abolish the requirement for a member of an association to submit six months prior notice of his or her intention to terminate membership.

With reference to the freedom of peaceful assembly, Articles 15 and 16 of the Law on Assembly and Demonstration Marches were amended to reduce the maximum time period that assemblies or demonstrations may be postponed by the regional governorates from 30 days to 10 in cases where there is more than one assembly or demonstration to be held within the boundaries of the province. An amendment to Article 17 of the same law stipulated that assemblies and demonstrations may be banned only if there is a "clear and present danger that a criminal offence will be committed". The amendment also reduced the maximum time period an assembly or demonstration may be postponed or banned from two months to one. An amendment to Article 19 of the same Law restricted the authority of governors to ban all assemblies and demonstrations in their provinces to cases where "there is a clear and present danger that a criminal offence will be committed". The amendment also reduced the maximum time period for postponement and banning from three months to one.

Also in the context of expansion of the rights to establish associations, the amendment to Supplementary Article 3 of the Decree Law on the Establishment and Duties of the Directorate General for Foundations simplified the procedure for foundations to obtain permission to undertake activities abroad. The amendment designated the Ministry of the Interior as the final authority in consultation with the Ministry of Foreign Affairs, whereas the permission to establish a foundation was formerly granted by the Council of Ministers following a three-tiered permission process.

In addition, the package also included amendments to the Law on Foreign Language Education and the Learning of Different Languages and Dialects by Turkish Citizens. An amendment to Article 2 provided that the learning of different languages and dialects used traditionally by Turkish citizens in their daily lives may be undertaken at the facilities of existing language courses, whereas previously such courses could only be initiated in new premises. The provision on obtaining the views of the National Security Council when determining the languages to be taught in Turkey was also repealed with the amendment, thereby establishing the Council of Ministers as the sole authority in this area.

An amendment to Article 6 of the Law on the Establishment, Duties and Trial Procedures of Juvenile Courts further enhanced the rights of children in line with the provisions of the Convention on the Rights of the Child, so that the term "child" in this Article refers to anyone below the age of 18 years whereas the previous expression was "below the age of 15 years". The amendment removed exceptions to the jurisdiction of Juvenile Courts.

The seventh package also included a number of amendments pertaining to the jurisdiction of military courts over civilians, the auditing of public transactions, also with reference to the military expenditures and provisions regarding the Secretarial General of the National Security Council. The amendment to Article 11 of the Law on the Establishment and Trial Procedures of Military Courts removed cases related to criminal offenses, such as inciting soldiers to mutiny and disobedience, discouraging the public from military duty and undermining national resistance, from the jurisdiction of military courts, if these offenses are committed by civilians. The package also added an article to the Law on the Court of Accounts that introduced provisions that allow the Court to audit accounts and transactions, upon the request of the Parliament, in all areas where public means are used, including those of all kinds of institutions except the Presidency of the Republic and organizations, funds, establishments, companies, cooperatives, unions, foundations, associations and similar bodies which benefit from public resources. The package provided for the drafting of a bylaw to establish the principles and procedures to be observed when auditing state property in the possession of the Armed Forces.

Article 4 of the Law on the National Security Council and the Secretariat General of the National Security Council was amended to revise the duties and authority of the Council in order to prevent the misinterpretation of its advisory role. The package repealed Articles 9 and 14 of this Law that gave the Secretariat General certain executive powers. The amendment to Article 13 aligned the duties and authority of the Secretariat General with those of the Council, limiting them to the functions of a secretariat for the Council. The amendment to Article 5 increased the time period between regular National Security Council meetings from one month to two and repealed the prerogative of the Chief of General Staff to convene a meeting. Article 15 was amended to revise the appointment procedure of the Secretary-General of the National Security Council. The Secretary-General will now be appointed upon the proposal of the Prime Minister and the approval of the President, allowing a civilian to serve in this office. The package repealed Article 19 of the Law, which provided that "the Ministries, public institutions and organizations and private

legal persons shall submit regularly, or when requested, non-classified and classified information and documents needed by the Secretariat General of the National Security Council." The preparation of a new bylaw in conformity with these amendments to replace the current bylaw on the rules and procedures regarding the Secretariat General was provided for by the package. The new bylaw was published in the Official Gazette on January 8, 2004. The Parliament adopted a law on December 10, 2003 that abrogated the confidentiality of the bylaw and the staff of the Secretariat General of the National Security Council.

The Eighth Harmonization Package

The Law abolishing the death penalty and amending various laws, also known as the 8th Harmonization Package, was adopted by the Parliament on July 14, 2004.

With the amendment of various laws in line with the constitutional amendments of 7 May 2004, the death penalty has been abolished and replaced with aggravated life sentence. In this context, with the amendment of the Law on Higher Education, the provision allowing for the selection of one member of the Higher Education Council by the General Staff was repealed. With the amendment of the Law on the Establishment of and Broadcasting by Radio and Television Corporations, the provision allowing for the nomination of a member of the Supreme Board for Radio and Television by the Secretariat General of the National Security Council was repealed. With the amendment of the Law on wireless communication, the provision regarding the membership of the Secretary General of the National Security Council at the High Communication Council was repealed. With the amendment of the Law on the protection of minors from harmful publications, the provision allowing for the selection of one member of the competent board by the National Security Council was repealed.

What has changed with the EU Harmonization Packages?

The impact of the harmonization packages on life in Turkey has been revolutionary. The harmonization packages changed existing legislation to improve human rights, strengthen safeguards against torture and mistreatment, broadened freedom of expression and freedom of the press, strengthened the freedom of association, assembly and demonstration, expanded cultural rights, reinforced gender equality and consolidated democracy. The first and immediate difference has been the start of an open debate on every issue. Today, Turkey is freer, more self-confident, more stable, more developed and more prestigious than it was before December 1999.

DEVELOPMENTS OUTSIDE THE HARMONIZATION PACKAGES

The political reforms were continued decidedly at a rapid pace . Each year a new comprehensive legislation has entered into force.

Developments in 2004

The instrument of ratification of Protocol No.6 to the European Convention on Human Rights concerning the abolition of the death penalty was deposited with the Secretary General of the Council of Europe on 12 November 2003. The Protocol entered into force on 1 December 2003.

The instruments of ratification of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were deposited with the UN Secretary General on 23 September 2003. The Covenants entered into force on 24 December 2003.

Council of Europe Criminal Law Convention on Corruption entered into force on 1 July 2004.

The Law Amending the Law on the Establishment, Duties and Trial Procedures of Juvenile Courts was adopted by the Parliament on 7 January 2004, and entered into force on 13 January 2004. With this amendment, juvenile courts shall be established in districts with a population of more than 100 000 inhabitants within the boundaries of metropolitan municipalities.

The Office of the Prime Minister issued a circular on 22 January 2004 with a view to ensuring full respect of the principle of gender equality for recruitment into public service. By referring to the relevant provisions of the Constitution and the international instruments to which Turkey is a party, the Prime Ministry instructed that criteria for recruitment into public service should be established in line with the qualifications for the office concerned without discrimination.

The Bylaw on broadcasting in different languages and dialects traditionally used by Turkish citizens in their daily lives by public and private radio and television corporations was published in the Official Gazette on 25 January 2004. Under the bylaw, broadcast period shall be five hours per week without exceeding 60 minutes per day for radio corporations, and four hours per week without exceeding 45 minutes per day for television corporations. TRT has started television and radio broadcasts in Bosnian, Arabic, Circassian, Zaza and Kirmanchi in June 2004.

The Law amending the Military Criminal Code and the Law on the Establishment and Trial Procedures of Military Courts was adopted by the Parliament on 22 January 2004,

and entered into force on 29 January 2004. Thus, provisions on the death penalty were aligned with the constitutional amendments of 2001.

The Law amending the Military Criminal Code and the Law on the Establishment and Trial Procedures of Military Courts was adopted by the Parliament on 22 January 2004, and entered into force on 29 January 2004 with the purpose of aligning with the constitutional amendments of 2001. Under the law, the person arrested or detained shall be brought before a judge within four days in case of offences committed collectively; the arrest or detention of a person shall be notified to the next of kin immediately; findings obtained through illegal methods shall not be considered as evidence.

The Law on the Relationship of Associations and Foundations with Public Institutions and Agencies was adopted by the Parliament on 22 January 2004, and entered into force on 29 January 2004. The law laid down the basic principles to be observed in such relationship.

The Law on the Right to Information, which was adopted on 9 October 2003, and published in the Official Gazette on 24 October 2003, entered into force on 24 April 2004. The Bylaw on the methods and principles regarding the implementation of the Law on the Right to Information was published in the Official Gazette on 27 April 2004.

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict entered into force on 4 June 2004.

The Bylaw on the methods and principles of the elections of the boards of community foundations was issued in the Official Gazette on 16 September 2004. The regulation also expands the constituencies of these foundations.

Law amending the Code of Penal Procedure and abolishing the State Security Courts (Law No.5190) was adopted by the Parliament on 16 June 2004 and entered into force on 30 June 2004.

Council of Europe Criminal Law Convention on Corruption entered into force on 1 July 2004.

The new Press Law entered into force on 24 June 2004. The new law that was prepared in line with the Article 10 of European Convention on Human Rights and the judgements of European Court of Human Rights enhances the freedom of press.

The Law amending the Law on Public Employees' Trade Unions, the Law on Social Insurance and the Law on the Social Insurance Institution was adopted by the parliament on 24 June 2004 and published in the Official Gazette on 6 July 2004. In accordance with this law, certain legal impediments restricting the establishment of Trade Unions for Public Employees and the active participation in union activities by public employees have been removed in line with the relevant ILO Convention (No.151).

Law on Metropolitan Municipalities was adopted by the Parliament on 10 June 2004 and published in the Official Gazette on 23 July 2004.

The Law on the Compensation of Losses Resulting From Acts of Terror and Measures Taken Against Terrorism was adopted by the Parliament on 17 July 2004 and published in the Official Gazette on 27 July 2004. The purpose of the law is to compensate such damage by way of reaching agreements with the persons in question. The Bylaw on the implementation of the Law was published in the Official Gazette dated 20 October 2004. In this framework, damage assessment and compensation committees have been established and started to consider the applications.

The Law on the Organization and Duties of the Directorate General on the Status of Women was adopted by the Parliament on 27 October 2004 and published in the Official Gazette dated 6 November 2004.

The Law on the Organization and Duties of the Directorate General of Family Affairs and Social Studies was adopted by the Parliament on 10 November 2004 and published in the Official Gazette dated 13 November 2004.

The Law on Associations was adopted by the Parliament on 4 November 2004 and entered into force on 23 November 2004 upon its publication in the Official Gazette.

Law No.5176 on the Establishment of a Council on Public Employee Ethics was adopted by the Parliament on 25 May 2004 and published in the Official Gazette on 8 June 2004. The Council, whose members were appointed by the decision of the Council of Ministers dated 10 August 2004, has commenced its work.

European Agreement relating to persons participating in proceedings of the European Court of Human Rights was entered into force on 1 December 2004.

Developments in 2005

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families entered into force on 1 January 2005.

The Law on Provincial Administration was adopted by the Parliament on 22 February 2005 and published in the Official Gazette dated 4 March 2005.

The Law on Misdemeanor was adopted by the Parliament on 30 March 2005 and published in the Official Gazette dated 31 March 2005.

The Bylaw on the code of ethics for public employees was published on 13 April 2005.

The Law amending the Law on the Execution of Sentences was adopted by the Parliament on 25 May 2005 and published in the Official Gazette dated 1 June 2005.

The Law regarding the establishment of intermediate courts of appeal (Law on the Establishment, Duties and Jurisdictions of Judicial Courts of First Instance and Regional General Courts), Turkish Penal Code, The Code of Criminal Procedure and The Law on the Execution of Sentences were entered into force on 1 June 2005.

The Ministry of the Interior issued a circular on 1 July 2005 with a view to facilitating the voluntary return of internally displaced persons. The circular reaffirms previous instructions stipulating that the Governorships will continue to take necessary measures to facilitate voluntary return to places where security is established. The circular also introduces measures for ensuring greater participation and transparency with regard to the “Return to Village and Rehabilitation Project”.

The Act on the Local Administrative Unions was adopted by the Parliament on 26 May 2005 and published in the Official Gazette of 11 June 2005.

The Law amending the Penal Code was adopted by the Parliament on 27 May 2005, but the President had returned the law to the Parliament on 3 June 2005 for further consideration on two articles. The Law was published in the Official Gazette of 8 July 2005.

The Law on Municipalities was adopted by the Parliament on 3 July 2005 and published in the Official Gazette of 13 July 2005.

Act on the Protection of Children was adopted by the Parliament on 3 July 2005 and published in the Official Gazette dated 15 July 2005. Bylaw regarding the implementation of the said Law was published in the Official Gazette dated 24 December 2006.

The Law on the Establishment of Probation Centers was adopted by the Parliament on 3 July 2005 and published in the Official Gazette dated 20 July 2005.

Strategy Document called “The IDP Problem and Measures on Village Return and Rehabilitation Project” was issued on 17 August 2005 as a Council of Ministers Decision. The Strategy Document, prepared in accordance with the UN Guideline Principles, defines objectives and principles on activities for IDPs.

Developments in 2006

Ninth Reform Package

Mr. Abdullah Gül, Deputy Prime Minister and Minister of Foreign Affairs, announced on 12 April 2006 the 9th Harmonization Package. The Package includes the acceleration of the adoption process of the draft legislation and international agreements that are in the agenda of the Parliament, the presentation of new pieces of legislation to the Parliament and some administrative measures. The issues taking place in Ninth reform Package and their status of realization is as follows:

- Law on Court of Audit
- Draft Law amending the Law on Administrative Legal Procedures
- Draft Law on Administrative Procedures
- Draft Law on Establishment of a Political Ethics Commission in the Parliament
- Draft Law on Fundamental Principles for Elections and Electoral Rolls

Laws:

- Law on Foundations
- Law on Settlement
- Law on Private Education Institutions
- Law on Ombudsman
- Law amending the Law on Establishment and Legal Procedures of Military Courts

Administrative Restructuring Measures:

- Restructuring of the Human Rights Presidency of the Prime Ministry
- Identification of a body for the coordination of public institutions' activities in the field of anti-corruption policy

International Conventions:

- Draft Law on the Ratification of the United Nations Convention against Corruption
- Draft Law on the Ratification of Protocol No. 14 Amending the Control System Mechanism of the Convention for the Protection of Human Rights and Fundamental Freedoms
- Draft Law on the Ratification of the Revised European Social Charter
- Draft Law on the Ratification of the Protocol amending the European Social Charter

The Law on Foundations was approved by the Parliament on 9 November 2006 and submitted to the President of the Republic. The President returned the Law to the Parliament in order to discuss some articles once more. The Law is being discussed in the Parliament.

The new Law on Settlement was approved by the Parliament on 19 September 2006 and entered into force on 26 September 2006. The new Law does not contain any discriminatory provisions against Roma.

The Law on Private Education Institutions, one of the pieces of legislation of the 9th Reform Package, entered into force on 14 February 2007. Previously, in schools where education language is not Turkish (including minority schools) and in schools established by foreigners the Deputy Director had to be a Turkish citizen and teacher of Turkish language or Turkish culture knowing the education language; if a teacher with these qualifications was not member of the teaching staff, the Deputy Director was appointed among teachers of Turkish nationality and “Turkish origin”. In the new Law, the expression of “Turkish origin” has been removed and if a Turkish citizen and teacher of Turkish language or Turkish culture knowing the education language of the school is not member of the teaching staff, any teacher of Turkish nationality can be the Deputy Director..

The Law on Ombudsman was approved by the Parliament on 15 June 2006 and issued in the Official Gazette of 13 October 2006. The President of the Republic applied to the Constitutional Court for the annulment of some articles of the Law. The final decision of the Constitutional Court that stopped its implementation is waited.

The Law amending the Law on Establishment and Legal Procedures of Military Courts , which abolishes the competence of military courts to try civilians during peacetime with the exception of collective military crimes approved by the Parliament on 29 June 2006 and published in the Official Gazette of 5 July 2006. The Law, which is one of the elements of the 9th Harmonization Package, abolishes the competence of military courts to try civilians during peacetime with the exception of collective military crimes. Moreover, it will be possible to request from military courts to reopen the cases in accordance with the decisions of re-trial of the European Court of Human Rights. Individuals who did not comply with compulsory military service or persons who did not comply on time will be tried on civilian courts.

Draft Law on the Court of Audit, Draft Law amending the Law on Administrative Legal Procedures, Draft Law on Establishment of a Political Ethics Commission in the Parliament, Draft Law on Administrative Procedures, Draft Law on Fundamental Principles for Elections and Electoral Rolls have not became law yet.

The Prime Ministry issued the Circular No. 2006/32 in the Official Gazette of 13 October 2006, in which the Commission on Enhancing Transparency and Improving Good Governance in Turkey is tasked with cooperation with international organizations in the field of fight against corruption and establishing general principles with regard to ongoing works and future measures to be taken in this field. The Circular also tasks the Inspection Board of the Prime Ministry to provide secretarial services to the Commission.

The works regarding Restructuring of the Human Rights Presidency of the Prime Ministry continue.

The UN Convention on the Fight Against Corruption was approved by the Parliament on 18 May 2006. The law related to this approval was published in the Official Gazette of 23 May 2006.

Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention was approved by the Parliament on 1 June 2006 and national ratification document was deposited on 2 October 2006. However, the Protocol has not entered into force in the Council of Europe.

The European Social Charter (revised) and the Protocol amending the European Social Charter was adopted by the Parliament on 27 September 2006 and issued in the Official Gazette of 3 October 2006. National ratification process is underway.

Other developments in 2006

With the circular No. 1 of 1st January 2006, all the circulars that entered into force prior to 31 December 2005 have been repealed by Ministry of Justice. With other circulars on different issues entering into force on the same date, many references have been made to the European Convention on Human Rights (ECHR), European Court of Human Rights (ECtHR) and Article 90 of the Constitution.

The Act amending the Act of 27 July 2004 on the Compensation of Losses Resulting from Acts of Terror and Measures Taken Against Terrorism was published in the Official Gazette of 3 January 2006. With this Act, the application deadline was extended for one more year. Furthermore, the European Court of Human Rights, in its decision of 17 January 2006 on the Aydın İçyer case, decided that the Turkish domestic procedures were efficient and operational and rejected the case. The decision of the Court applies to all similar cases. The Law extending once again the duration of conclusion of the applications made in the framework of the said Law was entered into force on 16 December 2006. With the amendment, the deadline to conclude the applications made for the period from 19 July 1987 to 27 July 2004 was extended from January 2007 to January 2008 and the right to extend this deadline has been given to the Council of Ministers.

The Act Approving the Ratification of the Convention for the Safeguarding of the Intangible Cultural Heritage was published in the Official Gazette of 21 January 2006.

The Bylaw on Rules and Procedures of Legislation Preparation was published in the Official Gazette of 17 February 2006. The said Bylaw enhances the participation of civil society in the legislation preparation process.

The Optional Protocol to the International Covenant on Civil and Political Rights on the competence of the Human Rights Committee to receive and consider communications from individuals was ratified on 24 November 2006. The Optional Protocol entered into force on 24 February 2007.

Twelve private local radio and television channels which submitted necessary documents and information to the Supreme Board for Radio and Television (RTÜK) to start broadcasting in languages and dialects traditionally used by Turkish citizens in their daily lives other

than Turkish and fulfilled the broadcasting conditions started broadcasting on 26 March 2006. The Supreme Board for Radio and Television (RTÜK), in its decision of 12 June 2006, repealed the time limitation for movies and music programs in the broadcastings in languages and dialects other than Turkish traditionally used by Turkish citizens in their daily lives.

The new Law on Population Services was adopted by the Parliament on 25 April 2006 and entered into force on 29 April 2006 with its publication in the Official Gazette. The new Law stipulates that a written application addressed to the Administration will be sufficient in order to change a religion or to avoid indicating any religion in the registry and ID cards. The By-law no. 2006/11081 regarding the implementation of the said Law also entered into force with its publication in the Official Gazette dated 23 November 2006. Articles 82 and 96 regulate the registration, modification and deletion of the information regarding religion or leaving the religion section blank.

The Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of death penalty entered into force on 2 June 2006.

The Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of death penalty entered into force on 2 June 2006.

With the Circular No. 2006/17 published in the Official Gazette of 4 July 2006, which stipulates that violence against women and children and honour killings are a serious social problem, institutions in charge of coordination, implementation and cooperation have been designated in order to find remedies to the problems through the implementation of the recommendations of the report of the Parliamentary Investigation Commission to investigate the causes of honour killings and violence against women and children. In this respect, Social Services and Child Protection Institution will be the coordinator for thirtyseven measures foreseen to combat violence against children and the Directorate General on the Status of Women will be the coordinator for sixtyseven measures to be taken to fight against honour killings and violence against women. Moreover, there are eleven recommendations in the field of media and violence. The Parliament, Ministries and public institutions, universities, NGOs and media will have a key role in implementing all these measures. The Circular instructs the relevant institutions to immediately start work on these measures and requests detailed quarterly activity reports to be sent to the coordinators in order to oversee their implementation.

“The Regulation concerning the Disablement Criterion, Classification and the Health Committee Report given to the Disabled” was published in the Official Gazette dated on the 16th July 2006. “The Regulation concerning the Determination of the Disabled Dependent on Nursing and the Identification of the Basis of Nursing Service”, “the Regulation of the Official Institutions and Foundations - Nursing Centers Concerning the Disabled Dependent on Nursing” and “the Regulation of the Private Nursing Centers Concerning the Disabled” was published in the Official Gazette dated on the 30th July,

2006 and have entered into force.

The Circular on the establishment of City Councils was issued in the Official Gazette No. 26313 of 8 October 2006. The tasks and objectives of city councils are to develop a city vision and solidarity among townsmen in the city life; to protect the culture, history and rights of the city; and to implement principles such as sustainable development, environment, social assistance and solidarity, transparency, accountability, democratic participation, contribution to the development of the civil society, increasing the participation of children, youth, women and disabled people to the social life, good governance and decentralization. City councils are composed of chief public administrator of the locality or its representative; MPs of the relevant constituency; mayor(s) or its representative(s); maximum 10 representatives of public institutions; representatives of municipality and province assemblies; maximum 10 village/district heads (muhtar); representatives of political parties; and representatives of universities, professional organizations, trade unions, notaries, bar associations, cooperatives, unions and relevant associations and foundations.

On 13 October 2006, the Parliament amended the first paragraph of Article 76 of the Constitution and reduced the age limit to be elected as a Member of Parliament to 25 from 30. The constitutional amendment was issued in the Official Gazette of 17 October 2006. The Circular on the Registry Records for Foreigners Residing in Turkey was issued in the Official Gazette of 20 October 2006. The Circular aims at having a more comprehensive population register and protecting civil rights of foreigners and to finding swift solutions to their problems. Foreigners who legally reside in Turkey will receive an ID number.

The Law on the Election of Members of Parliament was also amended by the Parliament on 19 October 2006 and entered into force after being issued in the Official Gazette of 28 October 2006, in line with the constitutional amendment.

The National Committee on Human Rights Education has been established through a By-Law of the Prime Ministry issued in the Official Gazette of 11 November 2006. The Committee as an advisory body will be responsible for the preparation of a draft Action Plan aiming at implementing the UN World Program on Human Rights Education to be submitted to the Human Rights High Board.

The Institute of Population Studies of Hacettepe University has delivered the outcomes of its concerning Internally Displaced Persons Survey during a meeting held on 6 December 2006. A detailed report of the University on this survey is now available.

The Optional Protocol to the International Covenant on Civil and Political Rights on the competence of the Human Rights Committee to receive and consider communications from individuals was ratified on 24 November 2006. The Optional Protocol entered into force on 24 February 2007.

Mechanism for Monitoring Implementation

The Government set up a high-profile Reform Monitoring Group in September 2003 with a view to ensuring effective implementation of the reforms. The Reform Monitoring Group chaired by Deputy Prime Minister and Minister of Foreign Affairs Mr. Abdullah Gül, comprises Minister of Justice Mr. Cemil Çiçek, Minister of Interior Mr. Abdülkadir Aksu and State Minister and Chief Negotiator Mr. Ali Babacan since June 2005. Prime Ministry Secretariat General for EU Affairs provide secretarial services to Reform Monitoring Group.

The Reform Monitoring Group Information Gathering Sub-Committee that convenes in the chairmanship of Secretary General of EU Affairs monitors the implementation of the decisions taken by the Reform Monitoring Group and work on the issues to be submitted in the Reform Monitoring Group.

Besides, the accession process to EU is a permanent item on the agenda of the Council of Ministers.

State Minister Ali Babacan was assigned as the “Chief Negotiator” for the negotiations to be conducted with the EU on 3 June 2005.

Turkey's National Programme for the adoption of the Acquis Communautaire was adopted in the Council of Ministers and issued in the Official Gazette dated 24 March 2001 and 24 June 2003. The monitoring of Turkey's National Programme issued in 2003 is conducted through monitoring tables regarding the priorities of the legislation’s alignment and institutional capacity undertaken.

Turkey's Programme for Alignment with the EU's Acquis 2007-2013 was issued on 17 April 2007. The implementation of the Programme which includes pieces of primary and secondary legislation in 33 chapters of the accession negotiations will be monitored effectively. Since the Programme is a dynamic document, it may be revised when necessary. The works in the field of political criteria will be continued in the context of Reform Monitoring Group.

CONCLUSION

There have been reforms of long-standing in many fields, primarily in the field of Copenhagen political criteria in parallel with the acceleration of the accession process to EU. Besides political will, the ownership of the reform process by all segments of society has been effective on the realization of these reforms undoubtedly.

Our country goes through an impressive transformation process accelerated in recent years which is named as “silent revolution” by some independent observers. The scope of individual rights and freedoms that Turkish public has is broadened. Besides, the reforms in the field of economy plays an important role in the increase of stability and welfare in Turkey. Therefore, it is possible to say that the positive results of the reforms are started to be taken.

The main aim of the reforms is to make Turkish public to reach the highest standards and norms. In this framework, Turkish public that owns the process is the impulsive force of the reform process. The most visible result of the reforms realized within the framework of accession process to EU is freer discussion environment in Turkey which increasingly improves. Civil society expresses their opinions and requests freely. This environment enables the discussion of the issues in a more transparent way.

It is not possible to say that the reform efforts are completed and Turkey has reached a perfect position in terms of implementation. Our country is aware of the fact that there are more works necessary to be made. However, this path is decided by Turkey's own initiative in order to realize Turkey's modernization process and is a one-way road supported by EU's founding members and following politicians.

On the other side, the complete implementation of the reforms realized in a country at a scale of Turkey is a process taking time. The implementation of the reforms initiated by Atatürk necessitates arising of a new comprehension, new way of thinking and new mentality. Time is needed to realize this in Turkey as anywhere. Establishing a new institutional culture, change the former approaches and conducts is only possible with education and new structuring. The efforts to realize such transformation of mentality goes on continuously.

Turkey is aware of the fact that the road towards full membership to EU takes time and requires a substantial work. In this framework, the accession negotiations process is not an easy process. It should not be forgotten that this situation is similar for all the countries that became EU member states which are at the same scale with Turkey. However, political will necessary to continue the reform process without interruption is existent in Turkey.

What is important is the objective implementation of the criteria identified by EU. The criteria identified for membership are based on objective elements however each acceding country is evaluated according to its own performance. Turkey keeps on the negotiations based on these criteria. As long as EU is fair and objective, there is no obstacle in the process of accession negotiations.

Essentially, the reforms realized in the context of alignment with the EU's *acquis* overlaps with the expectations of Turkish public.

The political aspect of EU, which strengthens increasingly, makes EU achieve success in various fields including security and globalization in the new century. Coping with new problems will require a new vision for EU to be creative and open-minded. The EU's new identity belonging to new century should take into account the existing realities and should not enable to disregard different cultures.

The advantages of Turkey's membership to EU is closely related with the vision regarding EU's future. The success of EU lies in the ability of bringing together different cultures, ideas and values which exist in Europe through history. In this framework, start of accession negotiations with Turkey is considered as a historical step, the positive reflections of which are felt beyond EU's boundaries.

Full membership of Turkey to the EU will not only contribute to the protection peace and stability in EU but also enable universal values represented by EU to spread over a wider region. Turkey's membership to EU will contribute to the policy of unity in diversity and full implementation of the Alliance of Civilizations Project which is critically important in terms of peace and stability in the global scale.

The final decision regarding Turkey's membership will be given by EU member states' public and Turkish public jointly. What is important is the protection of necessary environment to carry on the reforms that Turkey has achieved on the path of modernization continuously. Consequently, the accession process of Turkey to EU and Turkey's full-membership as final target is a global project which will contribute to both Turkish public and EU.

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