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**THE STATE OF TURKEY-EU RELATIONS:
EUROPEANIZATION AND HUMAN RIGHTS**

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**The State of Turkey-EU Relations:
Europeanization and Human Rights:**

**Türkiye-AB İlişkilerinin Durumu:
Avrupalılařma ve İnsan Hakları**

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ABSTRACT

This study aims to explain current status of Turkey-EU relations in terms of human rights in the context of Europeanization and the reasons of this status. The fundament of the EU is based on the principles of democracy and the rule of law, and one of the most important criteria of the EU for candidate countries and member states is the protection of fundamental rights and freedoms. When we consider the start of EU-Turkey relations, which began with Turkey's application to join the EEC partnership began in 1959, Turkey-EU process has followed a path of ups and downs over time. Especially, in recent years, restriction of fundamental rights and freedoms, the problems experienced in the rule of law and democratization has led to a deterioration of relations come to a standstill. When we consider the last 5 years of relations, after the Gezi Park protests in 2013, the fundamental rights and freedoms were suspended with the July 15 coup attempt. This led to a halt in relations with the EU in 2017. In this context the importance of the concept of human rights in Turkey-EU relations was emphasized in this article. Although there are many reasons for the current deterioration in relations, it reveals that one of the most important reasons is the human rights.

Key Words: European Union, Human Rights, Europeanization, Fundamental Rights, European Commission, Turkey-EU Relations

ÖZET

Bu çalışma Avrupalılařma bağlamında Türkiye-AB ilişkilerinin insan hakları açısından mevcut durumunu ve bu durumun nedenlerini açıklamayı amaçlamaktadır. AB'nin temeli, demokrasi ve hukukun üstünlüğü ilkelerine dayanmaktadır ve AB'nin aday ülkeler ve üye devletler için en önemli kriterlerinden biri temel hak ve özgürlüklerin korunmasıdır. Türkiye-AB ilişkilerini en başından ele aldığımızda, 1959 yılında Türkiye'nin AET'ye ortaklık başvurusu ile başlayan Türkiye-AB süreci, zaman içinde inişli çıkışlı bir yol izlemiştir. Özellikle son yıllarda Türkiye'deki temel hak ve özgürlüklerin kısıtlanması, hukukun üstünlüğü ve demokratikleşme konularında yaşanan sıkıntılar ilişkilerin bozulmasına ve durma noktasına gelmesine neden olmuştur. İlişkilerin son 5 yılını ele aldığımızda, 2013 yılında Gezi parkı olaylarından sonra 15 Temmuz darbe girişimi ile temel hak ve özgürlükler askıya alındı. Bu durum 2017 yılında AB ile ilişkilerin durmasına neden oldu. Bu çerçevede, bu makalede Türkiye-AB ilişkilerinde insan hakları kavramının önemi vurgulanmıştır. İlişkilerdeki mevcut bozulmanın birçok nedeni olmakla birlikte, en önemli nedenlerinden birinin insan hakları olduğu saptanmıştır.

Anahtar Kelimeler: Avrupa Birlięi, İnsan Hakları, Avrupalılařma, Temel Haklar, Avrupa Komisyonu, Türkiye-AB İlişkileri

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ABBREVIATIONS

AKP	: Justice and Development Party
CFREU	: European Union Charter of Fundamental Rights
CFSP	: Common Foreign and Security Policy
CPT	: European Committee for the Prevention of Torture
EC	: European Community
ECA	: European Community Agreement
ECHR	: European Convention of Human Rights
ECJ	: European Court of Justice
ECSC	: European Coal and Steel Community
ECtHR	: European Court of Human Rights
EEC	: European Economic Community
ENTSO-E	: European Network of Transmission System Operators for Electricity
EP	: European Parliament
EU	: European Union
EURATOM	: European Atomic Energy Community
ICCPR	: International Covenant on Civil and Political Rights
ICTA	: Information Technologies and Communication Authority
ILO	: International Labour Organization
KHK	: Decree-Law
LGBTI	: Lesbian, Gay, Bisexual, Transgender and Intersex
NPAA	: Turkey's National Program on the Adoption of the Acquis
OPCAT	: Optional Protocol to the UN Convention against Torture
PKK	: Kurdistan Workers Party
RTÜK	: High Audio-Visual Board
TCC	: Turkish Criminal Code

TCK : Turkish Criminal Law
TGNA : Turkish Grand National Assembly
TIP : Telecommunications Communication Presidency
TRT : Turkey Radio and Television Corporation
TSK : Turkish Armed Forces
UN : United Nations



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INTRODUCTION

A Brief History of Turkey-EU Relations

Turkey and the European Union have a long history since the 1950s. The first application for associate membership to the Community was in 1959. The ongoing process with Ankara Agreement in 1963 accelerated further after the 1999. The Helsinki Summit in 1999 was an important step for Turkey - European Union Relations. After the recommendation of the Commission in its second Regular Report on Turkey, The European Council gave Turkey the status of candidate country for EU membership. In 2001, on 8 March, the EU-Turkey Accession Partnership was accepted by the European Council. This was one of the key landmarks for Turkey's EU accession process. The Turkish Government adopted the NPAA on 19 March, the National Programme for the Adoption of the Acquis (acquis means EU law), reflecting the Accession Partnership. At the Copenhagen Summit held in September, the European Council decides to increase significantly EU financial support through what is now called pre-accession instrument (IPA) (Delegation of the European Union to Turkey, n.d.).

17 December 2004 was a very important milestone for EU-Turkey relations. The European Council started membership negotiations between EU and Turkey. In 2005, Turkey has reached the highest level in European Union relations. Accession Negotiations opened on 3 October 2005. With the accession negotiation, the screening process has begun under 35 titles in October. This process is the analytical examination of compliance with acquis. The new accession partnership document for Turkey was accepted by the Council on December 2005. The period of between 1999 and 2005 called as “Golden Age Period” of Turkey for the Europeanization. So, As the Müftüler has stated that the EU has been a strong actor for the Europeanization process in Turkey since 1999 (Müftüler 2005; 18).

EU's effects are very high in the Turkey's Europeanization process. With the related to this, in Helsinki Summit on 1999, Meltem Müftüler Baç (2005) summarizes this process as follows that If Turkey fulfills the political conditions of the EU, it would have the possibility of full membership. At the same time, the idea of full membership for democratization and political reforms was a strong incentive. Turkey had a clear perspective for full membership for the first time. This was increased the impact of the EU on Turkey's political Europeanization process. In between 2001 – 2004, Turkey was adopted various political reform packages to fulfil the Copenhagen criteria for the Europeanization process (Müftüler 2005; 20). But, when

we look at the past few years of Turkey's European Union relations, due to some incidents in the world and between Turkey-EU relations, relationships seem to be deadlocked. Islamophobia, terror, Syrian crisis, refugee crisis, coup attempt in Turkey are some of the reasons for the deadlock in the past decade.

Major Sources of Deadlock in EU-Turkey Relations

Discrimination and racism gained a new dimension with Islamophobia after the September 11th attack of 2001. The terrorist attacks in the EU have strengthened the Islamophobic perceptions. Especially since 2014, the ISIL (Islamic State of Iraq and the Levant) activities in the Middle East have been touted to be billed on all Muslims in the west, causing anti-Islamic movements in Europe to go back to the rise. Islamophobia has been increasing since the onset of the refugee crisis in 2015. The emerging Islamophobic atmosphere is a negative effect on Turkey-EU relations. As a result of this atmosphere, excessive right-wing parties are strengthening across Europe, while the extremists from the other side have begun to determine the agenda and rhetoric of mainstream parties. One of the most fundamental policies of these parties is the fact that the majority of the population is Muslim, Turkey is opposed to be a member of the EU (Bayraklı, Güngörmez and Boyraz 2017; 20). After 2015, the growing refugee crisis and Syrian crisis have led to the negative impact of relations. In 2015, nearly 1 million immigrants/refugees from different ethnic backgrounds reached the European countries through the Mediterranean and the Aegean. As a result, the effect of extreme right and radical formations has grown as an avalanche of social reactions.

Major Convergence Policies in EU-Turkey Relations

Apart from all this, there are also some other events positive impacting on the relations between EU- Turkey Relations. We can say that there have been significant studies in recent years on issues such as energy, Customs Union and immigration.

Energy is one of the issues that play a key role in Turkey-EU relations. “When Turkey is developed as an energy bridge and potential energy hub, it will benefit both Turkey and the EU. Geographical proximity is an advantage for both sides. They will provide more market integration for both Turkey and EU” (Outcome of the meeting of Commissioners Oettinger and Füle and Ministers Yildiz and Bağış, 2012). Turkey is a major energy importer for the supply of natural gas from the Caucasus, Eastern Mediterranean, and the Middle East to Europe and it has potential as an important transit country. Because of this, its role is vital in the

development of the Southern Gas Corridor through the construction of the Trans-Anatolian pipeline. Nathalie Tocci explains that in the issue of energy, the resolution of the Cyprus question is important. Other important thing is the consolidation of the Turkish-Israeli rapprochement. In this way, Cypriot, Israeli, Iraqi and Iranian gas would flow through the Turkish network to Europe and EU and Turkish energy security will be stronger. With this, Turkey will apply fully and adopt energy acquis and strengthen the institutional and regulatory framework. This is also important in terms of finding a way to get closer to EU of Turkey in the issues of energy and climate policies (Tocci 2016; 12).

The cooperation of EU and Turkey is important to ensure the integration of gas and electricity markets of the Union's internal energy market. In addition, Turkey is an observer in the Energy Community and the European Network of Transmission System Operators for Electricity (ENTSO-E). A High-Level Energy Dialogue between the EU and Turkey was launched on 16 March 2015. High Level Dialogue emphasizes manifestation of the importance of both sides to improve cooperation in the energy sector (European Commission, n.d.).

The other convergence between Turkey and EU is Customs Union. The first step to the customs union was the Ankara Agreement in 1963. An additional protocol in which entered into force to remove customs duties between two sides in 1973 was adopted by the Customs Union Decision in 1995. The Decision entered into force on 1 January 1996 (¹Delegation of the European Union to Turkey, n.d.). Turkish government and the European Commission began the process for the modernization on May (Taştan 2017; 1). For the last two decades, the EU-Turkey Customs Union that forms the backbone of the bilateral trade flow and the process of joining the union has provided many important contributions. With the Customs Union, many important trade barriers were abolished, and legal regulations were substantially enforced. In addition, EU and Turkey are integrated into the global market and contribute to the country's modernization with the union.

The "Visa liberalization dialogue Memorandum and Acceptance Agreement", EU-Turkey Readmission Agreement, signed on 16 December 2013 as a result of an agreement on the distribution of refugees reaching Europe to EU countries, on 18 March 2016 between Turkey and the EU Agreement on a common text to provide a solution to the refugee crisis (Bayraklı at all. 2017). According to Nathalie Tocci (2016), in regards to migration and mobility, Turkey would complete its transition from an emigration to an immigration country and

Turkish immigration to Europe would be contained for the economic development and reaching of a demographic plateau. Turkey would adopt a more restrictive visa policy towards its neighbors while at the same time act as a liberalizing member state in the Council of the EU. Thus, it would comply with the Schengen acquis but press to liberalize it through its role in decision-making (Tocci 2016; 12).

Research Question

Membership negotiations that started in 2005 are still going on. But, relations between two sides are increasingly weakened while it should be strengthened. As it was before 2004 they took on the auditing process again because of the declined in a human rights, democracy and rules of law areas of Turkey. Relations started to warm up in refugee agreement in early 2016 was unfortunately not successful. Parliamentary Assembly of the Council of Europe has issued negative report about state of emergency that was declared after the 15th July coup attempt. The European Parliament has called for the suspension of EU-Turkey relations.

In Addition, extreme right-wing and populist parties that have risen in recent years are rooting in European politics. These parties not only to Turkey's EU process, meets the EU's presence and policies. The pro-EU parties also prefer to push the brakes on Turkey to don't give more ammunition to those parties (Deutsche Welle, 2017). Increased terrorist incidents in recent years have increased negative impact on relationships. Especially, Turkey in terms of relations with the European Union had serious difficulties in 2017.

In last year, Turkey has been turned into a political campaign material during the election process in the leading EU countries and this created a negative atmosphere. Also, EU still has not started to apply visa exemption. Although, we have implemented the readmission agreement as de facto, it does not impose visa exemption. The other topic is that Turkey's updating of the customs union demands could not find the answer from Brussels. Dialogues on issues such as the Customs Union update and visa liberalization remained at the technical level. While Turkey wanted the strengthening and modernization of the Customs Union with the EU, there is no voice from the EU. In addition, State of Emergency continues in Turkey is a worrying situation for the EU. In 6th February 2018, European Parliament organized plenary session about 'Human Rights in Turkey' and 'Afrin case'. They were deeply concerned for fundamental rights and freedoms in Turkey and to progress in the rule of law (Deutsche Welle, 2018). Against this background a very important question arises, a question that will

be the main research question of this dissertation: What is the current status of Turkey-EU relations in terms of human rights in the context of Europeanization and what are the reasons of this status?

State of the Art

Briefly, since the starting point of EU-Turkey relations, we can see convergence and divergence on many different topics. These convergences and divergences help us to understand concept of Europeanization in Turkey-EU relations. But, there are other issues that are not mentioned in the literature, except economic and political issues, when describing Europeanization. One of these is the human rights that all people should have equally. In this work, the aim of research is to reveal reasons of divergence in the human rights during the EU-Turkey accession process and explain current status in the Turkey-EU relations. While doing this research, the Europeanization approach will provide an in-depth understanding of the subject.

In the 1950s and 60s, in the stages of the founding and self-proofing of the Community, Europeanization has been a prominent process as bottom-up approach. The bottom-up approach examines the impact of developments in member countries on European developments and the European integration process. It progresses from member country level to EU level. In these years, Europeanization was not used as a concept in the first place, but the bottom-up cooperation and the evolving process of the Community was explained with concepts of convergence and integration.

With the Maastricht treaty in the early 1990s, the European integration process gained momentum and new concepts and theories began to gain prominence in Europe. Unlike institutional European integration, the concept of Europeanization has emerged as a new research area because of its focus on the implications of the integration process on national structures, policies and actors. From the 1990s, the concept of Europeanization has come into prominence with intensely top-down approach. The top-down approach deals with the impact of the EU integration process and the impact of European developments on the Member States. It progresses from the EU level to the national level.

Although there are many definitions of the concept of Europeanization, the common point of it is that the European Union and Member States are pointing to their interactions in various

ways. In this sense, the concept of Europeanization has produced various definitions. Highlights in these descriptions are that the studies explaining Europeanization as an EU Integration, studies explaining as an influence of European Union to Member States, those who bring together two definitions.

Although there is not a single definition of European, this concept continues to change since its emergence. Ladrech's definition (1994) is the first accepted definition of Europeanization. He defined Europeanization as "an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making" (Ladrech, 1994; 69). According to Cowles et al. (2001) made a slightly different definition from the traditional ones. According to them, Europeanization is the formation and development of different structures and levels at the European level of governance. More precisely, it can be defined the emergence of a set of political institutions that make formal and routine interactions between actors with a different political system at European level and can be defined as the development of a policy network that specializes in the creation of European rules that have the power to sanction (Risse, Cowles and Caporaso 2001; 3). According to Johan P. Olsen (2002), "there are five faces of Europeanization in usage: Changes in external boundaries, developing institutions at the European level, central penetration of national system of governance, exporting forms of political organization and a political unification project" (Olsen 2002; 923-924). Another definition belongs to Bulmer and Burch. Bulmer and Burch's (1998) "use of Europeanization referred to 'the extent to which EC/EU requirements and policies have affected the determination of member states' policy agendas and goals' and 'the extent to which EU practices, operating procedures and administrative values have impinged on, and become embedded in, the administrative practices of member states'" (Bulmer and Burch, 1998; 602). Although Radelli accepted the essence of Ladrech's definition, he criticized because it is focused on many institutions and does not allow the possibility of European identity and thought structures of national actors. He revised the definition of Ladrech and created a new definition. According to him, "Europeanization consists of processes of construction, diffusion and institutionalisation of formal and informal rules, procedures, policy paradigms, styles, ways of doing things' and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic discourse, political structures and public policies." (Radelli 2004; 4). According to Börzel who is trying to define Europeanization according to an institutional

approach, Europeanization refers to the process in which national policy areas are increasingly becoming the subject of policy production on a European scale. Börzel has limited Europeanization with the change that occurred in national policy practices (Börzel 1999; 574).

Last of all, Europeanization studies can be collected in various groups. Transitions between these classes are possible and are necessary in order to achieve interesting results.

Rationale of the Research

When we search Turkey-EU Relations in the literature, we can find more research and more resources on some of the main topics. Migration and immigration are some of the very popular research topics in between two sides. In the literature, the case of migration was discussed in the context of Europeanization and Turkey-EU relations. On asylum and migration, regulations of Turkey and harmonizing EU acquis process have been described. In the journal of Özçürümez and Şenses, Turkey's irregular migration policy during its accession process to the European Union has been examined (Özçürümez and Şenses 2011). In another master thesis, the Europeanization of the immigration and asylum policies has been explained by different approaches and models and the transformation of immigration and asylum policy in the process of Europeanization has been explained. (Karadağ 2012). In addition, Eiko R. Thielemann in his study explored a conceptual framework which will help to explain how European integration can selectively legitimate actors, ideas and discourses, and in doing so facilitate domestic policy change. (Thielemann 2002). Maarten P. Vink distinguishes between four types of European integration in his work and shows how they are linked to internal migration policies (Vink 2002). These are some different researches in the migration case.

Another popular title in the economic area is Customs Union. In the literature, there is a historical process of Customs Union in the context of Europeanization. Otherwise, Literature includes advantages and disadvantages of four fundamental freedom of movement that came with the process of Europeanization in the internal market (Dreger and Heene 2013). Ülger has dealt with the progress made in Turkey from the establishment of the customs union to the day and then he has questioned the EU's role in this process, based on the concepts of Europeanization and soft power in his journal. He has reached various conclusions as a result of its research about role of the EU in Turkey's social transformation. One of these various conclusions is about Customs Union. According to his inferences are that "starting with the

customs union, the compliance to the *acquis* has expanded and continued to accelerate during the candidacy and in negotiation period” (Ülger 2016). Since the signing of the readmission agreement, resources have increased about visa exemption. These are research topics that we can frequently encounter in the literature. Especially, with the readmission agreement, researches speeded up on visa exemption in the literature.

There have been many researches and discussions on these issues until now. Although these issues are very important in EU-Turkey Relations, in fact there are other issues that play a key role in Turkey-EU relations. One of the most important factors in recent times when relations have come to a breaking point is decisions and practices of Turkey in the field of human rights as of 2018. Although we encounter some sources in the literature, I have not encountered resources which examined Turkey-EU relations in-depth in the field of human rights. Some sources have been written on human rights in the EU and some sources have been written in the frame of Turkey, EU and human rights. As example, the article of Yüksel Metin and Ümmühan Kaygısız refer the protection of fundamental rights in the EU and innovation brought by the Lisbon Treaty (Metin and Kaygısız 2011). Haydar Efe refers to evolution of human rights in the EU between 1960 and 2007 (Efe 2010). In the book of Belgin Akçay and Bahri Yılmaz, it has been mentioned from human rights conditionality of the EU and it has been talked about how credibility has affected the reform process in the field of human rights in Turkey in the period from the Copenhagen criteria until 2010 (Akçay and Yılmaz 2013). Bertil Duner and Edward Devereil have been talked about Turkey, EU and human rights in their article. Also, it examines EU demands on Turkey, and it mentions some human rights violations in Turkey (Duner and Devereil 2001). Canan Balkır and Diğdem Soyaltın have talked about the historical development of Europeanization, its conceptual and theoretical framework, the process of Europeanization in the candidate countries and in the member states. They have addressed the issue of Europeanization in Turkey. In addition, they periodically referring to human rights issues in Turkey in their book (Balkır and Soyaltın 2018). In the light of all these resources, I discussed the development of EU and human rights in the EU in my thesis. Also, I examined the scope of Turkey-EU relations in the field of human rights in the concept of Europeanization from the beginning of relations to the present. Hence, this dissertation aims to fill in the gap that I tried to expose here.

Methodology

Using materials in this research are documents that include specific research question, official websites of EU institutions, official meetings documents between EU and Turkey. In addition, EU-Turkey progress reports are one of the main documents to explain research question. These are is primary sources. Because, “these sources involve the oral or written testimony of eyewitnesses and they are original artifacts, documents, and items related to the direct outcome of an event or an experience” (Berg 2001; 214). Also, I’m going to use the articles and theses written by others as secondary sources because “they are documents written or objects created by others that relate to a specific research question or area of research interest” (Berg 2001; 214). Thesis based on qualitative research methods. Also, this is based on content analysis. “In content analysis, researchers examine artifacts of social communication. Typically, these are written documents or transcriptions of recorded verbal communications” (Berg 2001; 240). At the same time, thesis based on discourse analysis because it will also be analyzed on statements and speeches of statesmen and official representatives of EU. This thesis also will be explanatory research. “It seeks explanations of observed phenomena, problems, or behaviors. It seeks answers to why and how types of questions” (Bhattacharjee 2012; 6).

Scope of the Study

The thesis will have six parts. First will be introduction. Then, first chapter will be about historical development of human rights in the EU. Because, if we want to understand the reasons of current status; we need to learn EU, EU’s institutions and development process of human rights in the EU. Second chapter will be about historical background in Turkey-EU relations. In this chapter, it will be announced the start of Turkey-EU relations and relations between the years 1998-2005 will be discussed with the progress reports. This chapter will also be one of the main sections of the thesis. Third chapter will be about development of human rights with accession process in 2005. 2005 year is turning point in the EU-Turkey Relations. In this chapter, between the years 2005-2015 in EU-Turkey relations and Turkey's changing structure will be discussed. Also, it will discuss the state of human rights in the 50th years of Turkey-EU relations. Fourth chapter will be about 2016 and after. In this chapter, it will be discussed thoroughly at the deteriorating human rights in Turkey. Also, it will be referred to how it came to a halt Turkey-EU relations and current status of human rights in Turkey. Last part will be conclusion. At the same time, the answer of research question will be given in this part.

1. HISTORICAL DEVELOPMENT OF HUMAN RIGHTS IN THE EU

1.1 Foundation of EU

When we examine the reasons for the establishment of the European Union, the underlying factors of the creation of the EU are economic, social and political objectives. With the Second World War, the formation process of the EU has been emerged. For centuries, Europe has been the scene of frequent bloody wars. Between 1870 and 1945, France and Germany fought three times and many people lost their lives in these wars. People who resisted totalitarianism during the war were determined to put a lasting peace in Europe to put an end to hatred and hostility among states. After Second World War, European Countries and European statesmen gained momentum to create a lasting peace in Europe. Also, European countries believe that the US capital flowing into Europe with the help of Marshall will gradually become dependent on the US and they wanted to create a new European capital market. It is planned to bring together the economic potentials of the countries and establish a strong European Common Market instead of doing it individually.

In 9 May 1950, French Foreign Minister Robert Schuman, influenced by the views of Jean Monnet, President of the French Planning Organization invited the European States to transfer decisions made in the production of coal and steel to an independent and supranational institution. Schuman explained that the rich coal and iron mines in the Ruhr region would operate with Germany and through a supranational organization, and that other democratic European countries with the same ideals would be able to participate. The reason behind the plan was granting usage authority and production of coal and steel that is the main items of the war industry to supranational authority. In addition, another reason was a belief in the necessity of a new economic and political framework for the prevention of a possible French-German conflict in the future. As a result of the Schuman Declaration, with the Treaty of Paris in 1951, the European Coal and Steel Community (ECSC) was established with six members of Belgium, Federal Germany, Luxembourg, France, Italy and the Netherlands (Kaya and others 2009; p.3).

After the establishing of ECSC, Western European Countries would like to expand their co-operation in coal and steel to other economic areas. For this purpose, the European Economic Community (EEC) and the European Atomic Energy Community (Euratom) were established in 1957 with the signing of the Treaty of Rome. The aim of the EEC that entered into force in

1958 was spreading the integration of coal and steel to all segments of the economy and establishing a customs union for a common market and commodities in this framework, identifying a common agricultural policy and policy on labour circulation and transport sector and establishing joint institutions for the realization of economic development (Akçay and Göçmen 2012; 46). The aim of Euratom was realizing the use of atomic energy for peaceful purposes in member states, provision of necessary conditions to the rapid establishment and growth of nuclear industries and thus contributing to raising the standards of living in member countries and the development of other countries' exchanges (Akçay and Göçmen 2012; 46).

With the first enlargement in 1973, with the participation of Denmark, Ireland and the United Kingdom, the number of members of the group increased to nine members. With this first enlargement, the task of the community deepened and responsibility was given to social, regional and environmental issues (Republic of Turkey Ministry of EU Affairs, 2013). The community expanded southwards in 1981 with the participation of Greece, and in 1986 with Spain and Portugal. Thus, the number of members reached twelve. The internal strife of sharing the stagnation and financial burden in the world in the 1980s caused the rise of Europessimism. However, after 1984 it received more hopeful hopes for the revival of the Community. "On the basis of a White Paper drawn up in 1985 by the Commission chaired by Jacques Delors, the Community undertook the task of creating a single market on 1 January 1993. The Single Act signed in February 1986 and confirmed this ambitious target and introduced new procedures for adopting associated legislation. It came into force on 1 July 1987. With the Single European Act, significant jump occurred in the European integration (Kaya and others 2009; pp.6-7). The aim of the Single Europe was to progressively complete the European Single Market until December 31, 1992. With the Treaties establishing the European Communities have been extensively revised for the first time. In the Single European Act, the common market target was redefined, and the European Parliament's authorities were enhanced by the co-operation procedure. All these developments and the collapse of the Berlin wall in 1989 were the beginning of a peaceful co-operation that would last for more than half a century between the member states of the European Economic Community.

At the beginning of 90s, the political structure of Europe changed. Some reasons of this were reunification of Germany with the demolition of the Berlin Wall on October 1990, the collapse of communism and resolution of the Soviet Union in December 1991. Member states

decided to further strengthen their ties and the Treaty on European Union signed in Maastricht in December 1991, but it entered into force on 1 November 1993. With the new treaty; European Community, Common Foreign and Security Policy and Justice and Home Affairs became part of a three-pillar structure known as the European Union (Bache, George and Bulmer 2011; 161). Also, Maastricht Treaty has put severe restrictions on the member decision-making bodies while the use of sovereign powers. After the treaty, the community expanded with the participation of Austria, Finland and Sweden and the number of members reached fifteen.

In 1997, heads of state and government of 15 countries came together in Amsterdam and the text of the agreement signed on 2 October 1997 and entered into force in 1 May 1999. The Amsterdam treaty had 4 main objectives: one of this is that to add employment, social policies, and public health and citizen rights to the integration process. Second one is to strengthen the co-operation of member states in the field of justice and home affairs, to remove obstacles in front of freedom of movement and to make security more powerful. Other one is to make the EU more effective in the international arena by making the Council of Europe responsible for the identification of common strategies to be implemented by the EU and member states and determining the High Representative of the Common Foreign and Security Policy (CFSP). Last one is to further develop the institutional structure of the union (Akçay and Göçmen 2012; 50). But the Amsterdam Treaty could not fully serve the purpose. It was insufficient in terms of institutional changes and decision-making reforms in the context of the new wave of enlargement.

The member countries that reached consensus at the Nice Summit in 2000 signed the Nice Treaty on 26 February 2001 and entered into force on 1 February 2003 after its ratification in the member states. The objective of the Treaty is to bring about the institutional reforms that the EU needs to realize within the enlargement process. With the Nice Treaty, the distribution of the number of members in the EU Commission and the European Parliament and the voting weights in the EU Council were determined, it changed the weighted voting rates in the Council of Ministers. In addition, the scope of the decision-making areas that are decided by qualified majority has been expanded. Also, in 2004, the largest enlargement wave on the European Union's history took place and 10 new countries (Czech Republic, Estonia, Greece, Latvia, Lithuania, Hungary, Malta, Poland, Slovakia and Slovenia) joined the Union. In 2007,

with the participation of Bulgaria and Romania, the number of EU members increased to 27. The reform process which began with the Nice Treaty ended with the Lisbon Treaty.

In December 2000, a European Union reform process was initiated with the Declaration of the Future of the European Union which was agreed upon at the Nice Summit and published under the name of the Nice Treaty and lasted for 7 years and was extremely painful. At the EU Council Summit held on 21-22 June, it was decided to convene the Intergovernmental Conference for the preparation of a Reform Treaty. The Treaty of Reform, the Lisbon Treaty, was signed by the heads of state and government of the 27 EU Member States at the EU Council Summit held in Brussels on 13 December 2007. The innovations and amendments brought by the Lisbon Treaty cover both the Maastricht Treaty and the Treaty of the European Union. With the Treaty, the name of the European Community Treaty which is the founding Treaty of the EU has been amended as a 'Treaty on the Functioning of the European Union' and "The Lisbon Treaty is divided into two parts: the Treaty on European Union and the Treaty on the Functioning of the European Union" (The Lisbon Treaty, 2007). One of the aims of the Lisbon Treaty is to promote the effectiveness of the decision-making processes of the European Union, as well as the establishment of a legal framework for the functioning of the enlarged Union. Another important innovation introduced with the Lisbon Treaty is the change in qualified majority voting system. The new system does not define the qualified majority in terms of the number of member countries and the weighted votes they have, but it also accounts for the strengths of countries. In addition, with the Treaty of Lisbon, the number of members in the European Parliament (EP) is limited to 751. The number of members to be represented in the APs by the countries can be at least 6, at most 96. Parliament members are elected for five years and the AP elects its president among its members (Nugent 2010; 82). Along with the Lisbon Treaty, an arrangement was also made for the High Representative of the EU Foreign Policy and Security. "The High Representative will be responsible for coordinating the Commission's external actions in order to ensure consistency and coherence between all of EU external actions, whether they under the competence of the Council or the Commission" (The Lisbon Treaty, 2007).

The European Union has ended with the Lisbon Treaty. From the European Coal Steel Community, changes occurred in many areas of the community until the European Union became final. During the historical development of the Union, structural changes occurred in EU institutions. Of course, some changes occurred in the institutions of the EU.

1.2 Institutional Structure of EU

The EU use the authority granted to it by its member states through its institutions. These institutions have evolved over time with treaties. Three basic institutions forming the EU are European Parliament, European Commission and Council of Europe. The EU's decision-making triangle consists of these three institutions. Other than these, the European Council sets the EU's overall political direction but it has no powers to pass laws. Other institutions that play vital role are Court of Justice of the EU and Court of Auditors. “The powers and responsibilities of all of these institutions are laid down in the Treaties, which are the foundation of everything the EU does” (European Union, n.d.). The brief description of the tasks of these institutions will enable us to better understand the structure of the EU.

1.2.1 Council of EU

The Council is an essential EU decision-maker (Council of European Union, n.d.). It consists of ministers serving in the governments of Member States. The Council first appeared in the European Coal and Steel Community with the name of the ‘Special Council of Ministers’. The Council was an institution that balances the powers of the institution, which corresponds to the Commission called High Authority. The Council's powers were very limited. The Council only has the authority to approve matters other than coal and steel. In 1957, while two new communities were established with the Treaty of Rome, two new councils were established at the same time. These were the European Atomic Energy Community Council and the European Economic Community Council. With the Maastricht Treaty in 1993, councils of communities were combined and the name of council was changed as Council of EU. Institutional mechanism was created based on a three-pillar system with the Maastricht Treaty and the Council's powers also expanded with new issues. Despite the expansion of the jurisdiction, the Council's authority on decision-making mechanisms decreased.

With the Lisbon Treaty, the mechanisms that will balance the authority of the council within the EU have strengthened. After the Lisbon Treaty, the Council has limitations on foreign policy executive powers. Moreover, European Council was officially separated from the Council of the EU. Because the treaty authorized direct execution to the Commission, the tutelage of the Council ended in this area. When we look at the duty of Council of the EU is that it has the authority to initiate legislative process in limited areas. Other than this, the Council can mobilize the Commission to make a legislative attempt. Also, The Council shares authority with Parliament on the Union's budget. It has more control over the EU's

intergovernmental structure than European Parliament. Before the Lisbon Treaty, the Council has the official executive authority. But with the Lisbon Treaty, the European Commission has obtained direct executive authority.

While the Council conducts legislative activities, the Council is three different decision-making methods including a simple majority, a qualified majority and unanimous vote. With the Lisbon Treaty, the Council, unless otherwise foreseen, decides by a qualified majority (Akçay and Göçmen 2012; 171). Also, the number of areas to be decided by qualified majority has been expanded.

1.2.2 European Commission

European Commission is an executive body of the EU. “The Commission is alone responsible for drawing up proposals for new European legislation, and it implements the decisions of the European Parliament and the Council of the EU” (European Commission, n.d.). It consists of 28 representatives of each member state. The President and members of the Commission have the right to be elected more than once. The Commission is one of the five main bodies that Robert Schuman has created on his proposal in 1950. First Commission was High Authority that established in 1951. High Authority was executive body of the Coal and Steel Community. In 1958, when two new communities were established, the executive bodies of these two new communities were referred to as ‘Commissions’. Before the Lisbon Treaty, the executive power of the Commission was largely tied to the Council. The Commission could only pursue its executive mandate within the jurisdiction granted by the treaty directly or by the Council. The significant authorities of the Commission’s powers were taking the Council’s legislative savings. With the Single European Act, the Council could hold executive authority on certain issues but the Court of Justice ruled that the decision should be presented. Commission was the body which uses the authority of execution operations in the normal. According to Court of Justice; when the Commission was authorized, the important points of the issue should be determined by the Council.

But after the Lisbon Treaty, Commission has become a standalone executive body. The Commission did not take executive authority from the Council. It takes directly from founding treaties. Nevertheless, the Commission’s powers are restricted compared to many national executive bodies. One of the reasons of this is foreign affairs policy area. Because, the main authority body for foreign affairs is the European Council. Duties of the Commission

briefly are that it proposes new laws, manages EU policies and allocates EU funding, enforces EU law and represents the EU internationally (European Commission, n.d.).

1.2.3 European Parliament

The European Parliament is the EU's law-making body (European Parliament, n.d.). It is a publicly elected body within the EU institutions. European citizens who are citizens of the EU member states can vote in the EP elections held every five years. When EP was convened for the first time in 1952, it was in a different structure from today. The name of Parliament was 'Assembly' in the Coal and Steel Community. The role of it could only be described as consultative. Also, it did not have legislative power. With the European Economic Community, the name of Assembly changed as 'European Parliamentary Assembly'. In 1962, the name of European Parliamentary Assembly was changed as 'European Parliament'. In 1970, EP has obtained some authorities on community budget. These authorities were extended to cover the entire budget in 1975.

With the Lisbon Treaty, the parliament has been empowered over the entire EU budget and the parliament's legislative power has been equally regulated by the Council in almost all areas. Three main roles of the EP can be described as legislature, supervisory and budgetary. "The ordinary legislative procedure gives the same weight to the European Parliament and the Council of the European Union on a wide range of areas" (European Parliament, n.d.). It implements democratic oversight on EU institutions, in particular the Commission with the supervisory authority. In addition, together with the Council, it has authority over the EU budget and thus can influence EU spending. At the end of this procedure, the whole budget may be accepted or rejected with the budgetary authority.

The EP also is a democratic element of the community and a representative of the European people because its members are elected by popular vote. For this reason, it is an important institution for the creation of policies for the protection of fundamental rights and freedoms (Sanioglu 2008; 96). The parliament is more independent in political terms than the other two institutions and it is a non-responsible body against the legislative bodies of member countries and government.

The EP fulfills three important tasks on human rights. These are discussion-meeting, monitoring and control. It prepares reports while performing these tasks and these reports

cover areas such as discrimination, minority rights, asylum, children's rights, racism and xenophobia (Akçay and Göçmen 2012; 678). Also, the AP contributes to the protection of human rights during the preparation of agreements made with third countries. Institutional mechanisms that work on human rights of AP are Human Rights Subcommittee, Civil Rights and Internal Affairs Committee, Development and Cooperation Committee, Application Committee, Foreign Affairs Security and Defence Policy Committee, Legal Affairs and Civil Rights Committee, Women's Rights Committee and Foreign Economic Relations Committee (Efe 2010; 52).

1.2.4 European Council

European Council is the body which member states are represented at the highest level. The European Council brings together EU leaders to set the EU's political agenda (European Council, n.d.). It is often confused with the Council of the EU. European Council was not a body that existed since the very beginning of the union. It evolved over time with the treaties. It is legally recognized for the first time with the article 2 in the Single European Act. According to article, "The European Council shall bring together the Heads of State or of Government of the Member States and the President of the Commission of the European Communities. They shall be assisted by the Ministers for Foreign Affairs and by a Member of a Commission" (Single European Act 1987; art.169/4). Whereas, European Council was not seen as a separate body and it was considered a special version of the Council. The European Council has gained presence as a separate body with the Lisbon Treaty. Herman Van Rompuy is the first president of this body which is a corporate entity. The duty of president is to preside over the summit and to provide fulfill the mission.

European Council generally is a body that will set the overall political direction and priorities to gain the momentum necessary for the development of the EU. Head of State of the Member States, their president and chairman of the Commission are gathered. It meets twice in every six months. In addition, the president's decision can be summed up in extraordinary. "It decides issues by consensus" (European Council, n.d.). But it can be decided by unanimity or a qualified majority in some cases.

1.2.5 The European Court of Justice

The European Court of Justice operates as the highest court of the union in the field of European Union law. The court was established with the European Coal and Steel

Community. In the Maastricht Treaty, the ECJ did not have jurisdiction over all areas. It just has authority over the European Community. The jurisdiction of the court has expanded somewhat with the Amsterdam Treaty.

“The Court of Justice is composed of 28 Judges and 11 Advocates General” (Court of Justice of the European Union, n.d.). ECJ is designed as an appeal court against national court decisions. National courts carry issues related to EU law to ECJ. But, the implementation of the law in the final analysis is the duty of national courts. So, even the lowest national court can bring about EU law issues in front of the Justice Court. But, unlike the lower-degree courts, if one of the highest-ranking courts in domestic law raises a question concerning EU law, it must move the question to the ECJ.

When we look at the duties of the ECJ, interprets and enforces EU legislation in each Member State in the same way; so that the laws are equal for everyone. It ensures that the EU member states and their institutions do what the law requires. Also, it has the authority to resolve legal issues between EU member states, institutions, companies and individuals. The Court shall make judicial decisions in proceedings.

1.3 Historical Development of the Human Rights in the EU

We talked with history and institutions of EU. Before looking at the relationship between Turkey and the EU, we need to look at the historical development of the EU's human rights. The European Union has developed in the field of human rights along with the agreements since the establishment of the EU.

Since the founding years of the European Communities there is a lack of existing regulation on fundamental rights. There is no fundamental rights text for the protection of human rights in the Treaty of European Coal and Steel Community, the Treaty of the European Atomic Energy Community and the Treaty of the European Economic Community (Bağbaşıoğlu and Taşdemir 2007; 22). Because community arrangements are relevant to the economic sphere and the possibility of violation of the fundamental rights of the use of power is concerned, The Court of Justice of the European Communities (ECJ) has brought judicial protection of fundamental rights and freedoms through its growing case-law since the end of the 1960s (Karakaş 2005; 292).

The introduction of the EEC agreement did not include any regulations on human rights as much as the addition of the Single European Act (Tezcan 2002; 148). Single European Act has brought important innovations in terms of human rights to union law. From this point of view, in the beginning of the agreement, it is stated that freedom, equality and social justice, the commitment to cooperate to develop democracy on the fundamental rights recognized in the constitutions, laws, the European Convention on the Protection of Human Rights and Fundamental Freedoms and on the European Social Charter of Member States is very clear (Single European Act 1987; 169/2). In addition, the powers of the European Parliament have been increased, and the Union's decision-making mechanism has been restructured (Haktankaçmaz 2010; 3-4). However, the beginning of an important effect on the protection of human rights in the European Union was also realized through founding agreements. The content of the integration was enriched from the Roman Treaty which established the EEC to the Treaty of Amsterdam. This process has required the effective protection of human rights in the European Union which is integrated and expanding in almost all respects. This obligation has also been reflected in the founding agreement and it is stated that it is one of the fundamental principles of the Union which respects human rights in Maastricht and Amsterdam Treaties which are from founding agreements (Gümüş 2004; 163). Also, with the Nice Treaty, it was agreed to implement a precautionary procedure against member states that do not respect human rights.

1.3.1 Human Rights with the Maastricht Treaty

The importance of the Maastricht Treaty which was the official name of the Treaty of the European Union was signed on 7 February 1992 and entered into force on 1 November 1993 in terms of human rights is that there are direct expressions of respect for democracy, fundamental freedoms and human rights in many parts of the agreement (Gümüş 2004; 5). In the Introduction section of the Maastricht Treaty; member states "have confirmed their commitment to independence, democracy, human rights and fundamental freedoms and principles related to the rule of law" (Treaty on European Union 1992; 4). In the real sense the fundamental rights and freedoms first appeared in the 2nd paragraph of article F of the Maastricht Treaty. According to article,

“The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law” (Treaty on European Union 1992; 9).

In addition, with the end of the Cold War, EU has taken action to progressively integrate with the central and Eastern European Countries located in the scattering soviet bloc. The EU should be integrated into the western system of these countries and Europe should not miss this historic integration opportunity. This situation required to start the economic and political preparatory process of the EU. Having taken important steps on fundamental rights and freedoms has emerged as a product of this endeavor. The EU, with the system of values to be created, has openly declared the conditions for entry into the community to potential new members by expressing the principles of liberal democracy, such as respect for market economics, human rights, equality and the rule of law. Another reason for the specific arrangements on fundamental rights and freedoms with the Treaty on European Union is to increase the cooperation activities in the field of justice and home affairs, and to try to establish a supranational structure in this area before the Lisbon Treaty. In this context it will be necessary to make some regulations affecting the fundamental rights and freedoms of the individuals in police and judicial matters. Thus, some arrangements have been made concerning fundamental rights and freedoms in the articles regulating the third pillar of the Treaty of the European Union.

1.3.2 Human Rights with the Amsterdam Treaty

The Amsterdam treaty which signed on 2 October 1997 and entered into force on 1 May 1999 has been another important step in reflecting the commitment to the protection and development of human rights in unity legislation. One of the amendments made with the Amsterdam Treaty is that The Article F of the Maastricht Treaty was amended by Article 6 of the Amsterdam Treaty and the content was enriched (Taşdemir and Başbaşlıoğlu 2007; 26). With Article 7 of the Treaty, the sanction mechanism that will be implemented against the member states that violate human rights severely and continuously has envisaged. According to paragraph 1 of Article 7 of the agreement, the violation must be serious and continuous, but these concepts are not defined in the text. The fact that these concepts are not defined in the agreement has brought important problems. If these concepts are left to subjective assessments, there will be no common consensus (Akçay and Göçmen 2012; 688). Another amendment in the Amsterdam Treaty was foreseen in the fight against discrimination in article 13 of the European Community Agreement (ECA). According to paragraph 1 of the article 13, after consulting the parliament on the proposal of the commission, the Council will be able to make appropriate initiatives by acting unanimously with the other provisions of the

agreement to fight against discrimination based on sex, race, ethnic origin, religion, belief, disability, age or sexual preference. Therefore, the community has gone a step further on fundamental rights and freedoms with the Amsterdam Treaty.

1.3.3 The Charter of Fundamental Rights of European Union

Before the Nice Treaty, in the conclusion report of the Cologne Summit held on 3-4 June 1999, it was emphasized that the fundamental rights applied at the Union level in the European Union's stage should be clarified by gathering in one clause. The work of the Cologne Summit towards this directive has resulted in the signing of the European Union Charter of Fundamental Rights (CFREU) on December 7, 2000 in Nice (Charter of Fundamental Rights of the European Union 2007; C 303/1).

CFREU, which regulates the basic rights of citizens of the European Union and their responsibilities, consists of an entry section and seven sub-headings and these titles are honor, freedom, equality, solidarity, citizenship rights, justice and general provisions (Taşdemir and Başbaşlıoğlu 2007; 28). In the introduction, it was pointed out that the Union created a concept of freedom and security by forming the concept of EU citizenship and it is stated that the individual is placed at the center of Union activities. Also, common values that are the basis for the EU are mentioned. It is stated that the Union respects the duties and powers of the minorities, particularly the rights arising from the common constitutional traditions and international obligations of the member states. CFREU is examined it appears that it contains a comprehensive list of fundamental rights and freedoms.

In the first part of charter “dignity”, there are regulations for human dignity, right to life, right to the integrity of the person, prohibition of torture and inhuman or degrading treatment or punishment, prohibition of slavery and forced labour. (Charter of Fundamental Rights of the European Union 2007; C 303/3). In the second part of charter “freedom”, there are regulations for right to liberty and security, respect for private and family life, protection of personal data, right to marry and right to found a family, freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and of association, freedom of the arts and sciences, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to property, right to asylum and protection in the event of removal, expulsion or extradition. (Charter of Fundamental Rights of the European Union 2007; C 303/3-6). In the third part of charter “equality”, there are regulations for

equality before the law, non-discrimination, cultural, religious and linguistic diversity, equality between women and men, the rights of the child, the rights of the elderly and integration of persons with disabilities (Charter of Fundamental Rights of the European Union 2007; C 303/6-8). In the fourth part of charter “solidarity”, there are regulations for workers' right to information and consultation within the undertaking, right of collective bargaining and action, right of access to placement services, protection in the event of unjustified dismissal, fair and just working conditions, prohibition of child labour and protection of young people at work, family and professional life, social security and social assistance, health care, access to services of general economic interest, environmental protection and consumer protection (Charter of Fundamental Rights of the European Union 2007; C 303/8-10). In the fifth part of charter “citizen’s rights”, there are regulations for right to vote and to stand as a candidate at elections to the European Parliament, right to vote and to stand as a candidate at municipal elections, right to good administration, right of access to documents, European Ombudsman, rights to petition, freedom of movement and of residence and diplomatic and consular protection (Charter of Fundamental Rights of the European Union 2007; C 303/10-12). In the sixth part of charter “justice”, there are regulations for right to an effective remedy and to a fair trial, presumption of innocence and right of defense, principles of legality and proportionality of criminal offences and penalties and right not to be tried or punished twice in criminal proceedings for the same criminal offence (Charter of Fundamental Rights of the European Union 2007; C 303/12-13). In the last part of charter contains general provisions governing the interpretation and application of the charter. There are regulations for field of application, scope and interpretation of rights and principles, level of protection and prohibition of abuse of rights (Charter of Fundamental Rights of the European Union 2007; C 303/13-14).

The personal, political, economic and social rights of European citizens and those living in Europe are collected in a single text for the first time in the history of European integration in CFREU. Despite such an arrangement, the charter does not have a changing nature of founder treaties. It just is a declaration of rights and principles (Taşdemir and Başbaşıoğlu 2007; 32). The Charter of Fundamental Rights also included some new rights not included in the European Convention on Human Rights. In this sense, the charter is important for the EU.

1.3.4 Human Rights with the Nice Treaty

The main goal of the Nice Treaty which signed on 26 February 2001 and entered into force on 1 February 2003 was to reshape the community in the institutional sense before the major expansion wave that is planned to take place in the near future. Treaty that is narrow when compared to the Amsterdam Treaty has limited put forward principles and methods to be followed to be re-adapted of the institutional system as the community expands (Akçay and Göçmen 2012; 688).

In Austria, at the beginning of 2000, a party that had racist rhetoric became a government partner and this event brought the situation of the enforcement mechanism imposed by the Amsterdam Treaty select against a Member State (Gümüş 2004; 8). The Intergovernmental Conference which was collected on 14 February 2000 developed a preliminary warning system against such situations and it has put forward a preliminary warning system by adding a paragraph to Article 7 of the EU Treaty with the Nice Treaty. Article 7 concerns the sanctions to be imposed if a member state violates the principles of freedom of association, democracy, respect for human rights and fundamental freedoms, and the principles of rule of law. According to this provision, the Council may determine that there is a clear risk of a serious breach by a Member State of principles mentioned in Article 6(1), and address appropriate recommendations to that State. Before making this decision, it may require a report to be submitted within a reasonable time (Treaty of Nice 2001; C 80/6).

At the Summit of Nice, no agreement was reached on the sanction of the Charter of Fundamental Rights signed and announced by the heads of the European Parliament, the Council and the Commission, and it was not included in the Treaties. The legal status of the Charter of Fundamental Rights will be addressed in the framework of the new Intergovernmental Conference to be held in 2004.

1.3.5 Human Rights with the Lisbon Treaty

CFREU was not included in the text of the agreement but included in the additional protocol in the Lisbon Treaty signed on 14 December 2007. But the treaty has highlighted the binding of the charter and it has underlined that it has the same effect as other agreements (Akçay and Göçmen 2012; 689). One of the two important amendments in the Lisbon Treaty on Human Rights was that the Lisbon Treaty has been binding on the CFREU. Second was that union was able to participate in the European Convention of Human Rights (ECHR). These two

important changes were foreseen in the article 6 of European Union Treaty in the primary law.

The Lisbon Treaty as it is in other issues has avoided from the regulations that will call the constitution in the field of fundamental rights and it did not include any direct fundamental rights in the text of the Treaty. However, the Constitutional Treaty which established the European Union gave it an exclusive place by directly regulating the CFREU in the text of the Constitutional Treaty. From this point of view, it appears that the Lisbon Treaty is behind the EU Constitution (Metin and Kaygısız 2011; 136).

In the context of the CFREU, some changes were foreseen in the constitutional convention and in the following government's conference. Some of these proposed changes were mandatory changes that had to be made in order to integrate the Charter with the Constitutional Treaty. Some were changes that completed the Charter or changed its content. These amendments were adopted in 2007 by amending the CFREU (Metin and Kaygısız 2011; 137).

2. HISTORICAL BACKGROUND IN TURKEY-EU RELATIONS AND HUMAN RIGHTS

2.1 Starting of Turkey – EU Relations

Turkey has not yet achieved full membership in the EU although EU-Turkey Relations since it was established on the agenda of the EU community. First partnership application of Turkey to EEC was made on July 31, 1959. This date has formed the starting point of the Turkey-EU Relations. One of the reasons of Turkey's application for membership of the community has been thought to accelerate the development process. Turkey did not want to stay out of a political union can be established in Western Europe. In addition, Greece's application for full membership to the community on July 15, 1959 has been an important factor in Turkey's application. The 27 May 1960 military intervention in this period had a negative impact on relations for a while. On top of that, negotiations began between Turkey and community lasted 4 years and at the end of 4 years Ankara Agreement was signed on September 12, 1963 and entered into force on December 1, 1964. Ankara Agreement pursuant Turkey - EEC

partnership has 3 periods. These are defined as preparation period, transition period and last period.

The preparatory period between 1963 and 1970 has mostly concerned with preparatory work on EU *acquis* harmonization. The additional Protocol which was signed on November 23, 1970 and entered into force on January 1, 1973 has regulated the transition period. The Additional Protocol, based on the Customs Union basis, consisting of 64 items, includes the free movement of persons, services, capital, including procedures, orders and time periods for the free movement of goods; transportation, competition, taxation and approximation of legislation; economic and trade policies in order to harmonize the issue (Özer 2009; 92). With the Additional Protocol, the provisions of the transitional period and obligations assumed by the parties have been determined and the transitional period has begun.

Until the 1980s, human rights issues and democracy problem were not available in Turkey-EC Relations. “However, democratization and human rights issues started to take place in the agenda of European Union in 1980s” (Çakmak 2003; 72). One of the reasons of this was that the European Community began to build its own political process on "human rights and democracy" with the Single European Act which was signed in 1986 and entered into force in 1987, and thus began to pay attention to the issues of human rights and democracy while developing candidate countries in relation to these countries. This situation was reflected in the EC-Turkey relations. Especially, with the military coup on September 12, 1980, human rights and the dimension of democracy begin to appear in the EC-Turkey Relations. “The first significant and effective reaction of the European Community to Turkey’s undemocratic situation was the suspension of the relations. European Parliament officially suspended its relations with Turkey on 22nd January 1982 (Çakmak 2003; 75). In addition, financial assistance made to the Turkey was suspended and taken a decision to stop customs reductions (Republic of Turkey Ministry for EU Affairs, 2002). Although it arranged in a repressive environment with an anti-democratic electoral law, constitutional plebiscite in November 1982 and then from November 1983 elections were softened tensions between Turkey and the EC. With the establishment of the civilian government (the Motherland Party Government under Turgut Özal) after the elections, the EC initiated the reoccurring relationship that it had taken the suspension (Sancaktar 2008; 117).

In an environment where all these developments are experienced, Turkey has made the first full membership application to the community on April 14, 1987. However, Turkey's application for full membership was rejected by the Commission in 1989. In the opinion of the Commission, Turkey was not ready for the start of negotiations for full membership of the EC members and there were many shortcomings of Turkey. As economic obstacles, some of the structural problems, the macroeconomic imbalances, the high degree of protection of the internal market and some deficiencies in the social security system have been shown in the prepared report. As political obstacles, human rights violations (beatings, torture, ill-treatment etc.) and the denial of democratic rights to minorities (especially Kurt) are shown (Brusse and Griffiths 2004; 23). Also, the Commission noted that the Additional Protocol should be implemented in an effective manner. Further, Cyprus problem has been shown as an obstacle to membership. Although not considered full membership application made to the EC, since that date Turkey - EC relations has achieved a rapid normalization and development trend.

With the Turkey-EU relations that began to revive again from the press of the 1990s, The Customs Union agreement was signed on 6 March 1995 between Turkey-EC and entered into force on 1 January 1996. But, this agreement will be ratified by the European Parliament, which is extremely concerned about the human rights and democratization practices of the applicant states. So, Turkey has tried to make significant progress in the field of human rights in order to influence the decision of the European Parliament (Çakmak 2003; 80). Generally, countries were entered to Customs Union after the becoming full membership. But, this situation has been reversed for Turkey and Turkey was entered into a Customs Union before full membership to the EU. With the Customs Union, in accordance with the Ankara Agreement, Turkey's integration with the EU's 22-year "Transition Period" has been completed and this agreement was perceived as a very important step towards full membership (Kirişçi 2005; p.48). At the Luxembourg Summit held on 12-13 December 1997, Turkey's full membership license was confirmed once again. Followed by 15-16 June 1998 at the Cardiff Summit, Turkey's position on the status of membership candidate was appointed. Also, in the Cardiff Summit, Turkey has been included in the report that the system of the other candidates and the first regular report examining the performance of Turkey in terms of the Copenhagen criteria was published in 1998.

2.2 Chapters Opened in Progress Reports in the Field of Human Rights: In Between 1998-2005

In the introduction section of the report, the context of the regular report, the historical background and recent developments of the relations take part in the report. B section of the report covers criteria for membership and there are 3 subtitles in this main title. These are political criteria, economic criteria and ability to assume the obligations of membership. The subject of human rights is under the subtitle of political criteria. Under the title of protection of human rights and minorities, there are many issues about human rights.

One of them is civil and political rights. Commission emphasized the specific problems in Turkey within the scope of civil and political rights. The Commission said that torture, disappearances and extrajudicial killings were recorded regularly, although the government it will end such practices (Regular Report 1998; 15). Another specific problem that involved in the report is police custody. According to report, “the case law of the European Court of Human Rights, in Turkey, especially informal detainees has recorded many cases they are exposed to human or degrading treatment or torture and especially police custody” (Regular Report 1998; 15). The Commission also has stated that freedom of expression is not fully guaranteed in Turkey. According to Commission, in terms of freedom of the press, the media is generally free to express its views, with the rapid expansion of private radio and television stations as a result of the removal of state monopoly in the field of radio and television broadcasting through a change to the Constitution in 1993. But, from time to time, some Turkish newspapers have not suffered from pressure. In addition, most of the time in connection with the reporting of the situation in southeast of Turkey, newspapers, books or films are also confiscated. It is not possible for the Turkish media to make objective and independent broadcasts on the Kurdish issue (Regular Report 1998; 16). The Commission has referred to the situation of Turkish prisons in the report. It has stated that the conditions in Turkish prisons do not comply with the standards laid down by the Council of Europe or the minimum standards of the UN (United Nations). It emphasized that the majority of prisons are overcrowded and do not provide adequate health care. Prison officers are usually military personnel. This led to some rebellions, especially in 1996, in prisons. Freedom of association and freedom of assembly have limitations (Regular Report 1998; 16).

Except those, there are reforms in the preparatory phase in the regular report. In 1995 the government has initiated constitutional reforms in order to strengthen the functioning of

democracy in Turkey. This reform has been the first reform ever undertaken by a civilian government. But, “these reforms are only partly reflected in Turkey’s legislation” (Regular Report 1998; 17). The 8th article of the Anti-Terror Law has also been amended in a more liberal approach. Thus, the protection of freedom of expression has been improved. In addition, the amended version of Article 8 introduced the notion of intent in written or oral propaganda, reduced the duration of imprisonment, and allowed the imprisonment to be converted into monetary penalty (Regular Report 1998; 17). The status of women in Turkey, which applies in most EU countries are becoming more affordable. According to the information contained in the report, the Convention on the Elimination of All Forms of Discrimination against Women which was ratified by Turkey in 1985 not yet been harmonized and separate provisions on the Civil Code, marriage rights and homework are ongoing. Also, along with being in the legislation, the death penalty has not been implemented since 1984 (Regular Report 1998; 17).

As a human rights protection instruments, A Human Rights Commission was established in 1991 within the Turkish Grand National Assembly (TGNA). Committee's task is to collect a variety of information about the human rights situation in Turkey. “In November 1996, the Turkish authorities has established missing persons search unit within the Ministry of the Interior, and in April 1997, the government has established the High Coordinating Committee on Human Rights” (Regular Report 1998; 17).

According to the information contained in the 1998 regular report about economic, social and cultural rights, Turkey has lifted restrictions preventing trade unions to engage in political activities with constitutional amendment in 1995 and an amendment to the law regulating trade unions in 1997. With these changes, civil servants have gained the right to form trade unions but have not obtained the right to strike or collective bargaining (Regular Report 1998; 18). In 1991, the law on publications in languages other than Turkish was abolished, but it was not be used in "political communication" or educational fields. Turkey also has certain rights related to freedom of religion. But, these were also limited. The Commission was stated that although economic, social and cultural rights have been tried to be developed, they are still subject to restrictions and are not in practice the standards of EU countries (Regular Report 1998; 18).

It has also been featured in the issue of minority rights in the report. The Commission has referred to the fact that the Kurds are not recognized as a national, racial and ethnic minority. Turkey which in the conflict with Kurdistan Workers Party (PKK) which was established to establish an independent state has made human rights violations to the Kurdish minority as a result of this situation, and their evidence is available. Also, has said that Turkey did not recognize the right of asylum for refugees from outside of the Europe (Regular Report 1998; 18).

When we look at the 1998 progress report in general, we see that human rights violations continue and there are significant shortcomings in the treatment of minorities. This report was the first report prepared for the Turkey.

2.2.1 Turkey's Candidacy for EU Membership

After this report, Turkey has been recognized as an EU candidate country in equal conditions with other candidate countries in European Council on 10-11 December 1999 Helsinki Summit. Helsinki Summit, a very detailed way, was also sets out the framework of Turkey's membership process. Before the Helsinki Summit, The Commission has prepared 1999 regular report on 13 October 1999.

According to Commission's report, Turkey still has some problems related to human rights. When we look at the civil and political rights, although torture, disappearances and extra-judicial executions are not systematic, it has been confirmed that they still exist by international organizations. Since the 1998 regular report, there have not been major changes in this issue. But some positive steps have been taken. In June 1999, Regulation on Apprehension, Detention and Release Procedures has entered into force. Against the practice of torture, in August 1999, law amending articles 243, 245 and 354 of the Penal Code has adopted by Parliament. According to code, higher punishments were foreseen for public officials who tortured. Out of all of them, the Commission has stressed in the report that the situation with regard to freedom of expression remains alarming. The European Court of Human Rights, in a decision he made in July 1999, has reached the conclusion that in 11 cases it violated the freedom of expression guaranteed by the European Convention of Human Rights (Regular Report 1999; 12). Likewise, the situation has not changed much with regard to the freedom of the press, freedom of association and freedom of assembly and freedom of religion and restrictions have continued. The conditions in the prisons have not been fully

improved (Regular Report 1999; 13). A positive development was the regulation made on Elimination of All Forms of Discrimination against Women. Turkey, which was put to the UN Convention reservations in this regard, has been removed in July 1999. Since the last report, the situation concerning civil and political rights in Turkey has not been a significant change. In fact, some of the administrative measures taken with the Öcalan case have shown that they have entered into a more restrictive attitude of Turkey in terms of freedom of expression (Regular Report 1999; 13). There has been no change in economic, social and cultural rights.

In relation to minority rights, there has been no progress on the Kurdish problem. According to the Commission in the last report, Turkey might be more tolerant in the recognition of Kurdish cultural identity and ways of expressing this identity (Regular Report 1999; 14).

As a general, Turkey has made no progress since the last report on the human rights criteria for membership and still could not provide. Most of the problems are still going on in the terms of human rights. In recent months there have been some encouraging signs of democratization and some measures have been taken but according to the Commission, it is too early to assess the impact of these measures.

When we come to the year 2000, the European Commission was announced draft of Accession Partnership Document on 8 November 2000. The Accession Partnership is the seat of the pre-accession strategy. The present proposal is the first Accession Partnership for Turkey, 2000 relating to the Commission's candidate countries' progress towards EU membership constitutes a part of the overall evaluation. It has been prepared based on an analysis of the 2000 progress report for Turkey and the method was used for all other candidate countries.

In August 2000, two important international documents have signed by Turkey: The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. But apart from these, there are still some documents not signed by Turkey like including Protocol 6 to the European Convention on Human Rights on the abolition of the death penalty and the Convention on the Elimination of All Forms of Racial Discrimination. Also, other documents not signed by Turkey were the Council of

Europe Framework Convention for the Protection of National Minorities and the Statute of the International Criminal Court.

In civil and political rights, the report prepared by the Commission in 2000, the identified problems have not changed much and only limited progress has been made. As one of their most important is that the death penalty has still not removed. On January 2000, the European Court of Human Rights has requested for the postponement of the execution of Abdullah Öcalan and Turkey has agreed to this request (Regular Report 2000; 15). The situation has not changed much in terms of torture and ill-treatment. The Commission has reached the following conclusion in the context of combating torture and ill-treatment that in the issue of torture and ill treatment, Turkey's legal procedures should be adapted to the jurisprudence of the relevant provisions of the European Convention on Human Rights and the European Court (Regular Report 2000; 15).

In addition, in January 2000 in between the Ministry of Justice, the Ministry of the Interior and the Ministry of Health, visit of detainees by their lawyers has blocked. This was an unacceptable situation for the Commission. Also, positive arrangements have not been made in prison conditions. Ill-treatment in prison was continuing. Likewise, improvement has not been in freedom of expression. As has been confirmed in many decisions of the European Court of Human Rights, “existing legislation still leads to interpretations that violate the freedom of expression as guaranteed by the European Convention of Human Rights” (Regular Report 2000; 16). The situation has not changed about the media and journalists. Since the 1998 report, problems about freedom of association and assembly have not been solved yet. Human rights NGOs and branches have continued to be exposed and / or closed to the press, especially in regions under extraordinary governance. Regarding freedom of religion, positive approaches were experienced but the same positive approach has not been mentioned for Alevis.

As regard cultural rights in the economic, social and cultural rights, there have been positive developments in the civil law framework adopted by the Court of Cassation on March 31, 2000 on some names not accepted by civil registry officials. As regard equal opportunities, the Commission has mentioned the inequality of women and men. In addition, according to the report of the Commission, literacy rate in women is lower than in men and in civil code,

discrimination of women and men continues. Domestic violence in the family is still one of the problems (Regular Report 2000; 18).

As regard minority rights, the Commission in its report, as in previous reports, has mentioned that minorities were deprived of some fundamental rights (broadcast in their mother tongue, to learn their mother tongue or to receive instruction in their mother tongue etc.).

As regard Kurdish citizens, restrictions on the freedom of Kurdish citizens have continued. At the same time, PKK activities in the region have started to decline since 1998.

Despite the signing of several international human rights instruments, Turkey could not go much further in the field of human rights. Turkey has progressed very slowly in harmonization studies and on the way to Europeanization from 1998 until 2000 when we based on the first progress report. There has not been any improvement in the actual milestone in the field as like freedom of religion, freedom of expression, minority rights and prison conditions.

2.2.2 Turkey-EU Accession Partnership

In 8 March 2001, the EU - Turkey Accession Partnership which is providing road map for Turkey's EU accession process was adopted. In addition, Turkey's National Program on the Adoption of the Acquis (NPAA) which is reflecting the Accession Partnership was adopted by Turkish government. Accession Partnership Document and Turkey's National Program on the Adoption of the Acquis were published in the European Community Official Journal on 24 March 2001. Accession Partnership Document was containing short- and medium-term priorities and financial assistance to be provided in accordance with the Copenhagen Criteria, including compliance with the EU acquis.

On 3 October 2001, the restriction on the fundamental rights and freedoms of the constitution was changed and it was reorganized in line with the European Convention of Human Rights. In particular article 13 of the Constitution, has been adapted to the European Convention of Human Rights in terms of the limitation regime. According to the new arrangement, the fundamental rights and freedoms can now only be limited by law, depending on the reasons stated in the relevant articles of the Constitution. These restrictions cannot be contrary to the essence and soul of the Constitution, the requirements of a democratic society order and the secular republic and the principle of measure (Grand National Assembly of Turkey [Türkiye

Büyük Millet Melisi], 2018). Otherwise, article 14 of the Constitution was changed. Some of authors said that the 13th item change was important and positive, while some of them said that the restraining structure continued, although the item had changed significantly. According to the opinion of the Commission on constitutional amendment, recent constitutional amendments were an important step in the field of human rights and fundamental freedoms. Because, fundamental rights and freedoms dealt with by constitutional amendment cover freedom of expression, freedom of the press, freedom of association and meeting. With these articles, the reasons for limiting freedom have been narrowed and the measure principle has been introduced.

In the field of various international contracts on human Rights, Turkey has signed the 12th protocol on 18 April 2001 on the prohibition of discriminatory practices of public authorities in the European Convention on Human Rights. Apart from this, participation in some basic human rights instruments has not ensured. It has not removed the death penalty abolition in Turkey in 2000 and it has not signed Protocol No.6 on the abolition of the death penalty of the European Convention on Human Rights. On 5 October 2000, some institutions that names are the Human Rights Presidency, the High Human Rights Board, the Human Rights Consultation Boards and the Investigation Boards have been established in order to strengthen human rights by Turkey and the guidelines for the work of these boards were regulated by a regulation on 21 August 2001. Apart from this, the conditions for the training of law enforcement officers in the field of human rights have been regulated in the Law on Police Education of 25 April 2001. In addition, In August 2001, projects have been started to improve reception conditions of detainees in Ankara police stations.

In the field of civil and political rights, according to the Commission, despite constitutional, legislative and administrative changes, Turkey's shortcomings in the actual application is still not resolved. As a regard torture and mistreatment, In January 2001, Turkish government's decision to publish a report on torture and ill-treatment by the Committee on the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT) of the Council of Europe has been a positive development for the Commission (Regular Report 2001; 22). Nevertheless, since the last Progress Report, there have been no developments in practice in the areas of torture and ill-treatment. Turkey on the implementation of these issues for years compared with previous years, there has been an increase in the number of officers prosecuted for torture and ill-treatment offenses. However, many of the punishments there is still concern

that it is light, or that it is often turned into fines or deported. In addition, the administrative authority required to file lawsuits against civil servants the provision has still not been changed. In the fall of 2000, the Turkish government has decided to implement a prison reform that would require a cell system of 1 to 3 inmates instead of a ward system, but this reform has resulted in violence and hunger strikes, including other demands, such as improving prison conditions. Turkish security forces intervened against demonstrators and hunger strikers to forcibly transfer prisoners to F-type prisons and disproportionate power has been used.

In early June, a European Parliament ad hoc delegation has visited Turkey and it has said that appropriate measures should be taken by Turkey. According to this, number of legal measures has been adopted under prison reforms. Some of these were Law amending Article 16 of the Anti-terrorist law, Law on the Institution of the Judge of Enforcement, Law on the Establishment of Monitoring Boards for Punishment Enforcement Institutions and Detention Houses and Law on Conditional Release and Suspension.

Since the last report, serious problems have emerged concerning the application of freedom of expression in Turkey. In the regular report 2001, the Commission has announced that there are still about 9000 prisoners in prisons for crimes against freedom of expression (Regular Report 2001; 25). Many journalists have been arrested for expressing their views.

In the field of freedom of the press, with the changing of the constitution in 2001, provision that “publication shall not be made in any language prohibited by law” in article 28 concerning freedom of the press has been abolished (Regular Report 2001; 24). But in order for this change to be complete and effective, changes in legislation are required. As an example of restricting freedom of the press, the Ministry of the Interior has published a list of official documents and terms prohibited from being used by the state media. Some publishing houses have been forced to suspend their activities and seized books and periodicals. In the decision taken on 14 December 2000, printing and publication of any information showing powerless to Turkey has been prohibited. High Audio-Visual Board (RTÜK) has continued to temporarily close certain radio and television channels in 2001.

Other than these, there were other articles that are amended in the constitution. As regard to freedom of association and peaceful assembly, article 33 of the constitution has been

amended. In addition, the constitutional provision on principles that should be followed by political parties has been changed.

In the field of freedom of religion, it has been seen that there is increasing tolerance towards some non-Muslim communities. They have supported various universal activities of major religious groups. No official permission is required for the restoration of churches and other buildings belonging to minority foundations. Also, with the support of the President, the Government has allowed another Syrian Orthodox church in Istanbul to be opened. Despite these, there were still problems. Churches are still facing difficulties, especially in acquiring ownership. No progress has been made in this regard since the people's Orthodox school was closed in 1971. Some recognition of the legal status of churches, including the clergy from entering Turkey, leads to several problems. There has been no progress in the case of non-Sunni Muslim communities. The official attitude towards Alevi is still the same.

2001 Constitutional amendment also included several amendments to economic, social and cultural rights. Article 14 is about working rights, articles 41 and 66 that are about gender equality and article 51 that is about the scope of rights and obligations of trade unions have been changed. The scope of these items has been expanded.

In addition, it has been positive developments as regard children's rights. Turkey has been signed on 26 January 2001 the ILO Convention N° 182 on the Elimination of Worst Forms of Child Labour, and on 18 January 2001 the European Convention on the Exercise of Children's Rights. With a resolution adopted on 13 April 2001, the Children's Bureau was established. This Bureau is responsible for the implementation of the European Convention on the Exercise of Children's Rights. Nevertheless, the status of children's rights does not comply with the European Social Charter approved by Turkey in 1989 (Regular Report 2001; 28).

When we look at the trade union rights, Trade Unions of Public Employees act has been entered into force on 12 July 2001. This Law has some rights like the right to organize but it did not include the right to collective bargaining or the right to strike. In addition, some of the public employees are not eligible for trade union rights.

As regard cultural rights, the Constitution is related to the cultural rights of the article 26 and 28 have been changed. The Commission has seen these changes as positive developments. However, it has said that these changes alone are not sufficient and can be applied with other arrangements. No reform has been made regarding the use of languages other than Turkish. RTÜK still stipulates that radio and TV broadcasting should be made in Turkish. Teaching in a language other than Turkish is not permitted.

In the field of gender equality, the article 41 of the Constitution has been amended to bring the principle of equality between the spouses. The new Civil Code, which was enacted in the parliament, also has been envisaged lifting other existing divisions and strengthening gender equality. The problem of violence against women in the family is still a worrisome issue.

In the field of minority rights, the Council of Europe Framework Convention for the Protection of National Minorities has not been signed by Turkey. In addition, except for minorities defined in the Lausanne peace Treaty dated 1923, it does not recognize others. Also, as a regard to Roma and other gypsies have been both positive and negative developments in Turkey. A circular on the non-use of degrading words related to this group has published on 5 October 2001. However, the settlement Law dated 1934 is still applied to nomadic gypsies. This means that these groups are still not accepted in Turkey as immigrants. Regarding cultural rights, Newroz celebrations and culture art festivals have conducted in the southeast and thousands of people have participated in this celebration.

The most important event in the 2001 regular report on human rights and fundamental freedoms is the constitutional amendment. For some scholars and writers, although these constitutional amendments have imposed more restrictions than previous version of the Constitution, it has strengthened the guarantees in the field of human rights and fundamental freedoms and limits the death penalty is an important step for the Commission. When we look at 2001 and published regular reports in recent years, in the field of human rights and fundamental rights, we see that Turkey has made some constitutional, legal and administrative changes and has signed several international agreements. Nevertheless, these changes are not implemented as required. Human rights in Turkey to the EU are not yet comply with acquis criteria in this regard. Human rights issue is one of the priorities of Accession Partnership.

2.2.3 Elections of 2002 in Turkey and New Reform Packages

In 2002, one of the most developments for Turkey was the AKP (Justice and Development Party) came to power alone in the election of 3 November 2002. After this period, Turkey's EU relations have shown improvement in AKP power. Other important development was the Copenhagen Summit, which set important criteria especially for candidate countries on 12-13 December 2002 (Özer 2009; 94). At the summit, Turkey's progress in compliance with the Copenhagen criteria has been noted to be positively welcomed, but the application is emphasized that it is important. In addition, at the Copenhagen Summit, the revision of the Accession Partnership for Turkey and will be provided to Turkey I approach towards increasing the financial aid has been adopted and the Commission, a new Accession Partnership for Turkey has been invited to prepare.

After the constitutional amendments of October 2001, three legislative packages for implementation were adopted in 2002. With the three reform packages approved by Laws 4744, 4748 and 4771 in February, March and August 2002, some basic legislative amendments were introduced and a wide range of human rights issues including death penalty, fundamental rights and freedoms, pre-trial detention and legal remedies made in the field. In Turkey, some progress with regard to various international conventions on human rights has made. 1969 UN Convention on the Elimination of All Forms of Racial Discrimination has approved in April. In July 2002, the European Agreement Relating to Persons Participating in Proceedings of the European Court of Human Rights was signed.

In the field of civil and political rights, one of the reforms made in 2002 is the abolition of the death penalty. The death penalty in peace time has been turned into life imprisonment. This process has started in September 2002. As regard to prevention of torture and ill-treatment, pre-trial detention in police custody has been shortened. However, the 430 numbered KHK is still implemented, making it possible for persons detained in the provinces under the extraordinary state to remain in custody for up to 10 days. A circular was issued in September in order to prevent this practice. After the amendments to Article 16 of the Law on the Establishment and Prosecution Methods of the State Security Courts, the persons in custody who are in the duty of these courts only have the right to contact the lawyer after 48 hours of detention. According to the European Committee for the Prevention of Torture (CPT), legal advice should be provided to all detainees from the moment they lost their liberty (Regular Report 2002; 28). Punishments for those who are guilty of torture and ill-treatment are usually

light and often converted into fines or deferred. The Commission reported too much on the 2002 report on torture and ill-treatment in police custody.

Under the second reform package, with the amendment to Article 13 of the Civil Servants Law, the civil servants convicted of torture and ill-treatment have been obliged to pay the indemnity awarded by ECHR personally. The third reform package adopted in August 2002 brought changes to the Law on the Duties and Competencies of the Police. In this code, the police ' discretion has been restricted, and some measures have been foreseen against possible abuses. However, the relatives of the detained person still need a prosecutor's decision to be notified of this situation. In addition, the people in custody are still deprived of the right to take advantage of free forensic assistance and to have a lawyer during the deposition.

According to the Commission's report, the reform of the prison system has continued, and the changes accepted in the past year have begun to be implemented (Regular Report 2002; 30). Improving the conditions in F-type prisons, allowing groups of up to 10 courts to meet for 5 hours a week are some of them. Despite all these developments there are still some problems with the prison conditions.

With the third reform package, if the sentence of the conviction violates the European Convention on Human Rights and Fundamental Freedoms and is determined by the European Court of Human Rights, these individuals can be judged again. With the Law which was accepted by the Grand National Assembly of Turkey in May, some restrictions in the law on broadcasting were abolished by the August package. However, the same thing for writers, journalists and publishers has not been valid. Prosecution has continued. With the changing of law on associations and removing some restrictions, progress has been made in the area of freedom of association. However, for various reasons associations continues to be banned. As part of the third reform package, Education and publication has become possible in other languages than Turkish language. Last year, the number of initiatives was made to encourage the more transparent public life in Turkey. However, corruption remains a major problem. The relevant agreement of the Council of Europe has not yet been approved. Although there are developments in religious freedoms, restraints continue (Regular Report 2002; 39).

In the field of economic, social and cultural rights, the new Civil Code has been entered into force on 1 January 2002. In the field of gender equality, the concept of family domination has been lifted and equal opportunities have been introduced for women and men in family life. The new Civil Code also has brought about changes in the rights and protection of children. The new 182th article regulates the child's rights in cases of divorce or separation. It was ratified Optional Protocol to the Convention on the Rights of the Child by Turkey in June. Some steps have been taken in the field of social protection of the unemployed. In April 2002 unemployment benefit payments started. Unemployment benefit is planned to be taken out of the work due to privatization.

In the field of cultural rights, with the third reform package, it is possible to broadcast in different languages and dialects that are traditionally used. The Regulation has been adopted on 19 September for the implementation of this provision. There has not been much change in minority rights. No legal action was taken other than the circular published in 2001 on Roma communities. Settlement law is still applied to nomadic gypsies.

Legislative changes have been made in many areas in Turkey together with the reform package. According to Commission, the realization of these reforms shows the determination of the majority of political leaders in Turkey in the direction of further harmonization with the European Union's values and standards (Regular Report 2002; 45). Particularly, the reforms adopted in August 2002 are very broad. Taken together, these reforms constitute an important part of the groundwork for the protection of human rights and strengthening of democracy in Turkey. Despite all this, according to the Commission, reforms include some important restrictions on full enjoyment of fundamental rights and freedoms. Significant restrictions continue in the areas of freedom of expression, freedom of peaceful assembly, freedom of association, freedom of religion and conscience, and legal remedies, including in the press and radio and television broadcasts (Regular Report 2002; 45).

The AKP which came to power with the 2002 elections has an approach towards Turkey's EU accession. The most "EU" governments in the history of the Republic have shown a performance in history. The call to the Commission for the preparation of a new accession partnership document at the Copenhagen Summit in 2002 was answered in 2003. The new document prepared by the Commission was adopted by the European Council on 14 April 2003. The National Program, urgently revised by the Government according to the 2003

accession partnership adopted by the EU Council, was adopted by the Council of Ministers on 23 June 2003 (Özer 2009; 95).

The EU has repeatedly attempted to corner Turkey with the problems of human rights and democratization that it has established in the scope of political criteria, and to sever various concessions that fit their interests in this regard. The EU's own structural transformation has been effective in Turkey-EU relations, to gain the strength of political problems such as human rights and democratization.

2003 progress report was published in 5 November 2003. Since August 2002, 4 new reform packages were adopted by Turkey as a January, February, July and August in 2003. These reform packages cover many issues from human rights to minority rights. Nevertheless, in 2003, Turkey has continued to participate in international conventions on human rights. As a one of the most important, Turkey has been confirmed Protocol no. 6 to the ECHR on the abolition of the death penalty except in times of war or the imminent threat of war. In addition, on June 2003, the UN International Covenant on Civil and Political Rights and the UN International Covenant on Economic, Social and Cultural Rights have been confirmed.

When we look at the civil and political rights, one of the human rights violations that the Commission has given extensive in progress reports for years was torture and ill-treatment. the Turkish Government. Legislation has been significantly strengthened. However, in 2003, this issue has not been fully achieved. The Commission has mentioned many cases on this issue as an example (Regular Report 2003; 26). The Commission also, has expressed concern about the punishment of the perpetrator.

About the reform of the prison system, the general situation has been corrected significantly. New F-type prisons have been built. As regard freedom of expression, many of the existing restrictions have been removed. Most of those convicted of non-violent thoughts have been evacuated. However, there are still problems about legal amendments.

In the field of freedom of press, the situation continues to be worrying. Some changes were made with the fourth and seventh reform package. According to the Commission, it must be maintained in a comprehensive manner the work of reviewing the legislation on freedom of the press considering all the legislation affecting this freedom (Regular Report 2003; 31). In

the field of broadcasting, despite the regulation issued in 2002 regarding the broadcasting language, it has not yet been implemented.

Restrictions have been reduced by changes in the fourth and sixth reform packages on freedom of association. However, restrictions continue in establishing associations based on minority groups. With the 7th reform package, restrictions have been reduced on those who have been convicted of certain crimes and who have been members of associations that have been closed.

Political parties have been changed and the closure of political parties was made more difficult. However, still there were problems in practice. Religious freedom is subject to serious restrictions when compared to European standards. About the right to property, the Law on Foundations was amended with the fourth reform package and the regulation was published in January 2003. However, this regulation only refers to foundations belonging to non-Muslim communities. With the sixth reform package, application period for the registration of immovable property of minority foundations is extended from 6 months to 18 months.

When we look at the economic, social and cultural rights, related to gender equality, with the sixth reform package, the law about honor killings has been amended and the provision for penalty reduction has been abolished. In addition, the penalty for the murder of an extramarital child was increased. Violence against women is still ongoing. In March 2003, for the first time, a Ministry of Women's issues has been placed in the government. As regard child rights, many children are still employed in small businesses and in the agricultural sector.

The number of changes has been made in the field of cultural rights with the sixth reform package. In the languages and dialects traditionally used by Turkish citizens, radio and television broadcasts have been made available to private radio and television organizations other than the official broadcasting agency. By amending the Civil Code, parents are given the names they wish for their children, except those that do not comply with the rules of ethics and hurt public opinion. With the fourth reform package, the amendment of Article 6 of the Law on Associations has been amended and it has been possible for associations to use foreign languages in their informal correspondence. No progress has been made in

implementing the provisions on training in different languages and dialects accepted in the August 2002 third reform package.

In the field of minority rights, when ratifying the UN Covenant on Civil and Political Rights, Turkey has made a reservation to article 27. Therefore, the scope of certain rights has been limited. These were ethnic, religious and linguistic minorities have the right to enjoy their own culture, to teach and practice their own religion and to use their own language. Parents from different religious minorities have problems registering their children in religious minority schools. There are still no positive applications of nomadic gypsies. A state of emergency has been ended in the last two provinces of Diyarbakir and Sirnak on 30 October 2002 and in the east and southeast of Turkey, nearly 15 years of extraordinary State practice has ended. The removal of the state of emergency in the South has reduced the tension among the population.

Looking at all this, the Commission has stated that Turkey has made significant progress in the scope of human rights and fundamental freedoms in 2003. Also, it has stated that reforms need to be implemented in full and effective way to reach the European standards level of Turkey (Regular Report 2003; 40).

Important decisions about the future of the EU Turkey relations were taken in 2004. At the Brussels Summit dated 17 December 2004, Turkey's political criteria have been adequately stated, and the decision to begin negotiations on 3 October 2005 was taken. Other significant issue was that The Parliamentary Assembly of the Council of Europe has decided to abolish the audit process applied to Turkey since 1996, citing the lack of democracy and human rights on 22 June 2004. These two events were one of the positive developments in Turkey-EU relations. 2004 progress report was published on 6 October 2004 before decision of the negotiation process.

The latest constitutional reforms in Turkey have been made concerning issues related to human rights in May 2004. In September 2004, a new Penal Code was adopted that would have a positive impact on human rights, in particular on a number of issues relating to women's rights, discrimination and torture. In addition, a new Press Law in June 2004 and a new Law on Associations and a Law on Compensation of Losses Resulting from Terrorist Acts in July 2004 were adopted. After the Protocol No.6 that signed in 2003, Turkey signed

the Protocol No.13 to the ECHR on the elimination of the death penalty under all circumstances in January 2004. In April 2004, Second Optional Protocol on the elimination of the death penalty was signed by Turkey. In addition, In February 2004, the First Optional Protocol to the International Covenant on Civil and Political Rights, which provides procedures to help extend the right to individual petitions, has been signed.

The Council of Europe, due to the progress made by Turkey's record, has been removed the monitoring process implemented since 1996 and it will continue with the post-monitoring procedure instead. When we look at the civil and political rights in the field of human rights, death penalty was abolished under all conditions in 2004. In the framework of constitutional amendments in May 2004, the remaining provisions of the death penalty were excluded from Turkish legislation. On the prevention of torture and ill-treatment, Pre-trial detention procedures have been adapted to European standards by following various amendments to the legislation. However, according to the Commission, The Turkey should be more efforts for ending torture and ill-treatment (Regular Report 2004; 27). There is a new amendment in January 2004 that strengthens the rights of detainees in the Regulation on Apprehension, Detention and Statement Taking. The government has made considerable effort to implement legal reforms with zero tolerance policy and there has been a decrease in the number of cases of torture. Despite the reforms, concerns remain that prosecutors have not always been able to conduct investigations promptly and adequately against public officials accused of torture. Worries about prosecutors which are not promptly and adequately investigating public inquiries accused of torture are continue. The Commission has sent a delegation in September 2004 to conduct new research on torture and ill-treatment in Turkey.

The prison system has improved considerably. Executive judges and monitoring boards have been established. Despite changes in freedom of expression, some who have explained their thoughts without resorting to violence are still being tried and punished. Radio and television broadcasts have been started in languages and dialects including Kurdish in the field of broadcasting. Significant progress has been made in resolving some remaining issues of freedom of the press. The new Press Law that adopted in December 2004 has been an important step towards increasing freedom of the press. Despite the reduction of sanctions in the new legislation, monetary penalties continue to pose a heavy burden, especially for local media. According to the Commission, these monetary penalties can contribute to the closing

of publishing houses, or to the spreading of self-censorship, especially at regional and local level.

In the field of broadcasting, the first publications in languages and dialects other than Turkish started in June 2004 on TRT radio and television. Already adopted laws have been applied in this regard. In addition, a new regulation allowing private national television and radio channels to broadcast in languages other than Turkish was published in January 2004. Despite these improvements, there are still restrictive provisions in the regulation. It introduces strict time limits on publications in other languages.

Several reforms in the legislation on freedom of association since 1999 have resulted in several restrictions being lifted. The recently adopted Law on Associations is important to reduce the likelihood that the state will interfere with the activities of associations. However, civil society, especially human rights advocates, has encountered significant restrictions in practice. The new law covers the deficits of the existing law in many respects, but the law adopted by the Parliament in July 2004 has not entered into force due to the President's veto.

The official figures on freedom of peaceful assembly show that public open debate is subject to fewer restrictions than in the past. Though there are still banned and postponed demonstrations. No progress has been made since the last Regular Report on political parties. There is still no complete success in freedom of religion. Although the freedom of worship is generally not prevented, non-Muslims are still facing obstacles. Property rights are restricted and there are no legal entities. The Alevi problem is still not resolved.

About economic and social rights, new reforms have been made in gender equality. According to article 10 in constitution, Women and men have equal rights. The state is obliged to ensure that this equality goes into existence (Grand National Assembly of Turkey [Türkiye Büyük Millet Meclisi], 2018). The new law also foresees fighting crimes such as honor killings, sexual assault and virginity testing and it provides for life imprisonment for crimes committed as honor killings. In addition, new law provides for imprisonment for those who ordered or did the test of virginity outside the court's decision. The Diyanet is also working hard to increase the role of women in Islam and to appoint women as Muftis. However, Article 8 of the European Social Charter concerning the right of women working motherhood was not accepted by Turkey (Regular Report 2004; 46).

According to the circular published in July 2004, it has been made regulation on the rights of disabled people. With reference to circular, in public institutions or organizations which have employees more than 50 people, 3% of the staff must be disabled or ex-convicts.

Although being part of ILO Convention on the Elimination of Worst Forms of Child Labour, child labour problem still continues in Turkey in 2004. Especially girls' education is restricted. In some regions, the problem of street children continues. According to ILO's report, child labour between 6-15 aged has been decreased. Although, Turkey approved ILO Conventions No. 138 on the minimum age for child labour and Convention No. 182 on the worst forms of child labour, it has still not accepted Article 7 and Article 17 related to children's rights of the European Social Charter (Regular Report 2004; 47).

The right to strike, restrictions on the right to organize and collective bargaining rights continues in the trade unions and Turkey is still behind the ILO standards. Regarding these rights, Turkey has not accepted Article 5 and Article 6 of the European Social Charter.

When we look at the minority rights in 2004, minorities are still facing some problems in Turkey. Specific discriminatory practices continue for minorities. According to circular on March 2004, textbooks should not discriminate based on race, religion, gender, language, ethnicity, philosophical belief or religion. However, Official authorities are still not allowing open schools non-Muslim minorities such as Assyrians who are not considered under the Treaty of Lausanne. There have been some developments regarding the rights of Kurdish minorities. With the changing constitution, it has been removed ban on the use of Kurdish and other languages and Turkey some Kurdish language courses were opened recently in the Southeast. Broadcasting in Kurdish and other languages and dialects has been allowed, even if limited.

Therefore, Turkey has been made progress with the adoption of the new reform packages, constitutional amendments and new Penal Code. According to the Commission, the application of laws and their application to a wider area are very important. Making progress of Turkey with reforms and harmonization packages on the path of Europeanization has been paved the way for full membership negotiations.

3. DEVELOPMENT OF HUMAN RIGHTS WITH ACCESSION PROCESS IN 2005

3.1 Full Accession Negotiation Process in Turkey-EU Relations in 2005

2005 was the turning point in the EU-Turkey Relations. The candidacy has positively influenced its position of Turkey in the world. On 17 December 2004 at the Brussels Summit, EU believes that Turkey has fulfilled its obligations adequately. Because of this, EU declares that the full accession negotiation process will be launched on 3 October to make Turkey's full EU accession. In this context, the Inter-Governmental Conference in Luxembourg on 3 October 2005, Turkey has officially begun accession negotiations to the EU. The Negotiating Framework Document, which sets out the procedures and principles of negotiations, was adopted in the same day at the conference. After the negotiation process, the screening process started with the meeting held on 20 October 2005 regarding the "Science and Research" chapter.

There are 35 chapters in the accession process of Turkey. There are different topics in each chapter and Turkey's full membership process is required to open this chapter. After the start of full membership negotiations, the first progress report was published as Turkey 2005 Progress Report "and the" Enlargement Strategy Paper on 9 November 2005 by the Commission.

Turkey has been continued to make some progresses with the full membership negotiations in 2005 and some agreements was signed in the field of human rights. Some of these agreements were in October 2004, the European Agreement relating to Persons Participating in Proceedings of the European Court of Human Rights (ECtHR), Protocol No14 to the European Convention on Human Rights, the Revised 1996 European Social Charter, The International Convention on the Protection of the Rights of All Migrant Workers in January 2005, Optional Protocol to the UN Convention against Torture (OPCAT) in September 2005 and Protocol No 13 to the ECHR concerning the abolition of the death penalty in all circumstances in October 2005.

According to Turkey last year, there has been progress in the implementation of Court decisions. Significant commissions have been continued their work. The institutional framework has not been changed in the development and implementation of human rights.

The Human Rights Presidency has continued to pursue their education and investigate complaints activities in Turkey.

As regard fight against discrimination, according to the New Penal Code, discrimination be considered a crime. Nevertheless, Turkey has not yet adopted additional legislation aimed at ensuring the prohibition of discrimination. Despite the continuing problems with the prevention of torture and ill-treatment, this rate is decreasing.

Struggle with torture and ill-treatment is one of the issues that Turkey's application had trouble. The Commission stands on this issue in every year's reports. The new penal code contains provisions that increase the fight against torture and ill-treatment. Imprisonment given to people who commit torture and ill-treatment has been increased and the period of time-out which caused the nonsuit of people who are prosecuted for torture and ill-treatment.

Applications are not enough as regard condemnation of public officials who is offender. Public officials who are offender are rarely arrested and punishment is not sufficient.

Another issue that has been going on for years is the prison system. In December 2004, the penal execution law was adopted. Despite these shortcomings, this law introduced some modern elements. Although significant progress has been made in recent years, it has not yet spread to all prisons. The crowds of prisons and inadequacy of resources are some of the problems in prisons.

In the field of freedom of expression, a significant number of those who have been sentenced for imprisonment due to non-violent opinions have been released. However, there are still convicted people because of the non-violent opinions. Some articles have been improved in freedom of expression by the adoption of the criminal law in May 2005.

In the field of freedom of the press, with the adoption of the new Press Law and the new Penal Code, some positive events such as the release of prisoners have come to the fore. However, there still are journalists and writers in prison due to non-violent views. The articles in the penal law and the articles in the press law are contradictory.

In the field of broadcasting, 11 applications were made by local broadcasters in languages and dialects other than Turkish, but these applications were not answered by the RTÜK claiming that the necessary documents were not sent. There are still pending applications since 2004 (Progress Report 2005; 27). RTÜK also, frequently applying to the Law on Radio-Television Broadcasting, provides severe penalties, including suspension or withdrawal of monetary penalties, programs or broadcasting licenses. Therefore, the changes made in this area are insufficient in practice.

As regard freedom of association, the new Law on Associations has been entered into force in November 2004. In contrast, the March 2005 Regulation puts restrictions on the registration of associations whose names and / or purposes are judged to be contrary to the Constitution (Progress Report 2005; 27). This application contradicts Article 11 of the European Convention on Human Rights. The Commission informed that it would continue to check whether it complies with Article 11 of the ECHR (Progress Report 2005; 27). In September 2005, the KAOS Gay and Lesbian Cultural Studies and Solidarity Association was found to be contrary to the law and moral rules and was forbidden. However, the prosecutor's office has received a decision of non-prosecution in that case.

There are also some problems with the right to peaceful assembly. The harsh attitudes of the security forces, the use of excessive force by the police has been caused concern. The initiation of judicial proceedings on the police with the reason that excessive force was used to interfere with the demonstrators due to Women's Day is one of the negativities experienced in this issue in 2005. In April 2005, the Interior Ministry published a circular reminding the importance of the implementation of the August 2004 Circular aimed at preventing disproportionate use of force by members of the security forces. As to the political parties, there are still lawsuits for the closure of some parties.

In the field of freedom of religion, unfortunately, very limited progress has been recorded. None of the problems reported by the commission found a solution. Non-Muslims and Alevis continue to live on the same issues. The Commission has some recommendations to Turkey about freedom of religion. It recommends that religious education should be elective or that it should cover all religious cultures. The report also recommends the removal of religious relatives on identity cards (Progress Report 2005; 31).

Turkey has made no progress in far enough for women's rights. Low participation in the Parliament, local representation bodies and the labour market with domestic violence, honor killings, high literacy rates are still a major problem. One of the favorable negotiations in this regard is that the General Directorate of Status and Suspensions of Women entered into force in November 2004. In the Parliament, Women's Rights and Gender Equality and the Commission on the Investigation of Violence against Women and Children has been established for examining the causes of honor killings. Since the past year, the number of women's shelters in Turkey and the need for these houses has been increased. This shows us that there are problems in applying the laws.

In the context of children's rights, the right to education of children and especially girls are not observed in some rural areas such as the Southeast and attendance rate is very low. Some progress has been made to solve problems with street children. Parliamentary commission has been established and pilot applications have been launched in some areas in children's health care, rehabilitation and education areas. Detention center for child is insufficient.

Although the disability law was adopted in July 2005 in the context of the rights of disabled people, there is no law on mental health and there are insufficient social care facilities for mental disorders. In addition, Article 15 of the European Social Charter relates to physical or mental disabilities still not been adopted by the Turkey.

In the context of trade unions, Turkey still does not meet ILO standards. There are still major shortcomings in the right to strike and the right to collective bargaining. The circular issued by the Prime Ministry in June 2005 does not contain these shortcomings.

Since last year's report, Turkey's stance on the minority rights remains unchanged. Kurdish language was not allowed, and Kurdish language courses were closed. A restrictive approach to minorities continues. Except those, security problems have arisen as the PKK violence has increased in the south-east. The people living in the region have been displaced. The Commission is concerned about the loss of lives and disproportionate severity due to the PKK terror in these regions.

When we look at the 2005's report, we see that there are many laws on human rights and many commissions have been established. However, none of these laws have been fully

implemented. According to the Commission, Turkey continues to sufficiently meet the Copenhagen political criteria, despite of this, human rights violations continue in different aspects of human rights. The reforms in Turkey are progressing more slowly.

The screening process which began on 2005 was completed on 13 October 2006. Actual negotiations were started on 12 June 2006. On 29 November 2006, the Commission announced its recommendation on negotiations with our country. In this resolution, the Commission has indicated that Turkey does not fully implement the Additional Protocol to the Ankara Agreement. It is recommended that no chapter be closed temporarily without confirming that Turkey has fully fulfilled its obligations with respect to the Additional Protocol.

3.2 Chapters Opened in Progress Reports in the Field of Human Rights: in Between 2006-2015

With the start of negotiations in 2005, Turkey has come to the final stage of EU membership. But on the contrary with this process, negotiations on Turkey-EU relations began to slow. EU conditionality has begun to lose its influence and there has been a slowdown in reforms. The reasons for this situation include the effects of the slowdown in Turkey's reform process and political attitudes taken by the EU. Turkey's democracy, the existence of strong reforms and the application's progress in the rule of law and fundamental rights in the period from 2005 until 2011 and also after 2011, the stoppage of the reform process in Turkey have adversely affected the negotiation process. Many reforms have been made on paper and have not been implemented in practice. Dynamics of Turkey's domestic policy during this period has played an important role in the process of Europeanization and EU-Turkey relations.

3.2.1 Loss of EU Conditionality and Slowdown in Reforms

Turkey's 2006 progress report has been published on 8 November 2018. In 2006 there were some agreements that entered into force on human rights. These are the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) which ratified on March 2006, Protocol No 13 of the ECHR, on the abolishment of the death penalty which ratified on February 2006, Protocol No 14 of the ECHR, amending the control system of the Convention which ratified on May 2006, The UN Convention against corruption which ratified June 2006 and the revised European Social Charter which ratified on 27 September 2006 (Progress Report 2006; 10).

When we arrived in 2006, torture and ill-treatment has been continued to decrease in Turkey. Reforms in recent years have begun to give positive results. The regulations on the medical examinations of persons under surveillance comply with the previous recommendations of the European Committee for the Prevention of Torture. There is still some concern about the confidentiality of medical examinations. The Commission has reported that the independence of the forensic medicine institute should be strengthened. Turkish legislation has generally evolved in recent years against torture and ill-treatment in a positive way. However, worries about criminal public officials are still ongoing. Otherwise, as regard access to justice, there have been significant developments in the appointment of defense lawyers. Turkey has made important reforms in this regard.

As regard prison system, since 2004, the physical conditions of prisons have been strengthened and education continues. The main problems of prisons are lack of common activity, limited interaction between prison officers and prisoners; inadequate health services and psychiatric services and excessive crowds of wards.

Ministry of Justice has been issued a circular under freedom of expression on January 2006. With this circular, Ministry of Justice has asked prosecutors to consider Turkish legislation and the AIHS. In relation on freedom of expression, besides, one of the concerns of the Commission was that prosecutions and court decisions initiated based on certain provisions of the new Criminal Code are a serious source of concern and may lead to the creation of an auto-censorship environment in the country (Progress Report 2006; 14). In particular, article 301 which punishes insulting Turkishness, the Republic and the institutions and institutions of the Republic has often been used for the purpose of prosecuting journalists, writers, academics and human rights defenders. One of the exemplary cases was that a number of articles written by Dink on Armenian identity were based on Article 301, and the prison sentence was approved. Then the European Court of Human Rights, saying that Turkey violated the European Human Rights Convention and it fined Turkey.

As regard freedom of assembly, meetings and demonstrations are subject to fewer restrictions than in previous years. However, the use of excessive force is unfortunately still ongoing. As regard to freedom of association, Turkey's legislation is broadly in line with international standards and has made positive reforms in this area. However, there is still an obligation to

obtain permits before the foundations apply to projects abroad. Associations founded by homosexuals or Kurds still face difficulties.

There hasn't been much positive progress in political parties for many years. The law of political parties in Turkey does not match the standards of the European Human Rights Convention and the European Court of Human Rights.

As regard freedom of religion, respect for worship has been continued. In April, even though the obligation to indication of religious affiliation in the ID cards has been eliminated, being this section in ID cards is still worrying for the EU. The problems of having legal personality of non-Muslims continue. Non-Muslims still have problems in managing their foundations and taking them back in legal ways. In addition, there are some limitations about foreign clergies. These problems are still unresolved. As an example, The Greek Orthodox Halki in Heybeliada still has not been opened. Violence against non-Muslim communities and clergy continues in Turkey. There have been no developments about Alevis for years. As regard freedom of religion, Turkey continues its tough stance against non-Muslims.

When we look at the economic and social rights, there are some recommendations in the parliamentary Commission report on women's rights. To do list has been determined for the prevention of violence against women and children and honor killings in this report (Progress Report 2006; 18). Punishments for honor killings are not deterrent. The Family's Protection Act is partially implemented. Especially, women suicide is seen in Turkey's eastern regions because of the honor killings. Other problem is that girls are not registered at birth in this region. Other positive development is the launch of the campaign to increase literacy in women. In general, while there are problems in practice, the sensitivity in society has been increased in 2006.

As regard children rights, although the law on child workers, children under the age of 15 are still employed. The right to education for children, especially girls, has also been taken away from in some region. As for the rights of disabled people and mental health, physical conditions need to be improved. The Commission has found insufficient Turkey in this regard. In terms of trade union's rights, restrictions have not been removed in 2006. Organize and the right to collective bargaining is still subject to some difficulties.

In the field of freedom of religion, restrictions on minority rights continue as like restrictions of non-Muslims. The Commission refers to the same issues each year in its report. The Commission refers to the same issues each year in its report. The problem with discriminatory expressions in school books is still not fully resolved. Syriacs and Greek minority still have problems with the right to property. Positive developments have been made about gypsies. Despite of this, in a study conducted by Bilgi University, the gypsy population in Turkey is about 2 million. They are exposed to discrimination on fundamental rights and freedoms such as education, health, and sheltering. Gypsy communities, due to the destruction of some of urban transformation projects have been displaced in Turkey.

In the cultural area, although broadcasts in Kurdish are on radio and television, there is a time limit on these broadcasts. In the language, native language of Turkey is Turkish. Education is not provided in schools other than Turkish. In addition, all courses taught in Kurdish have been closed in 2004. With the amendment made in 2006 to the statute of the Constitution, discriminatory provisions for gypsies were abolished.

Regarding the PKK terror, terrorist incidents in Turkey's eastern region has increased. There has been an increase in loss of life and property in these regions. Security measures have been taken in the regions where terrorist activities are conducted.

As a general, while progress has been made in matters related to the judiciary, the practices on basic rights have been more limited. As a result, different reforms have been made in every area concerning human rights and laws have been enacted. However, there are deficiencies in every field of application. The Commission in each report stated that Turkey should spent more effort on the implementation of laws. Especially, Turkey has not made much progress over the years in areas such as non-Muslims and minorities. Laws have been implemented more on women's rights, torture and ill-treatment. Another remarkable topic is that the Commission gave minor coverage to human rights in the 2006 progress report.

In 2007, one of the first issues in Turkey-EU relations on 17 April was the explanation of Turkey's EU Acquis Harmonization Program. The programme is a roadmap for legislative changes that must be made during the 2007-2013 period within the scope of compliance efforts to be monitored in the accession negotiations. In addition, the program includes 33 chapters about accession negotiations. EU Commission has described and welcomed Turkey's

EU acquis adaptation programme as a positive step. Turkey embodied its commitment to the reform process and its desire to become a member before 2014 with this roadmap.

Some of the chapters were opened for negotiation throughout the year. In addition, on 6 November 2007, Progress Report and 2007-2008 Enlargement Strategy were published.

When we look at the 2007 progress report in the field of human rights, the First Optional Protocol and the UN Convention on the Rights of Persons with Disabilities, which were adopted in 2006, were signed in March and April 2007.

The number of applicants to the European Court of Human Rights in 2007 was more than in the previous year. Most of these applications relate to the rights of fair judgment and protection of property rights (Progress Report 2007; 11).

As in every year, the first part of the chapter on human rights in report relates to civil and political rights. Turkey continues to maintain policy of zero tolerance to torture as a positive. There has been a reduction in torture and mistreatment with ongoing reforms, legislative changes and trainings. It continues its efforts to strengthen its system for medical examination of these cases and number of forensic centers has been increased. Furthermore, the use of expressions not taken before a lawyer is forbidden in the Code of Criminal Procedure. However, torture and ill-treatment continue, especially during detention and outside detention centers. No impartial trials are conducted on human rights violations by security forces. As a general, Turkey has made progress on torture and ill-treatment. The Commission has said that applications related to violations of forensic medicine and security forces should be increased (Progress Report 2007; 13). Progress has been made in access to the lawyer but varies according to the country and the type of crime committed.

The physical structure of the prisons continues to be improved. A circular has been published to eliminate deficiencies in prisons. However, problems such as the crowdedness of the wards, the failure to consistently enforce provisions on joint activities, restrictions on prisoners' correspondence, and inadequate health / psychiatric resources remain.

In accordance with certain provisions of the Penal Code, it is concerned that the expression of non-violent views under freedom of expression is subject to prosecution and punishment. The

number of people who have been prosecuted for prosecution has increased by 2 times compared to other years. More than half of these accusations are 301 Article coverage. On 19 January 2007, being a victim of murder of Hrant Dink who had been brought before the judiciary four times in the article 301 enkindled debates of Article 301 in Europe.

Freedom of assembly has become generally associated with Turkey in line with European standards. Except for the May 1 show in Istanbul, the exhibits were smooth. In addition, Changes in the freedom of association also gave positive results. However, the obligations of the relevant authorities, which are still prescribed by the Law on Associations, before receiving financial support from abroad, constitute a burden for the activities of the associations.

As regard freedom of religion, freedom of worship continues as in the past years. The Turkish government recognized that there was an increase in the crime rate against non-Muslim communities and clergy, and in June 2007, they met with the clergy of non-Muslim communities in Istanbul. On June 19, the Interior Ministry issued a circular on the religious freedoms of non-Muslims. Non-Muslims still face problems with their legal personality and property rights. Also, Alevi still faces problems in opening religious practices. According to the Commission, these problems need to be resolved as soon as possible (Progress Report 2007; 17). The necessity of religious studies in schools has led to a family of Alevi to carry this issue to the ECHR. The court, in its decision, stated that the religious education system in Turkey did not comply with the principle of neutrality and pluralism, and has ruled that Turkey should arrange in accordance with the European Convention on Human Rights (Progress Report 2007; 17). Because of all this, there is no mention of respect in practice in religious freedoms.

In the field of women's rights, the content of the Family's Protection Law has been extended. The Prime Ministerial Circular which was published to prevent honor killings and women's violence has been implemented. The number of women's sheltering has been increased. Also, campaigns through the media continue to attract the attention of the community and some areas have been successful. In 2007, two times more women were elected to Parliament than in previous years. Besides all these positive advances, domestic violence, honor killings and the early marriages are still underway.

The struggle for child labour continues in the year 2007. The number of children's labour has decreased by almost half compared to other years. Successful campaigns have also been conducted in the field of education. The first step of the campaigns of the Ministry of National Education and UNICEF's partner has been completed and the campaigns are ongoing (Progress Report 2007; 19). Ministry of Labour and Social Security has begun to develop strategies against street children. In Turkey's eastern regions there are still children who are not registered at birth under the age of 5. The Commission said that more efforts should be made to increase girls' enrollment rate. Also, the current standards of Social Services and Child Protection Agency must be checked. Child rights in general, despite the positive developments in 2007, additional efforts are required.

In the field of mental health, regulation has been published on health system. The physical conditions of access to the state institutions of the disability are not sufficient and no arrangements have been made.

Restrictions on the full implementation of trade union rights continue. Turkey are not fully implemented the International Labour Organization (ILO) conventions about rights of the organization, the right to strike and the right to collective bargaining. Little progress has been made in trade unions.

As regard minority rights, unfortunately, it has not changed the attitude towards Turkey's minority rights. Turkey does not act in accordance with European standards regarding minorities. Language and cultural respect and protection of them, the freedom of association, assembly, expression and religion, and the active participation of all citizens in public life, regardless of their past and origin, must be guaranteed. More effort is required to remove discriminatory expressions in school books. There are still concerns about the educational and property rights of Greek minorities. No steps have been taken to provide basic sanitary facilities and other social and economic services to the gypsies that have been displaced due to urban transformation.

As regard cultural rights, in March 2007, a new radio channel in Diyarbakir, Çağrı FM Kırmançi and Zaza Kurdish, was granted permission to broadcast in languages other than Turkish. Currently there are four local radio and television stations broadcasting in Kurdish (Progress Report 2007; 22). Besides, programs that teach Kurdish were not allowed to be

broadcast. Training is not done yet except in the mother tongue. Children cannot learn their own language in schools. The opening of closed courses is still not allowed. The use of languages other than Turkish in political life is considered illegal.

The situation is deteriorating in terms of PKK terror in the southeast and east regions. There has been an increase in the number of terrorist attacks targeting civilians throughout the country. The Turkish government has conducted many operations throughout the year within the scope of combating terrorism. Three separate security zones were established on the Iraq border in June-December 2007.

This year's Progress Report is the same as the reports of the past years. The expectations are expressed in the expected areas where further progress can be made in report as it is every year. The reform process has slowed down since 2005, although, there are some progress in general. According to the Commission, reforms should not only consist of legislative changes, but should also be given importance to implementation. The Commission cautioned that legal regulations such as the removal of Article 301 and the Law on Foundations should be made as soon as possible. Also, in the enlargement strategy, the Council stressed that this process should not lead to the delay of long-awaited reforms, such as freedom of expression and religious liberties that Turkey should progress without wasting time (Brussels European Council, 2008).

In general, Turkey-EU relations have been quite calm compared to other years. Apart from this, relations have remained in the shadow of events due to the events in the Turkish and world agenda. Specifically, the 2008 crisis has negatively impacted the U.S. and EU economies. Looking at Turkey's agenda, the first half of the year in Turkey-EU relations has been waiting for the outcome of the lawsuit opened by the AKP's closure. The EU stressed that the decision is expected to comply with the principles of the Council of Europe and the decisions of the European Court of Human Rights. Otherwise, Turkey's EU process will be adversely affected.

In the first months of the year 2008, the first step in Turkey-EU Relations is the Accession Partnership adopted in February. Further, 2008 progress report has been published on 5 November 2008.

On human rights in 2008, there has been no agreement approved by the Turkey. Like last year, there has been an increase in the number of new applications made to AIHM during the report period. Turkey is committed to the final decisions of AIHM in most of cases. When we look at the civil and political rights in 2008, Turkey has taken safeguard the rights of detainees with a comprehensive guarantee list. There has been an increase in cases of torture and ill-treatment outside of detention centers, outside detention centers, or during detention transfers. The issue of human rights violations remain unpunished continues to concern. The Minister of Justice has apologized due to the death of the torture victim in police custody in recent years. In general, limited efforts have been made in the fight against torture and ill-treatment. In the content of access to justice, it has been seen that there is access to a lawyer in urban areas, but rural areas have not yet had full access. In 2008, the physical infrastructure of the prisons was improved, and staff training continued. But the health or psychiatric resources are still inadequate. Despite the opening of new prisons, there is still a crowded problem, especially in big cities.

Turkey has adopted amendments to Article 301 of the Turkish Penal Code to strengthen measures on freedom of expression. With this amendment, permission from the Minister of Justice must be taken to initiate judicial investigation. However, there has not been much change in the content of Article 301. There are also problems with prohibitions on internet sites. Popular sites have been opened and closed many times. As a general, to ensure full freedom of expression, more legal reform is required to comply with the European Convention on Human Rights and the European Court of Human Rights. The same applies to the press and the media. Full respect for freedom of the press is required.

Although the legal framework for freedom of assembly is in line with European standards, there are situations where the right to peaceful gathering is restricted. However, disproportionate violence against those who do not comply with the ban on the demonstration in May 1, and violence against demonstrators in celebration of Newroz in March 2008 show that there are major problems in enforcing the laws. On the other hand, instead of police, some demonstrators who claim to be abused are faced with criminal sanctions. This indicates that they are not complied with European standards.

The legal framework has been improved in relation to freedom of association. The necessary conditions have been softened by new provisions. However, it is still necessary to inform the

relevant authorities of the Associations Act before associations receive financial support from abroad. Associations are still faced with administrative difficulties and judicial practices. Regarding the political parties, despite the existing legal provisions applied to political parties, the closure cases against the AKP and the DTP show that they do not provide adequate protection from state intervention.

Respect for freedom of worship on religious freedoms continues. The Law on Foundations adopted in February 2008 deals with, among other things, some ownership issues concerning non-Muslim minorities. Nevertheless, violence continues against non-Muslim minorities. As regard Alevis, some progress has been made in 2008. Cem house was accepted as a place of worship for the development of the dialogue with the community and started to apply the water bill from the same recipe as the mosques. However, in practice the expected result is not obtained. There has been no change in the education of minorities. The Halki Greek Orthodox is still closed and there are still discriminatory statements in textbooks.

In the context of economic and social rights, the circular issued by the prime minister on women's rights has helped to develop cooperation with public institutions. Training on violence against women continues. Sheltering is insufficient for women exposed to violence. There are also problems with gender equality. Women are not as active as men in the workforce and it is getting smaller. Women's access to education is still low in Turkey. The Commission was mentioned that Turkey should be corrected as soon as domestic violence against women. Inequality between men and women should be eliminated (Progress Report 2008; 21).

Positive developments in child rights have continued in 2008. The inequality between sexes in children has decreased. Besides, the participation rate of children in education has increased. The ministry is working to identify children who did not attend school in 2008. Existing standards of care for children living far away from their families need to be improved. The number of juvenile courts for underprivileged children is low and the number of juveniles detained has increased.

There has been an increase in the resources allocated by the state for the care services of the disabled. Also, progress has been made on mental health. Beside them, disabled people are

unable to benefit from public services due to lack of physical conditions. The developments in this area are inadequate.

Adequate legal arrangements have not been made regarding workers' rights and trade unions and no progress has been made. The Commission has been insisted that Turkey should do regulations must arrange and implement them in accordance with the ILO agreements and EU standards.

Turkey's approach to minorities remains unchanged. Turkey on minorities does not act in accordance with European standards. Some of the issues that have not progressed for years are management of minority schools, discriminatory expressions in school books, problems related to education and property rights of Greek minorities. When we look at the issue of minorities in 2008, we see that Turkey has made no progress in compared to other years.

As regard cultural rights, with the amendment of the law in June 2008, TRT was allowed to broadcast in languages other than Turkish for an unlimited period (Progress Report 2008; 25). Nevertheless, it was not allowed in practice to establish a TV channel broadcasting outside of Turkish. Two of the four open local channels were closed. Restrictions are ongoing for channels outside the TRT. The education system is not taught in languages other than Turkish and children who do not speak Turkish cannot learn their own language at school. It is difficult for people who do not speak Turkish to have access to public institutions and organizations. It is equally illegal to use language other than Turkish in political parties as well. Other than these, Roma still have difficulties in reaching education systems, public institutions and organizations, and health services. There has been no progress on cultural rights, such as the issue of minorities in 2008.

In 2008, Turkey, especially for energy and agricultural sector, has been increased the allocations for investment in the Eastern and Southeastern regions. A terrorist attack of PKK which is on the list of terrorist organizations of the European Union has been spread across the country in 2008 in Turkey and many people have lost their lives. Air and ground operations against northern Iraq against the PKK were carried out within the year.

The Commission, as a general, criticized the failure of civilian constitutional work and it wanted that Turkey must make reforms to strengthen democracy and human rights. One of the

first steps taken by Turkey in January 2009 at the Turkey-EU relations for the first time only in terms of history was the appointment of a State Minister and Chief Negotiator for European Union. With this assignment, Turkey has shown its commitment to the negotiation process. Nevertheless, when it comes to 2009, the old enthusiasm for EU membership started to decline in Turkey. Likewise, EU has also begun to lose interest. Negative statements of EU leaders and the lack of a strong supporter favor of Turkey has been increased the obstacles in front of the harmony process. Especially, explanations made regarding Turkey's accession process by Germany and France has been continued to leave in limbo the EU-Turkey relations. With all these, Progress Report and 2009-2010 Enlargement Strategy was published on 14 October 2009.

When we first look at the agreements signed and ratified in 2009, the UN Convention on the Rights of Persons with Disabilities which entered into force on 18 December 2008 has been approved and The Optional Protocol to this Convention has been signed in September 2009. When we look at the civil and political rights, the government has begun to provide training to health workers and judges and prosecutors in 2008 to prevent torture and ill-treatment. Also, the government has been continued to works towards equipping expression rooms with audio and visual recording systems. Forensic medicine doctors other than the Forensic Medicine Institute are not accepted as courts. Because of this situation, the effective and independent forensic services in the country do not improve. In addition, The Commission has stated that human rights violations should not be impunity and efforts to reduce it need to be increased (Progress Report 2009; 15). According to the report on torture and ill-treatment adopted by Human Rights Investigation Committee in January, none of the cases of torture or ill-treatment against the prosecution resulted in conviction. Therefore, the full implementation of the Government's zero tolerance policy against torture remains limited.

As for access to the lawyer, faster results were obtained in urban areas. But, it is not right to say the same thing in rural areas. Effective judicial assistance is limited and also the defendants are not conscious of this. The ongoing reforms to improve prison conditions still continue. Larger prisons opened instead of small prisons are closed. In addition to four centers providing pre-service and in-service training for prison staff, the fifth center is under construction. The rapid increase in the number of prisoners who have doubled in recent years has caused the prisons to be inadequate. This also shows an increase in crime rate. Another issue is health services in prisons. Adequate resources for health services and adequate

doctors are not provided. As a general, we can see that the reforms have improved the situation in the prisons. But, reforms with the increase in the number of prisoners remain inadequate.

With regard to freedom of expression, Amendments have been made in Article 301 of the Turkish Criminal Code (TCC). This substance is no longer systematically applied to limit expression freedom (Progress Report 2009; 17). In general, the legal framework for freedom of expression is not sufficient. Despite the change in Article 301, there are some prosecutions based on Article 301. Also, a number of articles of the TCC still restrict the freedom of expression. Because of this legal uncertainty, many professions face the danger of investigation, prosecution, conviction and imprisonment. The frequent prohibition of Internet sites continues to increase in recent years. While the unwanted content needs to be filtered, the entire website is blocked by judicial and administrative decisions. Political pressures and legal uncertainties on the media are on the rise.

Some measures have been taken to enforce the law on freedom of assembly. As an example, in order to make identification of the cops easy, they placed visible numbers on their helmets. So, that police officers using disproportionate force can be detected more easily. Also, the difficult working conditions of the Turkish police should be improved in order to solve the problem of power use during the demonstrations.

There have been some developments in the freedom of association. The conditions for establishing the foundation have been facilitated, the decision of the faculty members to establish an association has been cancelled and the closure of Lambda Solidarity Association in April has deteriorated. Apart from these, the obligation to notify the relevant authorities before receiving financial support from abroad continues. Organizing collective demonstrations for trade unions still pose a problem. As a result, as with other issues, the legal framework is in line with European standards. But there are important shortcomings of implementation.

In the field of freedom of religion, while worship freedom continues, progress has been made elsewhere. There have been developments in foreign national clergy to obtain work permits. One of the most important approaches to religion is the visit of non-Muslim communities by Turkish authorities in 2009. Also, positive developments have been made about Alevis after

years. The Minister of Culture attended the inauguration of the Alevi Institute and apologized to Alevis. In January 2009, the Prime Minister attended the Iftar dinner of Alevis. The government has organized workshops to discuss Alevis ' problems. In addition, The Cem houses were recognized as places of worship and the financial facilities recognized for the other weddings were provided. One of the most important developments is that Alevis are exempt from compulsory religious lessons in schools. The most important advances in Alevis have been realized in 2009. It is not right to say the same thing for non-Muslims. The clergy have no right to education. One of the negativities is that the information about religion is still not removed from the ID cards. Apart from this, there are also discriminations regarding places of worship of non-Muslims. Attacks against religious minorities and clergy are still ongoing. Despite some positive developments, it is not the case that the legislation is fully implemented. Turkey must align its laws and practices with European standards.

In economic and social rights, Committee on Equal Opportunities for Men and Women which established in March 2009 proposes arrangements to monitor developments in gender equity, to give opinions to the drafting of laws, and to harmonize Turkish legislation and practices with international treaty provisions. As a general, gender equality campaigns and awareness raising and gender awareness training programs have been continued. But, the desired result in gender equality has not yet been achieved. Women's labour market and participation in education are still low. There is still no permanent solution to domestic violence and honor killings and there also is not enough sheltering in the women exposed to this violence.

Inequality between sexes in children's rights has been reduced by half. The e-school system built by the Ministry of National Education makes it easier for children who do not go to school. The number of juvenile courts increased from the last year to this year. But, the poverty rate among children has increased compared to last year. There has been no progress in child labour due to the lack of capacity of responsible national institutions. Another negative situation is that children are kept in adult prisons because of the lack of child prisons. Also, issues such as exposure to violence in detention, disproportionate prison sentences, etc. are among the issues that must be corrected. These shortcomings of children's rights need to be completed as soon as possible.

As regard the disabilities, The UN Convention on the Rights of Persons with Disabilities was ratified in December by Turkey. Some projects have been initiated to solve the problems of

the disabilities. However, the physical conditions in community-based services make living conditions for people with disabilities difficult. There has not been much positive development about mental health. There are deficiencies in treatment programs, physical infrastructure and education.

In the context of labour rights and trade unions, for the first time after the 1980 military coup, 1 May Labour Day was a holiday and demonstrations were allowed in Taksim (Progress Report 2009; 26). Apart from this, it is still not in line with EU standards and ILO Conventions on the right to organize, the right to strike and the right to collective bargaining in the public and private sectors.

Turkish legislation on discrimination is not compatible with EU acquis. The removal of LGBTIs from their jobs due to their sexual preferences and even the killing of these individuals is a concern for the commission.

Problems as education and property rights with minorities have been continued in 2009. Discriminatory expressions from textbooks are still not removed. The documentary distributed to the schools about the Armenians has been stopped by the Ministry of National Education as a result of the complaint. Minority rights in Turkey for many years have been unable to fully progress floor. In order to do so, Turkey needs to spend more effort. Turkey has yet to make progress regarding the Roma. Access to education and health services, access to public services, discrimination is some of the major problems of Roma.

In the cultural rights, On January 2009, the TRT-6 channel began broadcasting as a full Kurdish channel. In March 2009, the state radio began broadcasting in Armenian. Although the use of a language other than Turkish in political life is illegal, no legal action has been taken in the opposite case. Children whose mother tongue is not Turkish still cannot learn their language at school. No attempt was made to make it easier for non-Turkish speakers to reach public institutions, education and health services.

When we look generally, in the Progress Report, in terms of democratization expectations, it has been stated that the legislation related to political parties should be adapted to European standards. In 2010, the expected positive developments in Turkey-EU relations could not be saved. No other chapter was opened during the year except for one chapter. There were

mutual visits throughout 2010. Many meetings were held. Explanations were made and statements were made. But it could not get beyond that. As a general, the year 2010 in Turkey-EU relations was no trace of a year. The only action in 2010 was the 2010 Progress Report and the 2010-2011 Expansion Strategy which was published on 9 November 2010.

Turkey has not signed any agreements on human rights in 2010. It has been a year of stagnation in this regard. Besides, decisions of human rights violations about Turkey issued by the European Court of Human Rights have shown an increase compared to other years. Also, the number of applicants has been continued to increase. Some progress has been made in observance of international human rights law, but the legislation has not been fully aligned with United Nations principles.

Policies to prevent torture and ill-treatment were continued in 2010 by the government. The training given to health personnel, judges and prosecutors has been continued and positive results are being obtained. The draft law for recording and supervising of disciplinary procedures and measures to be applied to law enforcement personnel on the establishment of the Law Enforcement Commission was presented to the Turkish Grand National Assembly in October. The disproportionate use of force by law enforcement forces continues to increase. Also, persons who are in the opinion of torture and ill-treatment often sue against enforcement forces. Result in condemnation of some cases known to the public about human rights violations is positive developments.

Although some progress has been made in access to justice, there has been limited access to free legal aid in the Southeast. A large number of detainees do not receive lawyer assistance, and some detainees do not know that they can benefit from lawyer services if requested. It is necessary for the government to start the education and to establish an independent structure to follow it.

Regarding prison reforms, training courses for prison officers were organized and additional personnel were assigned to the prisons. Before 2010, a prisoner or his visitor who did not speak Turkish could not use a language other than Turkish. In 2010, progress was made in the use of languages other than Turkish in prisons. Apart from these, the existing problems are that the proportion of pre-trial detainees is high. The same applies to juvenile prisoners. Some still remain with adult prisoners due to inadequate child prisons. Resource inadequacy is

causing concern in prisons. In particular the increase in prisoners has led to the crowds of prisons. This also indicates that the crime rate is increasing. The standards regarding control of prisons have not been reached the standards of the UN.

In the field of freedom of expression, after Article 301 of the Law was amended in May 2008, the number of cases based on Article 301 is very low. Other provisions of the TCK, the Anti-Terror Law and the Press Law have been used instead of Article 301 in restricting freedom of expression (Progress Report 2010; 20). A number of lawsuits have been filed against journalists who have been broadcasting about the Ergenekon case, which was opened in 2009, on charges of violating the confidentiality of the judicial process. Also, the pressure was increased on newspapers broadcasting about the Kurdish issue. The Court of Appeals said that the Nobel Prize-winning Orhan Pamuk could be sued because of his words about the Kurdish and Armenian issues in the Swiss magazine in 2005 (Progress Report 2010; 21). The Government has been continued to shut down Internet sites frequently and disproportionately. The pressures on media and media workers are increasing in the context of freedom of expression. Freedom of press is severely limited.

In the context of freedom of assembly, Newroz and 1 May demonstrations were uneventful in 2010. However, the demonstrations related to the Kurdish issue have been concluded violently, unlike the other demonstrations and the investigations of law enforcement officers who carried out this violence were not carried out effectively. Regarding freedom of association, while the government continues to raise awareness about civil society organizations in public institutions and in the public, civil society organizations continue to face disproportionate administrative supervision and fines.

Opening the religious ceremonies of the Sümela Monastery in Trabzon approximately ninety years later and the Armenian Surp Cross Church on the Akdamar Island in Van Lake are some of the steps taken in freedom of religion. One of the reforms is that the prime ministry issued a circular in May 2010 instructing the relevant authorities to deal with the problems of non-Muslims. Apart from this, the Turkish authorities made certain meetings with non-Muslims during the year. As regard Alevis, the progress we have made over the past few years has continued. One of the ongoing problems is that religion courses are compulsory in schools. Also, Protestant students have to take this religion course. The lawsuits filed in this regard continue. Other problems are that Non-Muslims community continues to have

problems with their legal personality. Also, restrictions on the education of clergy and discrimination of places of worship continue. Turkey does not accept legal measures to prevent the prosecution of conscientious objectors and judicial investigations are continuing for conscientious objectors. Freedom of religion is one of the issues where most problems Turkey for many years and despite the reforms are continuing problems.

There has also been little progress in 2010 regarding women's rights. It is foreseen that gender equality should be observed with the Prime Ministry circular that was published to promote women's employment and equal opportunities in the labour market. Gender equality has increased in primary education, but in order to achieve this in rural areas, it is necessary to continue the incentive for girls to enroll in schools and to prevent their leaving school. Content that causes gender inequality in school books should be removed. There has been an increase in honor killings. Especially, the inadequacy of women's sheltering suggests that violence increases. According to the Commission, legal regulations need to be applied consistently throughout the country. There is a need for more training and awareness rising in the areas of women's rights and gender equality (Progress Report 2010; 26).

Regarding the rights of children, pre-primary education and primary education enrollment rate increased in 2010. With the family doctor system, the government will be able to reach the child who needs more health care. As regard juvenile justice, amendments have been made in the Antiterror Law and some Laws of July 2010. According to law, "children accused of committing terror-related crimes will be tried by juvenile courts" (Progress Report 2010; 27). In September 2010, new progress has been recorded such as the parole system, appointment of psychologists and social workers. According to the Commission, the government needs to take extra precautions such as girls' continuity to the school, especially in the eastern regions, and child abuse (Progress Report 2010; 28).

New regulations have been made about persons with disabilities. Employment of persons with disabilities in public institutions is exempted from budgetary staff restrictions and has opened the way for the improvement of employment opportunities. However, people with disabilities still have difficulty accessing education, health, social and public services. Physical conditions are not enough.

With the changes in constitutional amendments, labour and trade unions rights has been expanded. Some rights have been recognized such as right to collective bargaining, membership in more than one trade union in the same line of work. The Taksim square has been opened to May 1 celebration. However, the important thing is that Turkey in terms of the application must be in line with EU standards and ILO conventions.

About discrimination, especially, we see discrimination due to sexual preferences of lesbian, gay, bisexual and transsexuals. Some provisions of the Turkish Criminal Code have been used from time to time to discriminate against LGBTI. The Minister of State for Women and Family has used expressions that homosexuality is a disease. These statements have created a reaction in LGBTI community and human rights organizations. At the same time, the violence and hate crimes against LGBTI have increased.

Regarding property rights, the Law on Foundations has been implemented despite some delays and procedural problems. However, the properties of confiscated and sold to third parties or merged before the adoption of new legislation are not addressed by the said Law (Progress Report 2010; 31).

Turkey's stance on minority rights is worrisome. Debates have begun to develop under the auspices of the government. Hateful discourses have begun to take place in the country wide, especially in the e-Islamist and ultranationalist press. Many cases of minorities continue. Therefore, Turkey's stance on minority rights are required to change a moment ago and the progress must comply with EU standards.

In November 2010, Radio and Television Supreme Council removed all obstacles in broadcasting in Kurdish and other languages. The first Kurdish theater play was played at the Diyarbakır Municipal Theatre. It has been organized Kurdish literary activity in the village of Bahçesaray, Van. First Kurdish and Syriac language departments were established at Mardin Artuklu University. In political life, the use of any language other than Turkish is still forbidden. Access to public services is still a problem for people who cannot speak Turkish. In addition, children cannot learn their own language in schools. As regard Roma and gypsies, the government has submitted a draft amendment to Parliament concerning the discriminatory provision in the Law on the movement and residence of aliens. Also, the government has published a circular for facilitating the registration process of people who are not registered in

the Directorate of Population. Since there is no comprehensive policy to address the status of the novels, they have continued to face various challenges.

In 2010, PKK terrorist attacks have been spread throughout Turkey. Whereupon, Turkey conducted an operation on terrorist hideouts in northern Iraq in May. Land mines are dangerous for security and Turkey has pledged to clean these mines until 1 March 2014. According to the Commission, Anti-Terrorism legislation needs to be changed with respect to avoid a broad definition of terrorism, improve the situation on human rights in the region, and reduce disproportionately high numbers of detainees in connection with alleged terrorist acts (Progress Report 2010; 35).

The negotiation process between Turkey and the EU was in constant development until 2011 even if it is interrupted. However, after 2011, with some moves to the AKP Power's personal freedoms, relations have come to a standstill.

On the other hand, immigration is perceived as a security threat by the EU and refugee issues also had a negative impact on relations between the EU and Turkey. The conflicts that started in Syria in 2011 brought together a great immigration problem. Millions of civilians have fled to Jordan, Turkey and Iraq. The rest of the immigrants tried to migrate to different countries of the world, especially to Europe. This has deeply affected the EU countries. Due to the location, to act jointly with Turkey on immigration has been among the EU's priorities.

In 2011, almost the only developments in Turkey-EU relations was that The Commission has suggested the creation positive agenda between Turkey and EU in the 2010 Progress Report and Enlargement Strategy 2011-2012 which was published 12 October.

The Optional Protocol to the UN Convention against Torture (OPCAT) by Turkey on September 2011. Also, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in November 2010 was accepted. Together with them, new applications to the European Court of Human Rights are increasing every year. Although Turkey has often implemented European Court of Human Rights decisions, it does not implement some decisions in recent years.

The government has been approved OPCAT to prevent torture and ill-treatment. As a result of the training given to law enforcement officers for years, the number and severity of ill-treatment by law enforcement officers has decreased. However, the disproportionate use of force by law enforcement officers continues in some cases. Moreover, some of these disproportionate power uses have resulted in death. A complete independent investigation is not conducted on the alleged extrajudicial executions of the security and law enforcement agencies. No deterrent penalties are given to security and law enforcement. Therefore, no progress has been made in combating human rights violations with impunity. There is a significant amount of workload accumulated in the judicial proceedings (Progress Report 2011; 23).

When we look at the prison system, with the amendment made in 2010, the duration of pre-conviction detention has been limited. Some high-security prisons have undergone architectural changes, and this would allow for more collective action. In February 2011, the number of rehabilitation centers for prisoners was increased and a commission was established by the Ministry of Justice to improve the conditions of the prison wards in the hospitals. However, the number of prisoners in prisons continues to increase day by day. This makes it difficult to improve the conditions of the prison and create adverse conditions for the prisoners. As regard child prison, the reforms are still insufficient. The complaints system in prisons should be organized. Finally, prisons in Turkey should be compatible with both legal and standard practice in the EU.

There are still problems in accessing to justice in rural areas. Some prisoners are unaware of the right to access to justice. The government must allocate financial resources for access to justice, but financial resources are not sufficient. Public awareness should be made to keep people informed about the right to access justice.

In the context of freedom of expression, for the last few years, restrictions have been enforced in freedom of press. Many journalists have been arrested. Kurdish newspapers are under pressure. For some journalists arrested, they were shown to cause terrorist propaganda as a cause of arrest. The biggest problem with freedom of expression is that the provisions imposed by the courts and prosecutors. Internet sites are still often banned. Therefore, the current legislation and freedom of expression must be made compatible with the European Convention of Human Rights.

As a general on freedom of assembly, celebrations such as Newroz and May 1 have been celebrated smoothly. However, security forces have been used unproportional force in some demonstrations in the east of the country. In freedom of association, although legislation largely complies with EU standards, the disproportionate inspections and the restrictive interpretation of the law continued.

In the freedom of religion, progress in previous years has been underway. Apart from this, amendments in the Law of Foundations in February 2008 have been adopted in August 2011. A report was issued in March 2011 after seven workshops under the scope of the 2009 Alevi initiative. Religious course is still compulsory in schools. As regard Alevis, Cem house has been accepted as worship and education book with information about the Alevis has been published. The restrictions on the education of clergy continue. Therefore, while dialogue with Alevi and non-Muslim communities continues, progress on conscience and freedom of religion is limited.

Progress on women's rights and gender equality is limited. Gender equality, honor killings and violence against women are still the biggest problems in society. When we look at women's place of work, there is not enough funds available to encourage women's self-employment, and at the same time politics are not supported in terms of participation. This situation shows gender discrimination in society. In secondary education, the difference between genders continues to increase. Gendered approaches in the school books should be removed. It is imperative that the existing legislation on women's rights be applied consistently throughout the country.

In the children's rights, during the training period from preschool to secondary education, both girls and boys had an increase in school participation rate. Turkey in combating violence against children within the family is still unable to progress floor. The services provided by the government are limited and need to be improved. The physical conditions in the nursery school and the training of the staff working here are not enough. Child violence is still high in the family. There are no institutions that control this. As regard juvenile justice, the established juvenile courts are insufficient. Children's courts need to be increased throughout the country. Besides, the detention of children must be minimized.

People with disabilities still face difficulties due to physical and infrastructural deficiencies while attending public institutions and services. Likewise, the protection of the rights of mental patients and the conditions of some treatment facilities need to be improved. As regard with workers' rights and trade union rights, the existing legal framework is still not in line with EU standards and ILO commitments. There has been no progress in organizing, negotiating collective bargaining agreements and striking rights. There were problems with the implementation of workers' rights.

As regard minority rights, Turkey's approach to minority rights has been ongoing for years. Turkey still has not signed some agreements on minority rights. Greek minorities continue to have problems with their property rights. Anti-Semitism in the media and hate speech against minorities continue. According to Commission, In Turkey, it is necessary to increase tolerance towards minorities. Legislation needs to be revised. it is necessary to establish protective mechanisms or specific institutions to combat racism, xenophobia, antisemitism and intolerance (Progress Report 2011; 39).

When we look at the cultural rights, in March 2011, a law allowing radio and television broadcasting in languages other than Turkish has been entered into force. But, with a provision contained in law, publications against the threat of deterioration of public order may be temporarily suspended by the Prime Ministry or the Ministry. Regulations on the use of languages other than Turkish have been made in courts. But, there are inconsistent practices.

Regarding the current problems of Roma, for many years, they have been subjected to discriminatory policies such as social exclusion, difficulties in access to education and health services, and participation in housing, employment and public life. Some progress has been made in 2011 to correct this situation. However, there are still problems in practice.

With the increasing PKK terror in 2011, border operations made by Turkey also has been increased. Many people have lost their lives in operations, especially with the increasing terrorist attacks since April. In 2011, turkey rather than the EU harmonization process has intensified to their terrorist attacks of PKK. Therefore, Turkey came in 2012 with all these terrorist attacks and relations coming to the freezing point.

When we look at the 2012, the positive agenda proposed in 2011 was launched in May 2012 for accelerating the relationships that come to the blockage point in between Turkey-EU relations. With the positive agenda, eight chapters have been identified can advance in order to comply with the Union's *acquis* in Turkey. One of these eight chapters was chapter is about human rights. Following the positive agenda, Turkey Progress Report and Enlargement Strategy 2012-2013 was published on 10 October 2012.

One of the agreements approved by Turkey on 14 March 2012 was the Council of Europe's Convention on preventing and combating violence against women and domestic violence. With it, the number of new applications to the ECHR has increased steadily. Turkey continues to develop training in human rights.

On civil and political rights, the progress has continued with regard to prevention of torture and ill-treatment. Although ill-treatment cases made by law enforcement officials were not fully successful, there was a decrease. Also, the courts did not accept reports from institutions outside the Forensic Medicine Council under the Ministry of Justice in previous years. With the 2012, some courts started to accept reports from other institutes. In addition, excessive use of force during arrest and outside of formal detention centers is one of the problems in Turkey. Ill-treatment is also one of the problems of conscientious objectors in military prisons. However, dissuasive penalties are still not given to law enforcement officers who practice ill-treatment.

Progress in the prison system continued. New methods have been started to be tried as part of improvement studies at the rehabilitation center established for prisoners. The Ministry of Health, the Ministry of Justice and the Ministry of the Interior have initiated joint studies to prevent the presence of law enforcement officers in medical examinations of prisoners. There has been an increase in the decision of probation. So, the crowd in the prisons will be prevented because the crowded in the prisons still pose great problems. Developments in child prisons are not sufficient in 2012 too. An investigation has been initiated by the Ministry of Justice regarding allegations of ill-treatment in Adana Pozantı Juvenile's Prison (Progress Report 2012; 20). One of the most important problems is that there are no committees to control the prisons. Also, there are restrictions on the holding of magazines, newspapers and books in prison and on letters written in different languages except Turkish. The Commission

has been mentioned in the report that sanitary and other physical conditions do not comply with the EU standards and the prison system must be fully supervised.

Problems still continue due to inadequate financial resources and restrictions on access to justice. There has been no change in the scope of access to justice. Problems such as inadequate attorneys and the lack of access to justice for victims of domestic violence continue in 2012 as well. The lack of a mechanism to track these problems leads to ineffectiveness.

There are many cases in the European Court of Human Rights for freedom of expression. Especially, the increasing restrictions in recent years have led to the imprisonment of more journalists and writers in freedom of press. Lawsuits were filed against the employees who wrote about the Kurdish issue. Students are arrested because of the making terrorist propaganda. The government is worried about the possibility of opening internet sites when they want and closing them when they want. As a general, there is almost no positive situation regarding freedom of expression.

Regarding freedom of assembly, 1 May celebrations has been occurred without incident. However, restrictions such as inability to do some activities at the desired location and time indicate that there are difficulties in the implementation of law regarding the freedom of assembly. Also, applications do not comply with EU standards due to the disproportionate power of law enforcement officers in some activities and prison sentences for reasons that are not valid. Regulations are not implemented as required in freedom of association. Events such as the arrest of the activists in the trade union and the penalties to non-governmental organizations have not been allowed to freedom of association.

Much progress has been made in the past few years, apart from the progress made on freedom of religion. As regard to Alevi, new books containing information about the Alevi' belief were prepared by the Ministry of National Education (Progress Report 2012; 24). Openings concerning the Alevi are not properly implemented and appear to exist in the legislation. Students who do not attend compulsory religious classes are still facing discrimination. The problem of legal personality of non-Muslim communities has been continuing in the same way for years. Apart from the house of worship of Alevi and non-Muslims, the government's

financial assistance to the other house of worship shows discrimination against these communities.

Under economic and social rights, a National Action Plan to combat Violence against Women which is covering 2012-2015 periods and focusing on 5 areas has been accepted to prevent the woman from being violent. In 2012, protocols were signed, and trainings were continued to prevent violence against women. Efforts are being made to continue this issue in the past years. The women's place is very small in the trade unions and politics. In addition, the media does not behave sensibly about women's rights. Another misconduct related to women's rights is that the police has been tried to send women who are taking refuge to the violent person instead of being under protection.

The proportion of children enrolled in pre-school education is increasing every year. The same increases are in primary and secondary education participation. Other languages have been added as elective courses in schools during 2012-2013. Nevertheless, there are still differences between the western with the eastern of Turkey. In seasonal agricultural workers, work is being done to prevent child labour.

When we look at reforms related to people with disabilities, home care services for the disabled and the elderly have become widespread. Efforts for the employment of the handicapped in the public are ongoing. But one of the most important needs of the disabled is the correction of physical conditions to facilitate access to services such as education and health.

When it says discrimination, LGBTI people are discriminated against in many areas in Turkey. LGBTI individuals are exposed to hate speech, violence, maltreatment by society. Even some institutions see LGBTI individuals as sick people. Progress is very limited as there are many other areas in the field of workers' rights and trade union rights. Despite changes in trade union rights, laws and practices are not in line with the ILO.

In the minority rights, representatives of groups outside minorities have been invited to the Assembly for the first time to share their views on the new Constitution. One of the topics from the new agenda about minority rights is the regulation allowing children of non-Turkish citizens of Armenian, Greek and Jewish minorities to receive education in minority schools.

No institutions or mechanisms have been established to combat racism, xenophobia. Strengthening tolerance and security for minorities; and a comprehensive approach is needed to encourage inclusion.

In the cultural field, there was no outcome in the mother tongue education debate. One of the advances in cultural rights is the reduction of restrictions on the use of Kurdish in prison visits and correspondence. The use of languages other than Turkish is still restricted in political area.

Roma citizens are still exposed to discrimination. Also, children of Roma citizens have a high rate of school drop-outs and absenteeism. Poor conditions of marriage and limited access to health services make the life of Roma citizens difficult. A comprehensive strategy for Roma citizen rights should be established and implemented.

Terrorist attacks by the PKK increase across the country. These attacks have also been harsh reactions by the EU. Operations were organized to the Union of Communities of Kurdistan (KCK) which the he alleged PKK terrorist organization. As a result of these operations, a large number of people were taken into custody. Terrorist attacks and military operations have been intensified in 2012.

When we look at the overall picture of 2012, although there seems to be a lot of progress on human rights, there are topics that exist and have previously recorded progress. The increasing terrorist attacks in the country, women and child violence, restrictions on freedom of expression, discrimination in religion and minority rights are some of the issues that have existed in Turkey for years and have not been fully resolved.

3.2.2 Gezi Park Protests in the 50th years of Turkey-EU Relations

2013 was one of the most active years for Turkey and Turkey – EU Relations. The events in Turkey had repercussions all over the world in terms of human rights. Another importance of 2013 was the 50th anniversary of the Ankara agreement. In the intervening 50 years, although a lot of ups and downs in Turkey EU relations, Turkey's EU membership process continues and still has not come to conclusion. In the current stage, there were serious question marks about whether Turkey really wants to be a part of EU.

The actions of the Taksim Gezi Park starting in the last days of May were a major turning point for Turkey. The actions of the Taksim Gezi Park, which started on Sunday night, 27 May 2013 against the construction of a shopping mall under the name of Topçu Barracks, continued during the week despite the police's pepper gas attacks. People who were on guard duty to prevent destruction in the park were attacked by police on May 30, and May 31st was accepted the beginning of the Gezi Park protest. The events continued for several weeks. 2 police and 8 civilian people lost their lives in the events that end with the harsh intervention of security forces.

Erdoğan and his government's policy of justifying the use of excessive force against protestors were also discussed in the European Parliament. Also, the EU warned the Turkish government in terms of freedom of assembly. European Parliament was published text 'motion for resolution' for Turkey in 11th June 2013 and was adopted 13th June 2013. The European Parliament was recalled to Turkey the freedom of expression and freedom of expression in the Turkish constitution. Also, European Parliament calls for immediate release of all detained peaceful protestors. Despite all this, according to some authors and groups, European Union member countries did not sound too much about Gezi Park protests outside Germany.

Turkey 2013 progress report was published on 16 October. The issues in the 2013 progress report were not very different from other years. In the international human rights instruments, the Optional Protocol to the Convention on the Rights of the Child was signed by Turkey. Also, many issues condemned by the ECHR have been addressed with the 4th Judicial Reform Package that was adopted. Regarding the prevention of torture and ill-treatment, excessive use of force used in Gezi Park protests has caused serious concerns. Measures were taken to ensure appropriate use of tear gas.

Law enforcement officers continue to prosecute persons claiming torture and ill-treatment and the courts gave priority to these cases. In some cases there are positive developments, but the penalties imposed on law enforcement officials are not deterrent.

The reform of the prison system continued in 2013 as well. Government continued to work for resolving problems caused by overcrowding, which is one of the biggest problems. However, the overcrowding could not be fully exceeded. Other than that, the lack of civil

servants and the lack of education of civil servants continue. The standards for monitoring prisons have not been harmonized with the UN Prison Monitoring Boards Standards for some shortcomings. In short, although some revisions have been made on this issue, there is still not a complete result (Progress Report 2013; 51).

On the subject of freedom of expression, positive and negative criticisms have been made about many different areas. In 2013, most of the banned books have been removed from the list of banned publications. Sensitive issues such as the Kurdish issue and the Armenian issue can be discussed more freely, and the use of the Kurdish has become more common than before (Progress Report 2013; 51). But, there are still many left-wing or Kurdish journalists in detention. In addition, the state authorities continued to open cases against critical journalists and writers in person. In addition, the concentration of media organizations in the hands of industrial groups causes journalists to undergo self-censorship. One of these examples is that the media gives very little space to the Gezi Park protests in June. Journalists and columnists who criticized the government were either dismissed or forced to resign. During this period, freedom of the press was almost completely declined. Some citizens were taken into custody because of the messages they shared via Twitter on Gezi Park protests. Access to some social media sites was restricted. According to Commission, The Law on the Internet, which limits freedom of expression and restricts citizens' right of access to information, should be harmonized with the European standards (Progress Report 2013; 52).

Also, the Commission has underlined the need for comprehensive reforms in line with European standards in order to ensure respect for freedom of assembly in the context of demonstrations in May and June (Progress Report 2013; 53). Apart from the Gezi Park protests, violent clashes took place in Istanbul on the May 1 march without permission. During the protests of the demolition of the historic Emek cinema and during the visit of the Prime Minister in the Middle East Technical University in December, extreme force was used by law enforcement officials. Nevruz celebrations in Diyarbakır and other regions and honor marches were unimpeded.

Concerning freedom of thought, conscience and religion, while respecting the freedom of worship as a general, Non-Muslim communities continue to face problems due to lack of legal entities. Heybeliada Greek Orthodox Seminary is still closed. Personal documents such as identity cards continue to contain information about religion, and those who wish to change

are subject to pressure and discrimination by officials. Alevis still face difficulties despite the expansion. The places of worship were not officially recognized and stated that they were subject to discrimination, including public services and education. The same situation of discrimination applies to non-Muslim communities.

Regarding women's rights and gender equality, despite the ongoing plan adopted in 2012 on the Protection of the Family and the Prevention of Violence against Women, some problems still continue. Female labour force participation rate is lower and there are shortcomings in providing cost-effective childcare services for working women. There is no follow-up mechanism for municipalities who are not establishing a guesthouse for women exposed to domestic violence. Early marriage and forced marriages are still a serious concern.

There are similar problems in the children's rights. There is no monitoring and inspection mechanism covering pre-school education and care services. Pre-school education rate remained constant at 44%. As a positively, the administrative capacity has been increased and the enrollment rate in primary education is 99% and the enrollment rate in secondary education has reached 70%. Child workers still create major concern. No progress has been made in this regard and child labour deaths are increasing. Violence against children and marriage at an early age is still one of the worrying issues. There is no effective grievance and notification mechanism and national children's rights monitoring system is still missing.

Board on Monitoring and Evaluating the Rights of People with Disabilities was established to ensure compliance with the UN Convention in regarding socially vulnerable and/or persons with disabilities. However, no national monitoring mechanism has been established under the contract. Children with disabilities have difficulty in accessing cost-effective and inclusive education services from preschool level. In addition, these education and rehabilitation services should be audited according to the Commission (Progress Report 2013; 58). The employment rate of people with disabilities in the public sector is still low. People with disabilities also face problems in accessing public buildings and transport services.

As a regarding LGBTI, hate attacks and hate speech, lynch attempt, torture, rape, maltreatment, domestic violence, harassment and virtual attack increased. LGBTI individuals who were working were dismissed from their jobs when sexual identities emerged.

In the field of labour and trade unions rights, lack of legislation on trade unions prevented collective bargaining and the development of trade unions. The ban of public officials on the right to strike and the prohibition of forming trade unions at the occupation or workplace level continued. The police officers' application to establish a union was rejected and dismissed by various excuses.

As regards property rights, important steps were taken in 2013 for the implementation of the amendment to the Law on Foundations in 2011. Positive developments has occurred in the regarding issue of the return of properties but this did not apply to properties belonging to Syriac community and the Latin Catholic Church.

Dialogue between government and minority representatives had continued. The right steps have been taken in the areas of minorities and cultural rights, but according to EP, more effort is needed (Progress Report 2013; 61 - 62).

As a general, there was a mixed picture in the field of fundamental rights in 2013. While there are some developments in some areas related to fundamental rights, some areas have not improved. Even, according to Commission, in most of the peaceful Gezi Park protests throughout the country during the months of May-June 2013, the authorities did not maintain or preserve the rights and freedoms of persons in accordance with European standards. In these areas, Turkey should act in accordance with European standards (Progress Report 2013; 64).

Turkey has undergone a very painful process in terms of human rights in 2013. During this period, there have been criticisms of events and state intervention from many countries, including EU countries. But, when we look at the Gezi Park protests from a different perspective, the outspoken claims of ethno-cultural and religious minorities and the growing power of non-governmental organizations were one of the hallmarks of construction of Europeanization in public space.

One of the highlights of 2013 was that Memorandum of Understanding Relating to Freedom Visa Dialogue and Readmission Agreement between the EU and Turkey was signed in December 6, 2013 and this was a turning point in Turkey-EU relations. With this agreement,

the Visa Exemption Process was officially launched for the abolition of the Schengen visa for Turkish citizens.

3.2.3 Readmission Agreements and Visa Liberalization Dialogue in Turkey-EU Relations

In 2014 we look at Turkey's domestic and foreign agenda, we see that it is still an active year. In Turkey - EU relations in 2014, the most prominent issue was the Readmission Agreements. The first talks of the Visa Liberalization Dialogue were held in Brussels on 31 January 2014 and Readmission agreement entered into force just before 2014 progress report. 2014 progress report was published on 8 October immediately following the readmission agreement.

In relation to concerning human rights mechanisms in 2014, Turkey, in November, has signed Protocol No. 16 to the European Convention on Human Rights attached. In March, the European Convention on Human Rights (ECHR) Relevant Action Plan " has been adopted and it covers 14 main areas of human rights. But there remains a need for a general action plan for fundamental rights.

Regarding the prevention of torture and ill-treatment, despite the tendency to reduce the number and severity of cases of ill-treatment in official detention, excessive use of force often remains a source of concern during demonstrations and arrests. The Commission stated in its progress report that in 2013 the police published by the Ministry of the Interior did not apply consistently to the two circulars regulating the use of tear gas and tear gas. Also, the commission has mentioned that Turkey has previously criticized by the ECHR because of the interventions by force by law enforcement officials during demonstrations (Progress Report 2014; 50). The lack of effective investigations into allegations of torture allegedly committed by law enforcement officials continues to create concern. Short-term prison sentences were imposed on the law enforcement officers who were found guilty by the court, or their sentences were postponed. Investigations on the handling of the Gezi Park protests in 2013 which resulted in the death of seven protesters and a police officer were interrupted. In the ongoing trial of the protesters' loss of their lives during the Gezi Park protests, one of the two police officers accused of causing death had continued to work. The Commission emphasized the provision of independent, prompt and effective investigations in relation to all allegations (Progress Report 2014; 50).

Regarding the prison system, problems with prisons are continuing in 2014. Although many new prisons were built, overcrowding continued to be a concern in many of these prisons. Numerous cases of ill-treatment in juvenile prisons have been reported. The number of enforcement officers is still insufficient. The other negative situation is that the standards regarding the monitoring of prisons have not been harmonized with the UN Prison Monitoring Boards Standards. The reason of this is lack of adequate resources, training or expertise to enable them to work effectively.

Regarding freedom of expression, as a result of the implementation of the Fourth Judicial Reform Package, as regards respect for freedom of expression in Turkey has improved in the legal framework. A large number of journalists were released pending trial, with a maximum period of pre-trial detention reduced from ten to five years. Despite this, only one journalist has been released since June and Turkey is among countries that is the highest number of journalists in prison. But, the Government argues that there are no journalists in prison because of the articles he wrote or the speeches he made (Progress Report 2014; 52). In addition, the statements given by the state authorities had a deterrent effect on the media and the press, and these statements led to the opening of investigations by the prosecutors against the editors and journalists. Also, state authorities continued to open cases against journalists and writers in person, and some of these cases resulted in prison sentences. A large number of journalists have been dismissed and the ownership of media organizations is concentrated in the hands of business circles that have interests beyond the free spread of information. Polarization in society and media prevents self-regulation, including the establishment of common rules for professional ethics, and prevents the establishment of trade unions and professional solidarity.

The disproportionate prohibition of websites has continued. Turkey cannot be provided access to more than 50,000 websites and only 6,000 of them were reportedly prevented by court order from these sites (Progress Report 2014; 52).

The Radio and Television Supreme Council (RTÜK) issued a warning to TRT to the public broadcaster because of its disproportionate involvement to the ruling party, the AK Party, during its March local elections. In addition, before the local elections, the RTÜK warned many TV channels that they had violated the principle of objective publication and fined them.

Regarding freedom of assembly, the right to organize meetings and demonstration marches significantly had restricted in practice as a general. Turkey's legislation on the right to assembly and the intervention of law enforcement officials in social affairs and in the implementation of this legislation is doesn't harmonize with European standards. Although activities were carried out smoothly in major cities such as Nevruz celebrations, LGBTI honor walks, in various demonstrations about the Kurds in the Southeast and in the protests on the Gezi protests were used of force. After the Soma mine disaster, police has distributed their demonstration of workers with used of force. Many non-governmental organizations were prevented the right to hold meetings and demonstrations.

On freedom of thought, conscience and religion, Non-Muslim communities continue to face problems such as property rights, access to the judiciary, collection of aid, and residence and work permits of foreign clergy due to the absence of legal entities. Since there is no special religious higher education opportunity for any community in Turkish legislation and education system, restrictions on the training of clergy has continued. Personal documents such as ID cards continue to contain religious information. No concrete steps have been taken regarding Alevi's problems. Moreover, Cemev's are not officially recognized as places of worship, and difficulties remain in opening new places of worship. Compared to other years, we can say that no steps were taken to solve problems encountered.

Honor killings, early and forced marriages and violence against women remained a problem. There are also no official statistics on these. In cases of criminal offenses against sexual immunity, penal rebates were applied for various reasons. The labour force participation rate of women is still not enough. There are shortcomings in the implementation of the circular on equal employment and equal opportunities.

Regarding children's rights, regional differences across the country in terms of children's access to education are still high. Some difficulties remain in access to education for children with disabilities and special needs, children of seasonal agricultural workers and children of Roma citizens. Rates of schooling still vary according to gender differences and regions. Turkey also failed in 2014 in the fight against child poverty. The conditions in juvenile prisons differ and there are ongoing complaints about overcrowding, inadequate hygiene, maltreatment, lack of staff, and violence and abuse by other prisoners. There are still

shortcomings in the implementation of the UN Convention on the Rights of the Child. The existing contracts and rules in theory are not applied effectively in practice.

In spite of the adoption of legislation aiming at improvement in the case of persons in need of social protection and persons with disabilities and harmonization with the acquis, the number and proportion of disabled students show a significant decrease from primary to university and inclusive occupational and lifelong learning opportunities remain limited. This indicates a lack of access to education. Although employment of disabled public personnel has increased in recent years, discriminatory practices have been observed in this regard. The rate of disabled workers is low in many tasks and there are legal provisions limiting the access of persons with disabilities to the profession of judges and prosecutors.

As regard anti-discrimination, discrimination on issues such as language, race, color, gender, disability, political opinion, philosophical belief, religion, sect, and so on has been prohibited by the Turkish Penal Code. Also, changes including hate crimes, and increasing penalties for discrimination have been made in this code. But, according to the Commission's description in the progress report, the basic rights of LGBTI individuals need to be respected more. As a result of hate crime, LGBTI is taken away from the right to life of individuals. Court decisions on hate criminals were often reduced by the victim on the grounds of unjust provocation and good conduct. Furthermore, in many cases, crimes against persons with different sexual orientation or gender identity have remained unpunished (Progress Report 2014; 59). In addition to deficiencies in the investigation and prosecution of crimes, LGBTI individuals have been reported to be reluctant to complain. Cases of discrimination in workplaces continue. They have been expelled from their jobs because of their sexual identity. They also encountered bureaucratic difficulties after gender reassignment surgery.

There are still important legal deficiencies in labour rights and trade union rights. The deprivation of the right to strike by public officials and the prohibition of forming trade unions at the occupation or workplace continued. Reasons such as national security and public health were used disproportionately to prevent strikes. The police intervention in the cases and trade union activities against trade unionists has continued.

On property rights, with the implementation of the 2008 Law on Foundations, which was revised in 2011, the return of many immovables and the payment of compensation for the

immovable have been approved. However, the legislation in force does not include the foundations taken over by the General Directorate of Foundations or the real estates transferred to third parties.

As regard minorities, dialogues between government and minority representatives have continued. In March, the Turkish Penal Code was amended to include hatred and discrimination but did not cover hate crimes caused by change, ethnicity, sexual orientation, or gender identity. Selection of community foundations for board members is prevented because regulation on election procedures in non-Muslim community foundations has yet been published. In April, activities carried out in relation to the so-called Armenian Genocide Commemoration Day were held peacefully in Istanbul and five other cities. Hate speeches by some media have targeted minorities. Hate crimes against Christians and physical attacks against the Protestant churches and other churches and those worshipping here have continued. An attack against a Greek Orthodox Church in Istanbul was organized. There was no effective investigation or legal action against perpetrators of similar attacks.

There are still shortcomings on the situation of Roma people in Turkey. Reports of discrimination were continued. Roma citizens' absenteeism and child labour rates are high. Poor housing conditions, housing problems related to urban transformation and access to health and social security services, Roma women have health problems due to early marriage and early motherhood were continued.

As regard cultural rights, the use of Kurdish in Turkey in 2014 was further normalization. Kurdish elective courses in public schools were continued. However, more sustainable work is needed to secure cultural rights.

In general, although there are a lot of harmonization efforts regarding human rights in theory, Turkey have remained inadequate in many areas in practice and in some areas human rights violations have continued to increase. But, when we look at the overall Turkey-EU relationship, we see that the relations between the two sides began to come out of recession. On the Turkey's EU Strategy document on September 25 2014 including three parts as Political Reform Process, Socio-Economic Transformation during Participation and EU Communication Strategy, Turkey has said it will continue the process of political reforms sought by the union. In addition, it has been emphasized that the obstacles to membership in

many areas such as Customs Union, Union programs, financial programs and visa liberalization will be tried to be removed (Türkiye'nin Avrupa Birliği Stratejisi [European Union Strategy of Turkey], 2014).

Therewith, Turkey -EU relations that was revived in 2014 has continued in the same way in 2015. In 2015, one of the most important issues in the agenda was the readmission treaty, which was founded in 2014 and its results. In addition, the number of refugees entering the EU in the summer of 2015 led to the Asylum policy crisis within the Union. The refugee crisis, due to its location, Turkey was one of the key countries for EU. Refugee crisis caused by the Syrian conflict in Europe has been one of the main determinants of changes in reviving relations and the approach to Turkey.

2015 progress report was published in November 10, 2015. Since September 2014, there are still a number of cases related to the right to live, the prohibition of torture, the right to a fair trial, respect for family life, freedom of expression, freedom of thought, conscience and religion, and the right to liberty and security in European Court of Human Rights and in this case it was found that Turkey violated the ECtHR. Turkey on this issue has continued to make efforts in implementing decisions.

Although the situation for the prevention of torture and ill-treatment has improved in the past few years, some problems continue. There are no clear and binding rules on the use of proportional force against demonstrators, and the Commission has emphasized that this is a very serious concern (Progress Report 2015; 62). There are serious problems in securing justice for victims of human rights violations. Furthermore, when these victims started the proceedings about the allegation of ill-treatment, they continue to face the unfavorable arguments given by the judiciary.

About the prison system, prison staff has continued to receive training. However, successful rehabilitation of people in prison is prevented due to lack of social workers. The overcrowding in prisons still could not be prevented in 2015. The allegations of ill-treatment are not properly investigated and sanctions are not imposed. The same conditions have continued in children's prisons. Regarding the personal data protection, an independent data protection supervisor complying with European standards is still not available. Related protocol has not yet been accepted by Turkey.

As regarding freedom of thought, conscience and religion, although the freedom of worship is generally respected, there are still shortcomings in the implementation of subjects such as exemption from compulsory religious culture and ethics lessons, presence of religion in identity cards, legal personality of religious communities and institutions, rules of participation in clergy elections, giving places to worship places and foreign clergy. In addition, deficiencies still continue in the implementation of the decisions concerning the Cemevs and Alevis. The Patriarchate still cannot freely use the Ecumenical title. Hate speech and hate crimes against Christians and Jews have continued. The problems in the past years continue in the same way.

The freedom of expression is one of the most violent issues in human rights in 2015. Some journalists and media workers have been released in 2015, with the period of detention being reduced from ten to five years. Many of the imprisoned journalists have been charged or convicted of crimes covered by the Anti-Terror Law. The authorities were maintained a strong pressure on the press, and hence there has been a rapid increase in the number of detentions, prosecutions, censorship cases and dismissals. A self-censorship environment for press organizations with members of the press was formed. In March 2015, the powers of the government have been increased with the changed internet law. With these powers, the process of preventing access to media content without a court decision will be initiated. According to Commission, this change did not fully reflect European standards (Progress Report 2015; 63). Criminal cases against journalists were continued. As part of the government's struggle with the parallel structure under the influence of the Gülen Movement, a journalist and a press group's director are still under arrest. They are accused of "membership in the Fethullahist Terrorist Organization". With this incident, the TV channels of the press group were also removed from digital platforms. As part of the operation targeting a conglomerate on account of its relationship with the Gülen movement and the alleged support of the terrorist organization, two TV channels criticizing the government were closed by police intervention, and two daily newspapers were stopped. The European Commission is concerned about the lawfulness and proportionality of these operations. In July 2015, the Telecommunications Communication Presidency blocked briefly access to Twitter and YouTube sites on the grounds that they were making propaganda for terrorist organizations.

The government has continued to be intolerant of social protests, to block demonstrations and restrict the right to assembly in regarding freedom of assembly. Excessive force has been used by the police in many incidents such as the 1 May Day celebrations and the honorary march on 28 June in Istanbul. The demonstrations on issues such as corruption allegations have continued to be dealt with on the basis of the Anti-Terror Law.

In regarding property rights, the Assembly of Foundations has continued to approve the restitution of the immovable and pay compensation but more efforts are needed to implement the law. Syriacs and Yezidis have faced difficulties with the registration of immovable, especially in the Southeastern Anatolia Region. Due to the lack of legal personality and community foundation status of the Latin Catholic Church, it is not possible to return or compensate the immovable properties confiscated in the past with the registration of immovable properties. One of the positive events is that the Foundations Council has returned the foundation status of the Armenian Catholic Church in Istanbul in January.

There is still no comprehensive framework law compliant with European standards on combating discrimination. Discrimination in the legal framework based on ethnicity, sexual orientation and gender identity is not explicitly prohibited. In addition, a specialized unit has not been established to deal with the complaints of victims of discrimination.

Studies on women's rights remain inadequate. Issues such as the lack of supporting the traditional role of women, the lack of effective implementation of the legislation and low quality of services are worrying and these increase discrimination against women and gender-based violence. Legal protection is insufficient in the case of protection of women from violence and the use of victims by judicial means. The current situation in women's trafficking, forced detention, and prostitution and sexual exploitation has seriously deteriorated, especially among refugees from Syria. According to Commission, the legal framework for the improvement of the current situation needs to be changed (Progress Report 2015; 66). Penalty reductions have continued in the punishments related to offenses against sexual inviolability. Shelters with increased capacity for victims of domestic violence are not yet fully compliant with international standards and need to be developed. Gender differences in education continue to be significant due to early marriage or child labour. Women's public and private sector representations are insufficient. Women need more participation in employment, policy-making processes and politics.

There is a limited progress as regarding rights of the child. One of the issues that should be taken into consideration is child labour. Child workers have continued to be victims of fatal accidents. Early and forced marriages, mainly in the eastern provinces, have continued. There is no national strategy to prevent violence against children and an effective system for monitoring rehabilitation centers and institutions.

Regulations on juvenile justice are inadequate. Children's courts were not established in all provinces and children were tried in adult jurisdiction. Children, like adults, are subject to long periods of detention, detention and pre-trial detention on charges of membership of a terrorist organization. Conditions in juvenile prisons are insufficient for issues related to overcrowding, poor hygiene, maltreatment, inadequacy of staff and violence and abuse by others in prisons. Victimized children, eyewitnesses and interested parties should also be taken into account in judicial or administrative proceedings.

The Parliament has adopted the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities, which constitutes an individual complaint mechanism for the integration of persons with disabilities. People with disabilities face problems in access to education. Lifelong learning opportunities are limited. The ratio of illiterate people is high among disabled people. Public buildings need to be adapted to increase access to public administrations for persons with disabilities. Similarly, access problems are common in transport services. Except those, the number of people receiving financial incentives for home care services also increased. Transition to community-based services has continued and this requires increased guidance and training for caregivers. Mental health legislation in Turkey and an independent unit responsible for monitoring mental health services doesn't yet exist.

The lack of respect for the fundamental rights of LGBTI individuals continue to create concern. Assaults and murders against hate crimes and transsexuals have continued. Also, transsexuals continued to be exposed to arbitrary fines, home raids and police violence. Homosexuality is recognized as a disease. For all these reasons, it is not possible to create an atmosphere of tolerance towards LGBTI individuals and their human rights.

On labour and trade union rights, Constitutional Court decisions have made improvements in trade union rights, but restrictions on the right to organize, collective bargaining and strike of

workers and civil servants have continued. Civil servants still have no right to strike. Police continued to use excessive force against non-violent trade union activities. According to Commission, labour and trade union rights need to be dealt with in accordance with International Labour Organization (ILO) conventions and EU standards and should provide a more constructive environment to achieve this (Progress Report 2015; 68).

Dialogue between government and minority representatives has continued but still some problems continue. Hate speeches against minorities have been continued. No measures have been taken to ensure that children who are not Turkish citizens and who attend a minority school with a guest student status receive official graduation certificates. The regulation on the electoral procedures of non-Muslim community foundations has not yet been published, which prevents minority foundations from making choices for board members. The National Strategy Paper and Action Plan for Roma has not yet been adopted. The lynch attempts against Roman citizens has been continued. There is no official number for the number of Roma citizens without a birth certificate. Procedures for birth registration and issuance of birth certificates, and procedures for obtaining personal documents are costly and cumbersome. School attendance is still high in the Roma community and child labor is a major problem. Although access to health services has improved, drug addiction is increasing.

Regarding cultural rights, no progress can be reported by the Government on legitimizing the provision of public services in languages other than Turkish in spite of the increased freedom of practice in the use of other languages preferred in public services. Except in the minority schools recognized in the Lausanne Treaty, education is not permitted in languages other than Turkish.

Before coming to 2016, when we look up here, we need to evaluate the period from 2005 to 2015. Between 2015 and 2016, the Europeanization process of Turkey has followed a fluctuating course the same as in EU-Turkey relations. Although structural and institutional changes that have been made in the field of human rights and fundamental freedoms until 2016 was welcomed by the EU and Turkey's reform efforts have been appreciated, these reforms instead of effective Europeanisation have been more of a patchy view of reforms that address specific areas and issues within them. Between these years, Turkey-EU relations have come to a stopping point.

4. 2016 AND AFTER: TURKEY – EU RELATIONS IN THE FIELD OF HUMAN RIGHTS

4.1 Coup Attempt in Turkey and Deteriorating Relationships

The biggest event of 2016 for Turkey was coup attempt in 15 July. On 20 July, a state of emergency was declared for three months in Turkey. Significant amendments were made in the laws and decrees. This situation reflects on the relations between Turkey and the EU. In particular about the fundamental rights and freedoms, EU invited Turkey to observe the highest standards to respect the rule of law and fundamental rights in accordance with its international commitments and candidate country status.

Turkey-EU process that is again warming with refugee agreement in early 2016 turned it a little colder after the July 15 coup attempt. This is reflected in the progress report. Following the measures taken after the coup attempt, the EU called on the authorities to observe the highest standards of rule of law and fundamental rights. Although the rapid response to this imminent threat to the Turkish state and Turkish democracy is legitimate, it has led to questions about the effectiveness of this road through decrees of law, proportionality of the measures taken and access to the judiciary.

Turkey is a party to most international mechanisms on human rights. After the July 15 coup attempt and the state of emergency on July 20, Turkey announced that it was invoking Article 15 of the ECHR. Article 15 recognizes, in times of emergency, the right of States to suspend their obligations to protect certain rights and freedoms under the Convention in a temporary, restricted and controlled manner.

In 2016, the number of applications to the European Court of Human Rights has increased. Most of these applications cover the right to life, the prohibition of torture, the right to liberty and security, the right to a fair trial, the right to respect for private and family life, freedom of thought, conscience and religion, freedom of peaceful assembly, prohibition of discrimination and protection of property.

In 2016, one of the EU's biggest concerns has been the rhetoric regarding the possibility of bringing back the death penalty in Turkey. Turkey is a party to Protocol 13 of the ECHR abolishing the death penalty in all circumstances until 2002. According to Protocol 13, the

death penalty is prohibited in all circumstances, including in cases where war threat and the threat of war are close.

Regarding prevention of torture and ill-treatment, the allegations of torture and ill-treatment are not properly investigated and the sanctions are not to the extent necessary. The impunity of crime continued to be one of the main problems. Legislation concerning the prevention of torture and ill-treatment of Turkey still is not compatible with the ECHR and the ECtHR case. Despite the prohibition of torture under Turkish legislation, the existing legal structure prohibiting torture and ill-treatment does not fully fulfill its duty. After the coup attempt, widespread cases of torture and ill-treatment have observed. The EU stressed that the right to protection from torture and ill-treatment and the procedural safeguards for suspects and defendants, in particular with respect to the European Convention on Human Rights, in accordance with the international obligations of the country, should be fully observed on the ground and in practice (Progress Report 2016; 70).

As regards the prison system, Lack of psychologist, social worker and sociologist continues and this situation adversely affects the rehabilitation of those in prison. After the coup attempt, a large number of suspects were detained in improper detention conditions and their procedural safeguards were severely hindered by European standards. In addition, there is a significant increase in the prison population and the overcrowding in prisons has reached alarming dimensions.

The Data Protection Law was adopted by Turkey as the first special legislation in March. Although this law indicates that there is progress, it does not specifically provide assurances for the establishment and functioning of the authority responsible for overseeing the use of personal data for this institution to act entirely independent and that the activities of the enforcement authorities and the judicial authorities are covered by the is not in line with the current EU acquis due to not being fully included.

On freedom of thought, conscience and religion, Turkey has continued to show the freedom of worship greatly respect. Topics which are not yet resolved include subjects such as the legal personality of religious institutions and organizations, the rules on participation in clergy elections, and work and residence permit for foreign clergy. ECHR's decisions on exemption from compulsory religious culture and moral knowledge courses, the presence of religion in

identity cards and the places of worship of Alevis have not yet been implemented. The Patriarchate has not received any indication of the ability to use the Ecumenical title freely from official authorities. Hate speech and hate crimes against Christians and Jews continue.

There have been serious decline and violations of freedom of expression in 2016. The authorities have taken more steps to restrict freedom of expression than to increase. Measures taken within the framework of statutory decrees in the state of emergency have caused great concern for the EU. In addition, in 2016, violations of freedom of expression due to violence, censorship and economic hardship suffered by journalists across the globe are at the highest level in the last 10 years. Many journalists were arrested after July 15. By the end of October, nearly 90 journalists were arrested, many of whom faced charges under Article 6 of the Anti-Terrorism Law and the total number of detainees was more than 130. The number of detentions, prosecutions, censorship cases and dismissals has risen rapidly. Many journalists have lost their jobs. The government has continued to take over media outlets. The ambassadors changed the publication policy of these organizations and many journalists were dismissed. After the coup attempt, the government issued decrees for the closure of TV channels and radio stations, mainly for alleged connections with the Gülen movement. In addition, the decision to close and stop broadcasting has been extended to include several Kurdish-language channels, an Alevi channel and some opposition channels. Journalists, editors, academics and human rights defenders were continued to be condemned and digested due to their dissenting views. In so much that, difficulties were brought such as rejection of the entrance to the recognition and accreditation renewal to prevent them from doing their jobs of foreign journalists in Turkey.

The number of applications submitted to the Ministry of Justice to issue an investigation permit on the grounds of insulting the President in accordance with Article 299 of the Penal Code has increased in 2016 (Progress Report 2016; 73). Many people have been arrested due to this article. The increasing speed of this practice has been criticized by international organizations and the restriction of this article have made recommendations (Progress Report 2016; 73).

Arbitrary application of some provisions severely has restricted freedom of expression. With the Law on the Internet, it continued to allow the content to be blocked without the justification and the court. Some cases have banned. In August with a statutory decree issued

under the state of emergency, Information Technologies and Communication Authority (ICTA), which has broader powers to restrict freedom of communication, has replaced the Telecommunications Communication Presidency (TIB) (Progress Report 2016; 73). With the appointment of Board of Directors of Turkey Radio and Television Corporation (TRT) by the government, the independence of the institution is worrying and needs to be protected by law. The RTÜK has decided to terminate the broadcast of some television and radio channels within the scope of the state of emergency.

There is also a decline in freedom of assembly. The Turkish constitution continued to impose serious restrictions on the effective implementation of freedom of assembly and association. Authorities have widely used excessive force against peaceful demonstrators. LGBTI marches in Ankara and Istanbul were again banned in 2016. In the post-coup period, numbers of demonstrations were banned in different provinces criticizing government policies. Freedom of association also was restricted in practice. Legislation on the freedom of association of domestic and foreign organizations and implementation of this legislation is not in line with European standards. After the coup attempt, some unions were closed by a decree issued under the state of emergency in connection with the Gülen movement.

As regards property rights, Turkey has rejected the requests for property restitution, some of which are pending in the domestic courts or the ECtHR. Lawsuits were filed for the annulment of the decisions taken about the extradition of the non-Muslim foundations.

Although the Law on Human Rights and Equality, which includes new provisions on prohibition of discrimination and which prohibits discrimination, is a step in the right direction, there is still a need to adopt a fully comprehensive special law in line with the European Charter of Fundamental Rights. The Turkish Penal Code is still not enough for hate crimes and is not in line with international best practices. The provisions of the law do not cover hate crimes stemming from ethnicity or sexual orientation. The rights of minority members are not sufficiently protected. There are still cases of discrimination in social life and business life. Since the Council of Europe Istanbul Convention on and combating violence against women and domestic violence came into force in 2014 in Turkey, no concrete steps have been taken to align national legislation with the Convention and to raise awareness. Women refugees, single women and pregnant women still need protection. Early

and forced marriages continued to be a major concern. Legal aid is inadequate. Capacity of shelters for domestic violence victims is insufficient.

With regards to children's rights, there has been limited progress, although efforts have been made to improve overall policy, legislation, coordination and monitoring. 2013 National Child Rights Strategy Paper and Action Plan have not been sufficiently implemented. There is no national strategy to prevent violence against children. Likewise, there is no effective system for monitoring rehabilitation centers and related institutions. Research on cases of sexual abuse and ill-treatment of children is inadequate. Still there are no juvenile courts in all provinces, and more than half of juvenile offenders continue to be tried in non-specialized courts. The number of children being in custody and being under arrest has increased. The allegations of torture, ill-treatment and sexual abuse of children in custody continue. In some cases, children have kept in wards created for adults, contrary to international standards.

As regards rights of persons with disabilities, the number of disabled students in primary and secondary education continued to increase. Access to higher education continued to be a problem and lifelong learning opportunities were limited. Among the disabled people, the ratio of illiterate people is high. Accessibility to public services and buildings for persons with disabilities has continued to be a common problem. There are still significant shortcomings in the integration and empowerment of people with disabilities in terms of the environment, social attitudes and services they live.

The lack of respect for the fundamental rights of LGBTI individuals remains a serious problem. Sexual identity and sexual orientation were not included as the reasons for discrimination in Turkey's Human Rights and Gender Equality Authority Act. In the Turkish Armed Forces (TSK) disciplinary system, homosexuality is still defined as a psychosexual disorder and it is defined as a disease in TSK regulation. In June, the people who gathered for the LGBTI honor march in Istanbul were not allowed to progress. The acts of intimidation and violence against LGBTI individuals have increased. The government has not protected LGBTI communities exposed to the threats of religious terrorist groups. Hate crimes, attacks, murders and police violence against transsexuals and activists have continued. There have been generally no effective investigations of cases brought by LGBTI persons, or as a result of lawsuits, effective sanctions have not been imposed by the judiciary. Discrimination based on sexual orientation is still common in the right to work (Progress Report 2016; 77).

In Issues of labour and trade union rights, a regulatory framework for subcontracting in the private sector has still not been established to avoid risks related to poor working conditions, unjustified layoffs and the prevention of the use of trade union rights. The proportion of informal workers is still high in 2016. Child labor continues in its worst form. Many people lost their lives as a result of work accidents. In the same way, child labor continued to be victims of fatal accidents. Legal deficiencies, such as the lack of public servants' right to strike, are contrary to European standards and ILO conventions. Unregistered workers, retirees and unemployed, as well as a large public servant, are still not entitled to organize.

Dialogue between government and minority representatives has continued. Hate speech and threats against minorities remained a serious problem. There is still no regulation on the election procedure of non-Muslim community foundations. In April, the government has adopted the 2016-2021 National Strategy Document and the 2016-2018 Action Plan for Roma citizens. This document draws attention to important obstacles to the inclusion of Roma citizens in social life and measures in many areas, including housing, education, employment and health. Procedures for the acquisition of personal documents by Roma citizens are still costly and burdensome. Roma communities have continued to face discrimination in social and economic life, employment and access to quality education. In the Roma community, absenteeism, including compulsory primary education, is still high and child labor is a major problem.

On cultural rights, the government still has not made public services available in languages other than Turkish. In addition, except for minority schools recognized under the Lausanne Treaty, education is not permitted by the government in languages other than Turkish. Decisions on the closure of some media outlets in Kurdish or Alevi culture that carry out publishing or publishing activities have continued.

Along with the coup attempt in 2016, Turkey has regressed in many areas, including judiciary and fundamental rights. The fundamental rights and freedoms and the protection of freedom of expression are vital for the European Union and these principles form the basis of the EU and democracy. Therefore, EU Turkey relations were severely damaged after the coup attempt.

4.2 Freezing of EU-Turkey relations

2017 was a tough and a year full of crises for Turkey-EU relations. Accession negotiations of Turkey to EU have practically been frozen. Turkey is too far from acceleration which is at the beginning of negotiations with EU. One of the consequences of relations coming to a halt was that Turkey was again brought to the monitoring process as it was before 2004 by the Parliamentary Assembly of the Council of Europe. Specifically, negative reports as regards the implementation of the State of Emergency declared after the July 15 coup attempt was a reference to the EU and the European Parliament called that Turkey-EU negotiations are suspended.

The Parliamentary Assembly of the Council of Europe has argued in the Functioning of Democratic Institutions in Turkey "report and the accompanying draft resolution that the functioning of democratic institutions has been severely impaired due to the measures taken under the state of emergency declared after the July 15 coup attempt. It was stated that the Turkish government has taken disproportionate measures under the state of emergency going beyond the Turkish Constitution and the rules of international law. There is also a special emphasis on the freedom of expression and media and the independence of the judiciary. In addition, the report calls for an immediate cessation of the state of emergency, cessation of mass dismissals, the release of unregistered detainee parliamentarians and journalists, the operation of the emergency scrutiny committee, securing a fair judiciary and ensuring freedom of media and freedom of expression (The Parliamentary Assembly of the Council of Europe, n.d.). The re-entering the monitoring process of Turkey was adopted in 25 July 2017.

Turkey with this decision after 13 years was again entered the monitoring process and it was first European country which is re-enter after exiting the process. Some of the biggest causes of Turkey's returning to monitoring process were extending the state of emergency after the July 15 coup attempt and the restricting of democracy, fundamental rights and freedoms in the scope of the state of emergency. Turkey has strongly condemned the decision of the Council of Europe Parliamentary Assembly and it has announced that this decision is unfair, political and biased (The Parliamentary Assembly of the Council of Europe, n.d.). In light of all these developments, no progress report has been published every year in 2017.

In 2017, people were killed or injured as a result of random fire opened on the grounds that the law enforcement authorities refused to obey the stop warning. The widespread

notifications of torture and ill-treatment of detainees under the anti-terrorism law continued. It was also reported that the police forces had inflicted assault on the detainees and threatened them with compulsion and rape threats. During the state of emergency, torture and ill-treatment practices became widespread and common.

Under the state of emergency that has been in force since July 2016, the Decree Laws (KHK) was issued by the government. These decrees weakened human rights mechanisms and were in contradiction with international human rights law. In addition, public officials have been dismissed and dismissed from the public service without the right to a fair trial. People detained and arrested for terrorism crimes. There are journalists, civil servants, teachers, politicians, policemen and military personnel who have been prosecuted since the coup attempt.

Freedom of expression in Turkey in 2017 has continued to decline. After the media that were shut down after the coup attempt, the trial and imprisonment of journalists have continued. Arrested journalists have tried for crimes related to terrorism. Although the evidence was not sufficient, the continuation of these judgments showed that there was no judicial independence in 2017. Most of the newspapers and television channels have continued to broadcast pro-government. Some journalists working with foreign reporters were pressured to stop working with foreign newspapers. In addition, some journalists who had entered the country and had dual citizenship were detained and deported.

The process of blocking websites has continued. Access to the Wikipedia website has been blocked in Turkey in April 2017. Otherwise, selected content, including some online newspapers and magazines was regularly blocked.

Increased arrests in 2017 after the coup attempt had a negative effect on the conditions of prisons. Person who is detainees were held in the same building with convicts. Life standards of prisons have been insufficient.

2 academicians (Nuriye Gülmen and Semih Özakça), who were dismissed from their posts under the state of emergency, initiated a sit-in and a hunger strike for the return of their duties. But on hunger strike, they were repeatedly detained and released. Even, they were arrested accusing him of membership of a terrorist organization in May.

There have been many violations and restrictions on freedom of assembly and demonstration. Many provincial governorates decided to ban for meetings, demonstrations and events under the state of emergency. Istanbul Governorship banned LGBTI Honor March in June 2017 for the third consecutive year.

As regards freedom of association, many associations, trade unions and foundations have been closed with the state of emergency. After the coup attempt, the increase in violence against women has been observed with the decision of the state of emergency. In addition, many women were dismissed, many women's organizations were closed, and a large number of women were arrested for violations of freedom of expression.

On the freedom of religion, Alevis' equal demands on citizenship could not find a response from the government. The decision given by the ECHR regarding the abolition of compulsory religious classes and the use of Cem houses as places of worship was not implemented. Alevi, Christians and Jews have continued to be exposed to the discourses and threats of racist groups.

Compared to the year 2016, Turkey-EU relations are seen to be further impaired. All these human rights violations have affected relations between Turkey and the EU and accession process has brought to the stopping point. The measures that contradicting Turkey's obligations under international human rights law are continuing as they enter the year 2018.

4.3 2018 and the Last Situation in Turkey-EU Relations

After 1 year, the first report of the commission in 2018 was published in April. When we look at the overall framework of the report, one of the first highlights was that judiciary and fundamental rights that be under the title of "Ability to Assume the Obligations of Membership" have been under the title of "Fundamentals First: Political Criteria and Rule of Law Chapters" in 2018.

When we look at the 2018 progress report, we see that this report covers between the years 2016-2018. The reasons for this are the lack of progress report in 2017 and publishing of 2018 progress report in the first half of the year.

In the report published in April 2018 on the right to life, in addition to the state of emergency law issued in July 2016 and limiting criminal liability, another controversial Decree-Law was issued in December 2017. This has abolished criminal liability for civilians acting in the context of the July 15 coup attempt and suppression of actions (Progress Report 2018; 32). There are also alarming reports of kidnapping and forced disappearance.

There are serious concerns about the prevention of torture and ill-treatment. The abolition of critical assurances by the state of emergency situations increases the risk of impunity for those who commit such crimes and causes an increase in the number of cases of torture and ill-treatment in detention. Complaints are not handled effectively. According to the UN special Rapporteur on torture, Turkey is in an environment of torture and this situation is worrying (Progress Report 2018; 32). In addition, according to the Commission in 2018 report, all allegations of torture or abuse are to be investigated in a fast, effective and impartial manner and should be judged and condemned in proportion to the weight of the perpetrators' actions (Progress Report 2018; 32).

With regards to the prison system, overcrowding and deteriorating prison conditions continue to create a deep concern. Lack of psychologist, social worker and sociologist continues to adversely affect rehabilitation of those in prison. In prisons, arbitrary restrictions are imposed on the rights of detainees. There have also been many allegations of human rights violations, including the use of torture, ill-treatment and solitary confinement as disciplinary measures. Especially after the coup attempt, the penitentiary officers and the prison administrations operate in an uncontrolled manner.

Concerning freedom of thought, conscience and religion, although freedom of worship continued to be highly respected, the government did not implement the action plan submitted by the ECtHR to the Committee of Ministers of the Council of Europe in 2016 on the implementation of its decisions on Cemevis and compulsory religion courses (Progress Report 2018; 33). Inter-religious dialogue needs to be strengthened in Turkey. The Orthodox Patriarch has not yet been granted the right to use the ecumenical title. No steps were taken to open the Greek Orthodox Seminary in Heybeliada. Curriculum requests for different Christian communities to open places of worship and upbringing of clergy are still not fulfilled. Hate speech and hate crimes against Christians and Jews continued to be reported.

Freedom of expression is included in the 2018 progress report more than other reports. Unfortunately, the turkey has recorded significant declines since 2016 on freedom of expression. The scope of the restrictive measures introduced by the decrees in the scope of the state of emergency has expanded in time to include dissenting voices among the press and academics, in violation of the principle of proportionality. Freedom of expression has faced serious pressure. In addition to cases against journalists, human rights defenders, writers or social media users, the withdrawal of press cards, the closure of numerous media organizations or the appointment of trustees to these organizations is a serious concern. In addition, the Internet Law and the general legal framework continue to allow Internet content to be blocked without court.

The pressures on press organizations, detentions, detention, prosecutions and the expulsion of press personnel continue along with increased censorship and self-censorship. The criminal justice system allows journalists to be prosecuted and sentenced to imprisonment on charges of a general connection to terrorism, insults to public officials and crimes against the state and the right to a fair trial is often not guaranteed.

There is no freedom of expression in the press and on the internet with the existing legal framework and practices. This legal framework is not harmonized with European standards in Turkey. Pursuant to the Penal Code, insulting the President, senior politicians and religion are among the crimes that require imprisonment and these cases usually resulted in imprisonment, postponement of sentence or judicial fine. In 2018, KHKs, which envisaged the closure of TV channels and radio stations, continued to be published. The restriction and intimidation environment is increasing and this environment leads to self-censorship. In the state of emergency, the RTÜK, on grounds that they do not violate the principles of general morality and family protection, continued to impose fines on television and radio channels, temporarily suspend broadcasts and put an end to the broadcasting of some television and radio channels on the grounds that they did not violate the national and moral values of the society. In the state of emergency, many press organizations were closed down. The takeover of the press institutions and the appointment of trustees to control the press groups have caused job losses.

There is a serious decline in freedom of assembly and freedom of association, as well as freedom of expression. In addition to the prohibition of a large number of peaceful meetings held by opposition groups, all kinds of public events in various provinces have been banned

for weeks or months. Unauthorized demonstrations were distributed by the security forces with using force. Some associations operating in quite different fields such as children's rights, women's rights, cultural rights and rights of victims have closed in the state of emergency.

On property rights, during the period of emergency, immovable assets belonging to many institutions, corporations or private individuals were confiscated without any domestic legal means. Many cases of land ownership are underway.

The principle of non-discrimination is not sufficiently protected on legal grounds and is not implemented in practice. The legislation on hate crimes is incompatible with international standards and still does not cover the hate crimes arising from sexual orientation. The Commission says in the 2018 report that Turkey must immediately accept a law aimed at combating discrimination, including those related to sexual orientation and identity in accordance with the European Convention on Human Rights (Progress Report 2018; 38).

The legislation on equality of women and men is not adequately implemented and due to the low quality of existing support services, discrimination against women and gender-based violence are not adequately addressed. The rate of enrollment of girls to school is still insufficient, especially in secondary education. Marriages are ongoing at an early age and are forced to be made. During the period of state of emergency, independent female NGOs were closed, and International women's Day activities were prohibited in some provinces. The provincial and district mufti have been given official wedding mincing authority, and this has put a risk to the prevention of early and forcible marriages by seizing the secular principles of the Civil Code.

The situation in children's rights is not very pleasant. Practices to prevent violence against children and to prevent sexual abuse and ill-treatment are inadequate. Juvenile courts are still insufficient throughout the country.

As regards the rights of people with disabilities, people with disabilities do not have access to most of the public services and buildings. There is also a lack of data on the participation of people with disabilities in economic and social life. Also, there is no independent body

responsible for monitoring the legislation related to mental health and mental health institutions in Turkey.

Hate speeches continue against LGBTI people. The military disciplinary system and the TSK define homosexuality as a psychosexual disorder and disease. LGBTI walks are banned for security reasons for three consecutive years. The prohibition of events has led to protests. In addition, a case was opened against activists for participating in the unauthorized demonstration. Hate speech and threats against minorities remain a serious problem. The discriminatory references in textbooks are still not removed. Government subsidies for minority schools have decreased.

Roma citizens have low levels of access to education. Excessive poverty and lack of basic needs remained widespread among Roma families. Due to the urban transformation project, mostly Roman settlements have been demolished and families have been displaced. Roma who have no permanent addresses are hard to access any public service.

About cultural rights, public services are still not legal in languages other than Turkish. In primary and secondary schools, legal restrictions are ongoing in mother tongue education. Some university lecturers who teach Kurdish language and literature have been exported with a state of emergency decree issued in January 2017.

As seen in the 2018 progress report and looking at the first half of 2018, we see the reflections of 2016 and 2017 years. Although Turkey-EU relations come to a breaking point, in the second half of 2018, foreign factors have forced the EU and Turkey to co-operate in many areas and thereby normalize bilateral relations. Cooperation is needed especially in trade, economy, military, counterterrorism and humanitarian aid. Although the EU gates are not fully closed, Turkey's lack of compliance with EU norms in many areas causes relations to continue at the same point.

CONCLUSION

The European Union, which started in 1951 under the leadership of the European Coal and Steel Community and 6 founding countries, evolved over time and took its present form. The EU which has reached 28 countries last has undergone many changes over time in terms of both structural and membership criteria.

Since its establishment, the EU has developed in the field of human rights as well as contracts. The issue of the protection of fundamental rights has mentioned in the first section of the European Single Act, which entered into force on 1 July 1987 for the first time and it was strengthened by expressing that respect for human rights was one of the basic principles of the Union through the Treaties of Maastricht and Amsterdam. This regulation has been the most important mainstay for fundamental rights protection in the EU. On 7-8 December 2000, a comprehensive list of fundamental rights and freedoms has been established with CFREU which regulates the basic rights of citizens of the European Union and their responsibilities. In conjunction with the Treaty of Nice, a paragraph has been added to the 7th of the EU Treaty concerning sanctions to be implemented if a Member State violates the principles of freedom of association, democracy, respect for human rights and fundamental freedoms and the principles of rule of law. Finally, EU's approach which is based on individual rights has clearly and strongly emphasized with the Lisbon Treaty signed on 14 December 2007.

With the partnership application of Turkey to EEC in 1953, negotiations began between Turkey and the EU and relations with Ankara Treaty which signed in 1963 and entered into force in 1964 have begun. Although human rights are not on the agenda of these relations, human rights and democracy problem began to emerge with the 1980 military coup in Turkey-EU relations. In the following years, Turkey's application for full membership to the community in 1987 was rejected by the Commission in 1989. Nevertheless, Turkey-EU relations came to 1998 with ups and downs and it was granted full membership status. Also, the first regular report published in this year.

Granting candidate status to Turkey at the Helsinki summit in 1999 has been an important milestone for both relations and the process of democratization and Europeanization in Turkey. Turkey has made a lot of reforms on democracy, rule of law and human rights to enforce the Copenhagen criteria along with its candidacy status. Although there are

deficiencies in many areas about human rights, it has made progress with its compliance laws. Many positive arrangements have been made, such as abolition of execution, regulations against torture, elimination of various legal restrictions on the exercise of freedom of expression, strengthening of equality between women and men, and ratification of international conventions on children's rights. We can also call this period as the Golden age of Europeanization. In this period, Europeanization led to more democratization and reforms in Turkey.

2005 was the turning point in the EU-Turkey Relations and Turkey officially began its EU accession negotiations on 3 October 2005 in the Inter-Governmental Conference in Luxembourg. However, after 2006, EU conditionality has begun to lose its influence and there has been a slowdown in reforms. When we looked at the period between 2005 and 2015, Turkey's step backwards on issues such as democracy, human rights and the rule of law has caused serious problems in relations. Many reforms have been made on paper and have not been implemented in practice. Dynamics of Turkey's domestic policy during this period has played an important role in the process of Europeanization and EU-Turkey relations.

One of the most important events affecting EU-Turkey relations has been Gezi Park protests in Turkey. Gezi Park protests can be defined as a social movement. Gezi Park events in Turkey showed that it was effective civil society and increasingly developed. In other words, civil society has begun to be included in the policy-making process in Turkey. Although there has been a major setback in human rights in Turkey with Gezi Park events, Turkish civil society has become more European, and EU has changed their perception of Turkish society. With the Gezi Park protests, we can see that Europeanization has changed its shape. In the continuation of Gezi Park events, we see that relations between Turkey and the EU are being tried to be kept alive.

With the coup attempt in 2016, Turkey-EU relations have been seriously damaged. During the state of emergency, Turkey remained below European standards on fundamental rights and the rule of law with the adopted decrees of law. To suspend obligation to secure a set of fundamental rights of Turkey has led to great criticism by the EU. With the 2016, the crisis of human rights in Turkey has deepened. Turkey faced great restrictions and violations on freedom of expression and freedom of press. These violations are the highest in the last 10 years. With the coup attempt, Turkey's stance has led to the standstill of Turkey-EU relations

in 2017 and Turkey was brought back to the monitoring process. The EU also gave a one-year break to progress reports with this negative process and published its latest progress report in 2018.

Looking at the latest state of relations between Turkey and the EU, although there are many reasons why we have so far from EU membership, one of the most important reasons is that in recent years to don't meet the criteria for Turkey's EU fundamental rights and freedoms in the field. The basis of the EU is based on the principles of democracy and the rule of law. Besides, it was aimed to protect of fundamental rights and freedoms by the Union. Therefore, one of the EU's most important criteria for the candidate countries and the member states is the protection of fundamental rights and freedoms. In this context, Turkey is more distant than ever to EU membership. While addressing Turkey-EU relations, it will not only be enough to examine the scope of democracy, rule of law and economic. The aim of this study is to understand the role of human rights in both the EU, Turkey and Turkey-EU relations. Current status of Turkey-EU relations in terms of human rights in the context of Europeanization and the reasons for this situation were examined deeply in this study.

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