

28th REFORM MONITORING GROUP MEETING

Press Statement by

Minister for European Union Affairs and Chief Negotiator Egemen Bađıs

on behalf of Reform Monitoring Group

(15 June 2013)

Esteemed Ministers,

Distinguished Colleagues,

Dear Members of the Press,

Dear citizens

The 28th meeting of the Reform Monitoring Group (RMG) was held today with the participation of myself as the Minister for European Union Affairs and Chief Negotiator, and of Mr. Sadullah Ergin, Minister of Justice, Prof. Dr. Ahmet Davutođlu, Minister of Foreign Affairs, and Mr. Muammer Gler, Minister of Interior and with high level bureaucrats.

Afif Demirkıran, Co-chairman of the EU-Turkey Joint Parliamentary Committee and Siirt MP, Efkan Ala, Undersecretary of the Prime Ministry and Hikmet Tlen, Chairman of the newly established Turkish Human Rights Presidency have also participated.

First of all, I would like to emphasize the importance of holding the RMG meeting at such a critical time for our country, region and for the EU.

I believe that an evaluation of the reform process, which is an indispensable element of our determination for advanced democracy has been a complementary and meaningful effort on a day when emphasis for “respect for the national will” is felt in our capital, our country and many places in the world.

In particular, sincerity and determination of our Government regarding democracy and freedoms have been once again demonstrated in consideration of the recent events.

The main item on the agenda of the 28th RMG meeting is doubtless the reforms undertaken through the EU harmonisation process.

RMG meetings will continue its work as a platform to enhance Turkey’s determination for advanced democracy.

Despite the positive developments in the recent period for the negotiation process, 16 chapters still cannot be opened due to political blockages.

The most important issue to be resolved in Turkey-EU relations are the political blockages which are irrelevant to Turkey’s reform process.

The relations between Turkey and EU of for more than fifty years have been continuing on the basis of common interests that comprise strategic, historical, geographical benefits. The relation could only continue with this understanding.

Recent incidents occurred within Turkey have been reflected to the European Parliament and the European public opinion with an exaggerated picture as to obscure the situation in reality.

The last resolution on Turkey adopted by the European Parliament (EP) has regrettably confirmed our standpoint, and the EP has become a platform to tarnish Turkey by unfair and unfounded claims.

Obscuring the progress made by Turkey in the reform process is unacceptable. As we have declared before, we, as the Government and RMG, do not recognize the recent EP resolution on Turkey and consider it null and void.

As the government, we are open to all kinds of constructive criticism. However, an attitude that exceeds the boundaries of criticism to the point of being derogatory is unacceptable.

As we have demonstrated today, our Government has no hesitations or reservations regarding harmonisation with the EU acquis or standards and freedoms of advanced democracy.

Turkey today has the most reformist, transparent, libertarian, determined and powerful government in its history.

It is clear that the reforms we have realised in the past ten and a half years are towards strengthening democracy in Turkey and removing obstacles before fundamental rights and freedoms of our citizens without any discrimination. Turkey is determined to widen the freedom of individuals and different faith groups.

There is no longer any issue in Turkey which is considered to be a taboo or which cannot be debated, discussed or freely expressed.

The demonstrations which had started with regard to the Gezi Park in Taksim and later gained a different dimension due to its exploitation by marginal and illegal groups, should be seen as an indicator of the strengthening of the democratic atmosphere in Turkey.

Our public has been informed about the investigations, as well as the results of these investigations regarding the security forces which have forced the boundaries of intervention.

However, despite all this, broadcasts by the international media and portrayal by certain circles as if there were an extraordinary situation in Turkey is not accurate at all.

On the other hand, Prime Minister Recep Tayyip Erdoğan has demonstrated the utmost sensitivity early on for the issue to be resolved through dialogue and has been in dialogue with different groups. Similarly, our government and local administrators have addressed the issue with the same sensitivity and have not ended the dialogue process.

However, it is incomprehensible that some European countries and EU officials continue to make statements that embolden circles that are exploiting the process.

Recalling the bad practices regarding the freedom of expression, the freedom of the media and the freedom of assembly in some countries, the EU's lack of response to these countries and overreaction to smaller-scale demonstrations in Turkey is contradictory.

Given the fact that Turkey meets the Copenhagen Political Criteria, which has been confirmed by the EU, Turkey's EU accession negotiations should be accepted as a technical process.

The EU needs to reflect on the fact that when it comes to Turkey, political matters are continuously discussed rather than the technical process.

Turkey is a democratic state governed by the rule of law and capable of deciding of which mechanisms and remedies to use for resolving internal issues.

Turkey is not a country which can be stalled with vague promises, kept waiting at the door or given in to threats.

We are also at an important turning point on the visa issue, which has been brought to the agenda as the most problematic issue for our citizens regarding Turkey-EU relations. Concrete developments in this area would contribute to re-establish the weakening confidence of our citizens in the EU.

We expect that the conditions and methods that have been applied to other candidate countries to be applied to Turkey, due to Turkey's status as a candidate country carrying out negotiations and a result of more than fifty years of Turkey-EU relations.

Turkey will undertake its own assessment in line with its own strategic preferences and responses. The sincere expectation of our Government and our people from the EU is for this process to progress on the basis which it deserves.

The EU needs to acknowledge the determination and sincerity of our Government regarding the reforms and reciprocate this determination.

We believe that the accession process will gain a new impetus after the opening of Chapter 22 on Regional Policies and the Coordination of the Structural Instruments on 26 June 2013.

In addition to this, we agree with the opinion of Mr. Stefan Füle, Commissioner Responsible for Enlargement and European Neighbourhood Policy regarding the opening of Chapter 23 on Judiciary and Fundamental Rights and Chapter 24 on Justice, Freedom and Security. We invite the EU to open these Chapters to negotiations.

We consider the call by Ms. Catherine Ashton, High Representative of the European Union for Foreign Affairs and Security Policy Vice-President of the Commission regarding further cooperation with Turkey to be very important.

We hope that common sense and prudence will prevail over the EU regarding Turkey.

Hereby, we would like to share the decisions taken during the 28th RMG meeting:

The work for the revision of the **Judicial Reform Strategy**, which was prepared by the Ministry of Justice in 2009 and which has started to be implemented, is continuing in a transparent and participatory manner, taking into account the new Constitutional work.

With the **Third Judicial Reform Package**, which entered into force on 5 July 2012, a large number of laws were amended with a view to increasing the effectiveness of and accelerate the judicial services. According to these amendments, decisions on detention, the continuation of detention or the refusal of the request for a discharge must clearly indicate with concrete facts that there is a presence of a strong suspicion of a crime and grounds for detention and that the detention measure is proportionate. Furthermore, the scope of the probation, which is an alternative to detention, has been extended through the removal of the time limits.

With the **Third Judicial Reform Package**, the postponement of judicial proceedings and execution of the penalties concerning offences committed through the press and media or through other means, abolishment of the implementation of the penalty to stop the publication of periodicals and revoking of a number of decisions, taken on different dates regarding the confiscation of printed works have also been introduced in the area of freedom of the press and expression.

“Law Amending Certain Laws on Human Rights and Freedom of Expression” known as the **Fourth Judicial Reform Package** was adopted by the TGNA and entered into force on 30 April 2013. With the Fourth Judicial Package, significant improvements have been introduced in order to align human rights and democracy standards in Turkey with the universal norms, particularly in the field of freedom of expression and press. Within this framework, the Fourth Judicial Reform Package which aims at preventing the violations of the ECHR and implementing the rulings of the European Court of Human Rights (ECtHR) ensures the following in particular:

- Removal of the obstacles before the access to justice through enhancing the standards of legal aid and introducing the improvement of military administrative justice and administrative justice,
- Facilitation of the implementation of ECtHR rulings through renewing the trials in military administrative justice and re-opening the investigations in administrative justice,
- Prevention of the violations of property rights arising from the implementation of expropriation,
- Removal of the obstacles before the freedom of press and expression arising from related legislation,
- Removal of the statute of limitations for torture cases,
- Improvement of the efficiency of the system challenging the lawfulness of detention by fully realising the requirements set forth by the principles of equality of arms and contradictory procedure during the examination of detention,
- Development of the compensation system based on the measures for detentions, aligning this system with the ECtHR standards and creating an effective means of remedy.
- Ensuring the introduction of the renewal of the trials related to a certain number of decisions which cannot be implemented due to the absence of the possibility to renew the trials, and thereby enforcing the ECtHR rulings.

As a result of these reforms, the backlog of the courts has decreased and the **proportion of the detentions** in prisons has been reduced to **21.6%**. Within this respect, Turkey has achieved a better status than many of the EU member states.

In the human rights meetings of the Committee of Ministers of the Council of Europe, which monitors the enforcement of the ECtHR decisions held in March and June 2013, the recent developments in Turkey in terms of the length of trials, detention periods and detention procedures have been welcomed.

Draft Action Plan to Prevent Human Rights Violations, prepared by the Ministry of Justice in order to eliminate the problems in areas related to the ECtHR rulings regarding violations and which indicates the necessary measures envisaged activities and arrangements as well as the responsible institutions has been revised and finalised, taking into account the opinions of the relevant institutions. The draft action plan will be submitted to the Council of Ministers as soon as possible.

With the enactment of the Law on Criminal Procedures published in the Official Gazette on 31 January 2013 and the Law Amending the Law on the Execution of Sentences and Security Measures, it has been ensured that defendants can defend themselves in a language that they prefer and in which they can better express themselves. Moreover, new arrangements, such as suspension of executing the sentences of the prisoners who are too gravely ill or are too disabled to live on their own, allowing convicts and detainees to conjugal visits with their wives and husbands, and enabling juvenile convicts to spend more time with their parents, have entered into force.

The Turkish National Human Rights Institution which was established on 30 June 2012 and is the decision-making body of Human Rights Committee, held its first meeting on 24 January 2013.

Work is underway with regard to the national prevention mechanism which was envisaged within the framework of OPCAT (Optional Protocol to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), in order to be carried out by the Turkish National Human Rights Institution.

The Chief Ombudsman and five Ombudsmen took office following the elections on 28 November 2012 and 29 November 2012. Within the framework of the by-law which entered into force on 28 March 2013, the Ombudsman Institution has started its activities by receiving the complaints of the citizens.

The Constitutional Court started to receive individual applications on 24 September 2012 and almost 5200 individual applications have been made to this date. ECtHR adopted this as a domestic remedy to be exhausted prior to applications to the ECtHR.

Law No. 6384 on the Settlement of Pending Applications before the European Court of Human Rights through Compensation entered into force on 19 January 2013. According to this law, persons applying to the ECtHR as of 23 September 2013 with the claim that investigations and prosecutions within the scope of the penal law and trials within the scope of private law and administrative law have exceeded reasonable time limits or for delays in or incomplete execution or non-execution of court judgments, can apply to **Human Rights**

Compensation Commission, which was established by the Ministry of Justice. More than 1800 applications were made to the Commission as of 20 February 2013.

The addition of the Provisional Article 11 to the Law on Foundations **on 27 August 2011** paved the way for restitution of the immovable properties owned by the community foundations of our citizens of different faiths and which had previously been confiscated for various reasons. 116 community foundations applied by the deadline for the return of 1560 properties. Within this framework, it was decided to return 210 properties and to pay for compensation for 16 properties to the communities in question. The processing of the remaining properties is carried out by the Foundations Council.

The application of Gökçeada Greek Community to open a **Greek Primary School** in Gökçeada with the status of a minority school was approved on 28 March 2013 and permission to open a Greek minority school in Gökçeada has been issued.

Law on Foreigners and International Protection reshaping the main policies of Turkey in the field of immigration and asylum and establishing a Directorate General of Immigration Administration under the Ministry of Interior was put into force after being published in the Official Gazette on 11 April 2013. With this law, a very important step was taken for the creation of a comprehensive legislation and the establishment of a strong institutional infrastructure as needed by our country for migration management and far-reaching arrangements were made which would pave the way for considerable progress in the Chapter 24 on Justice, Freedom and Security in our EU accession negotiations.

In this respect, work is also ongoing on the drafting of the Law on the Fight against Human Trafficking and Protection of Victims under the coordination of the Directorate General of Migration Management at the Ministry of Interior.

The Ministry of the Interior is currently carrying out work on the draft Law on Border Management.

The 2010-2012 Action Plan of the 2010-2015 National Strategy Paper on the Fight Against Organized Crime, prepared by taking into account Turkey's priorities in the area of fight against organised crime and the relevant EU acquis, and which mainly aims to reduce organised crime seriously harming economic and social interests, as well as individual and social security, has been implemented successfully. The second Action Plan for 2013-2015 was prepared with the contributions of relevant institutions under the coordination of the Ministry of Interior and submitted to the Prime Ministry.

The 29th meeting of the Reform Monitoring Group, established in 2003 so as to ensure the continuity of the political reform process which is one of the key elements of our determination to advance our country beyond the level of contemporary civilization and the effective implementation and follow-up of these reforms, in which the issue of women's rights and the prevention of domestic violence will be addressed as priority items on the agenda and will be hosted by Ms. Fatma Şahin, Minister of Family and Social Policies, will be held in Gaziantep in September 2013.