

II POLITICAL CRITERIA

Turkey has completed comprehensive constitutional and legislative reforms and has taken necessary steps rapidly in order to implement these reforms.

In this context, comprehensive legislative and administrative measures against torture and ill-treatment have been put into force and “zero tolerance” policy has been put into practice. The death penalty has been abolished in all circumstances. Freedom of thought and expression, and the freedom of press have been expanded in accordance with the provisions of European Convention on Human Rights and European Court of Human Rights case law. Provisions concerning associations, foundations and the right to assembly and demonstration have been advanced. Legislation has been amended to reinforce gender equality and to fight violence against women and children effectively. Cultural diversity and cultural rights of all Turkish citizens have been guaranteed and the right to learn and broadcast in different languages and dialects used traditionally by Turkish citizens in their daily lives has been ensured.

The dialogue established between state and civil society in the area of human rights through Provincial and Sub-Provincial Human Rights Boards has been strengthened. Restructuring works have been carried on the basis of the principal of separation of powers with regard to the executive.

Improvements on the legislation concerning our citizens belonging to non-Muslim communities have been put into practice.

The Reform Monitoring Group (RMG), established by our Government to ensure the effective implementation of the reforms, is being gathering on a regular basis since September 2003 and takes decisions with regard to the quick and effective implementation of the reforms by evaluating the steps taken so far on the implementation, primarily about topics that requires special attention.

On the other hand, several conventions related to the political criteria have been signed or ratified, among which the “United Nations Convention Against Corruption”, “Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”, “Additional Protocol No.13 to the European Convention on Human Rights concerning the Abolition of the Death Penalty in all Circumstances”, “Second Optional Protocol to the International Covenant on Civil and Political Rights”, “Optional Protocol to the International Covenant on Civil and Political Rights”, the “Convention for the Safeguarding of the Intangible Cultural Heritage” can be cited.

Efforts to implement the reforms effectively and simultaneously continue. Numerous administrative measures have been put into effect in order to reflect fully the spirit of the reforms in practice. In this respect, bylaws on broadcasting in and learning different languages and dialects used traditionally by Turkish citizens in their daily lives have been adopted and put into practice. Bylaws on the disposal of real estate by community foundations, and on associations, have entered into force, and the implementation of these bylaws has been internalized.

Circulars have been issued to raise the awareness of civil servants on the prevention of torture and ill-treatment. Human rights training programmes for civil servants, particularly for law enforcement officers, have been broadened and human rights have become the constant subject of the training programmes for civil servants, particularly law enforcement officers. Comprehensive training programmes for judges and prosecutors, especially on ECHR provisions and ECtHR case law, continue in collaboration with the Council of Europe and the European Union. There are several references to both ECHR and ECtHR case law and Article 90 of our Constitution and the Ministry of Justice circulars on various subjects that have come into force since 01.01.2006. In addition, with the “Applications Concerning the Media” circular which came into force on 20.01.2006, it was asked to show special attention in the evaluation of thought declarations made within the borders of criticism, with consideration of the decisions of ECtHR in inquiries and examinations, within the context of freedom of expression and thought which is one of the most significant rights of the fundamental rights and freedoms.

Solid progress, in parallel to the reforms, has been made in all these areas in practice. The Turkish Grand National Assembly EU Harmonization Commission continues to play an effective role in the legislative harmonisation process.

While the complete redrafting of all basic legislation is a long-term legislative process, many basic laws such as “Turkish Penal Code”, “Criminal Procedural Code”, “Press Law”, “Zoning Law”, “Law on Foundations”, “Law of Associations”, “Special Provincial Administration Law”, the “Law on Turkish Radio and Television” and “Municipality Law” are renewed in this process. The Government aims at carrying on the works of renewing the basic legislation as a whole in the next term. In the context of harmonisation works, the reform process will continue with the enactment of the “Draft Law on Union of Judges and Prosecutors”, “Civil Procedure Draft Law”, “Draft Law on Court of Audits”. “Law Amending the Law on Establishment and Legal Procedures of Military Courts” has already come into force.

Our Government is resolved to complete legislation referred to under the various headings below. The Government has full commitment to improve the effectiveness of all reforms made with regard to fundamental rights and freedoms, democracy, rule of law, human rights, protection of and respect to minorities in practice and to urgently implement the necessary complementary legal provisions.

Turkey has now mainly entered in the period of improving implementation of reforms realized mainly on the field of political criteria and reinforcement of ongoing mentality transformation.

1 Functionality of Public Administration

In order to achieve a transparent and effective administrative system, work for the adoption of Law on General Administrative Procedures will continue. In this context the Law on Administrative Legal Procedures will also be amended.

A fully effective Ombudsman Institution will be established.

Within the scope of the fight against corruption, the Prime Ministry Inspection Board, which carries out the secretariat work for the “Commission on Improving Transparency in Turkey and Enhancing Good Governance in Public Sector” continues effectively its works on improving transparency and enhancing good governance, and ensuring coordination among institutions fighting against corruption and development of strategy on the fight against corruption.

The Board of Ethics has been established by Law on the Establishment of the Board of Ethics of the Public Officials and Amending Some Relevant Laws in order to determine code of ethical conduct to be respected by public servants such as transparency, neutrality, honesty, accountability, safeguarding public interest and to supervise the implementation. The Board of Ethics for the Public Officials continues its works effectively.

The comprehensive works launched on modules including special audit techniques prepared by Ministry of Finance Board of Audit and fight against corruption and informal economy will continue.

Works on the “Draft Law on the Establishment of a Political Ethics Commission and Amending Various Laws” will be completed rapidly and the Draft Law will be forwarded to the Parliament In the framework of the Draft, determination of the code of conduct such as transparency, impartiality, honesty, accountability and considering public interests for the members of the Turkish Grand National Assembly and for the members of the Cabinet and the establishment of a Political Ethics Commission in the

TGNA to increase the efficiency in the implementation of the political ethics regulation, have been anticipated. The tasks, authorization, working procedure and principles of the Commission will be regulated in accordance with the principles of clean politics and transparency. Moreover, the Draft comprises regulations on political ethics and statements regarding the amendments on the Law on Corruption and Bribery and on Law on Informing of Assets in line with the Turkish Penal Code Law No: 5237, dated 01.06.2005.

Works on the restructuring of the Prime Ministry Human Rights Presidency in the framework of Paris Principles will be concluded.

National Task Force that was established with the participation of representatives of the relevant public institutions to implement the provisions of OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the 1997 Revised Recommendation will effectively continue its works in coordination of Ministry of Justice

Efforts to fulfil the recommendations of First and Second Round Evaluation Report on Turkey of The Council of Europe's Group of States against Corruption (GRECO) will continue in an effective way.

Ongoing efforts to provide conformity with the practices in the European countries regarding legislations on political parties and financing of politics will be carried on. Within this framework, works regarding the "Draft Law on the Amendment of Fundamental Principles for Elections and Electoral Rolls" will be completed rapidly and will be forwarded to the Parliament.

Effective implementation of the legislation regarding the restructuring of the central administration and transferring authority to the local administrations in an effective way, adopted earlier, will continue. In this framework, "Municipality Law", "Metropolitan Municipality Law", "Law on Special Provincial Administration", "Law on Local Authority Associations", and "Law on Share Given to Special Provincial Administration and Municipalities from General Budget Tax Revenues" have already been enacted.

Studies on Public Personnel Reform will continue.

Providing internal security services by professional and specialized law enforcement units under the check and supervision of the Government within the framework of "rule of law", "human rights and freedoms", in line with the policies that will be determined by the Government, is the core principal. In the same context, the provisions in the legislation and implementation preventing the coordination of internal security management and the tasks, competences and responsibilities of civilian authority regarding the internal security will be amended.

2 Civil - Military Relations

The role of the National Security Council (NSC) as an advisory body has been redefined with the amendments on the Constitution and the related laws. The effective implementation of these reforms realized and in this framework, preparation of national security strategy and its implementation under the responsibility of the Government will continue.

In accordance with the amended Article 160 of the Constitution, all incomes, expenditures and state properties of Turkish Armed Forces is subject to the audit of Court of Audits. New Draft Law on Court of Audits, prepared in the previous legislative period, includes two articles in order to fulfil all the technical regulations related to its implementation.

As a part of Judicial Reform Strategy that will be prepared in line with the principles of a democratic state governed by the rule of law, the regulations related to the definition of tasks and competences of the military courts will also continue.

3 Functionality and Efficiency of the Judiciary

Ensuring the implementation of the legal provisions concerning retrials in line with the judgments of the European Court of Human Rights decisions will be continued.

A “Judicial Reform Strategy” is being prepared by Ministry of Interior in order to strengthen the independence, impartiality and efficiency of the judiciary. “Judicial Reform Strategy” includes targets oriented to strengthening of impartiality of judiciary, improvement of impartiality of judiciary, increasing the efficiency and efficacy of judiciary, increasing the professional competency, improvement of the management system of judiciary organization, increasing the trust in judiciary, facilitating the access to justice, ensuring the preventive measures for disputes more effective , improving alternative ways of dispute resolution and improving penitentiary.

A Strategic Plan is being prepared by Ministry of Justice in order to strengthen the independency, impartiality and efficiency of judiciary more, to determine the mission and vision regarding the years between 2010 and 2014.

High Council of Judges and Prosecutors (HCoJP) will be restructured on the basis of objectivity, impartiality, transparency, accountability and broad representation and an effective objection mechanism against the decisions of the Council will be established.

Regional Courts of Appeal in Judicial Justice will start to operate and works regarding the establishment of Regional Courts of Appeal in the administrative judiciary will continue.

Infrastructure work necessary for the improvement of functionality and efficiency of the Judiciary has been accelerated. In this respect, works on establishment and operation of new courts, uniting the courts in close location, spread of specialized courts, strengthening the Council of Forensic Medicine, strengthening the physical and technological infrastructure together with increasing the number of judges, prosecutors and judicial staff to a sufficient level will continue rapidly.

Reviewing the expertise institution in Civil Procedure Law, the necessary amendments will be made in order to ensure the trials conducted rapidly, simply, with minimum expenditure and effectively. The works on developing conciliation in penal procedures and alternative ways of dispute resolution will continue. The works on improving the conciliation institution and making it more effective will go on. In this context, the “Draft Law on Conciliation in Penal Procedures” has been prepared by Ministry of Justice.

With regard to the principles of “equality of arms” between prosecution and defence, measures that can be considered necessary will be taken in conformity with the essence and tradition of the Turkish legal system.

The rearrangements of tasks, authorities and responsibilities of law enforcement officers and prosecutors in crime detection and investigation in line with the best practices in European countries will continue on the basis of constitutional principle of the separation and independence of the executive and the judiciary.

In order to increase the efficiency and functionality of the Judiciary, in-service training of judges, public prosecutors and auxiliary personnel by Turkish Justice Academy and by department of Training of Ministry of Justice will continue. Besides, training of judicial members regarding ECHR and the ECtHR case law will continue. In addition to this, in-service training will also continue to enhance the effectiveness of the court management.

Informing activities to the members of Constitutional Court, Court of Cassation and Council of State on ECHR, the ECtHR case law, the international conventions on human rights and fundamental freedoms to which Turkey is a party and the EU *acquis communautaire* will continue.

Ethical code for the members of judiciary will be formed.

“Law on the Protection of Personal Data” will be adopted.

The works on equipping penal enforcement institutions in accordance with the international standards will continue. In that context, probation services will be made effective and be widespread.

4 Prevention of Torture and Ill-treatment

The importance will continue to be attached to, the implementation of the measures adopted in the context of “zero tolerance policy” against torture and ill-treatment, covering all public officers, in line with the European Convention on Human Rights, the provisions of the Turkish Penal Code and the recommendations of the European Committee for the Prevention of Torture and prevention of impunity.

To cope with the difficulties during the implementation, training activities on human rights and investigation techniques continues particularly for judges, public prosecutors and law enforcement officers. Trainings regarding the Article 3 of the ECHR, relevant case law of ECtHR and the impact of these to the Turkish law continue.

The Ministry of Interior and the Ministry of Justice will continue to ensure the effective implementation of laws and bylaws regarding the prevention of torture and ill-treatment through circulars.

Necessary measures taken in order to use modern investigation techniques in line with universal human rights practices in criminal investigations continue. Trainings of forensic personnel, judges and public prosecutors in effective application of medical techniques within the framework of Istanbul Protocol continue.

The enhancement of the judicial capacity of the police in crime analysis, criminal investigation and questioning will continue.

Improved techniques in statement taking and questioning will be widespread.

Improvement of the training system for law enforcement officers will continue. The working conditions of law enforcement officers will be reviewed. Attaching importance and priority to preventive measures through using new technologies for preventing human right violations will continue.

Ethic Principles for Law Enforcement Officers have been issued. The works regarding the reflecting of these Principles in the basic training and in-service training will be carried out.

The Optional Protocol of “The United Nations Convention Against Torture, Other Cruel, Inhuman or Degrading Treatment or Punishment” will be ratified within a proper term.

5 Access to Justice

Works on facilitating access to justice, including making legal aid effective, will continue.

The implementation of the provisions of Criminal Procedural Code and relevant bylaws diligently in compliance with human rights will continue.

Within the framework of the related legislation, persons in need of an interpreter will have this right.

Works on improving detention centres in conformity with international standards will continue.

6 Freedom of Expression, the Right to Form an Association and the Right to Peaceful Assembly

The exercise of freedom of expression, including freedom of press, will continue to be ensured in line with the European Convention on Human Rights and in accordance with the European Court of Human Rights case law. The references to the European Convention on Human Rights in the court decisions are increasing.

The works on harmonizing legislation regarding political parties with European Convention on Human Rights will continue.

Law on Meetings and Demonstrations will be revised and the effective implementation of the amendments to be made will be ensured.

In conformity with the European Convention on Human Rights and related case laws and in line with the implementation of all reforms regarding the freedom of peaceful assembly and demonstration, the capacity of Turkish police institution to intervene in the social events will be strengthened in the context of the implementation of measures regarding the use of proportional force by police.

The development of civil society and its involvement in the shaping of public policies will be more facilitated.

The dialogue, communication and cooperation between Turkish civil society and EU member states' civil society will be further encouraged.

In the framework of freedom of expression and ECHR, measures will be taken not to penalize the expressions which are in the form of criticism not including violence. The necessary amendments will be made.

In the framework of the Article 90 of the Constitution, the ongoing intensive training activities for local governors, law enforcement officers, judges and public prosecutors aiming to reflect fully and uniformly the ECHR and ECtHR case law will continue.

7 Full Enjoyment of All Fundamental Rights and Freedoms by All Individuals without Discrimination

In the Turkish Penal Code discrimination is qualified as a crime. In the Law on Execution of Penalties and Security Measures, ban on the discrimination during execution is regulated as well. The provisions of the new Penal Code which foresees serious sentences for the honour killings will be implemented effectively.

Measures considered necessary to ensure atmosphere of tolerance will continue in order to ensure freedom of religion fully.

The Law on Private Education Institutions is renewed. In the context of the basic principles of the Constitution and secular national education system, the appropriate measures will be taken in order to meet the need of clergy of non-Muslim communities.

The facilities of broadcast in different languages and dialects used traditionally by Turkish citizens in their daily lives have been expanded further by the Law Amending the Law on Turkish Radio and Television Law and Law on the Establishment of Radio and Television Enterprises and Their Broadcasts. In this context, the steps regarding its implementation will continue.

Efforts on revising curriculum including removal of the expressions that may contain discrimination from the textbooks will continue.

The implementation of the reforms realized in the field of cultural rights will continue at its best.

The accessibility of disabled people to all private or public services will be ensured. Discrimination against the disabled has been recognized as a crime in the Turkish Penal Code. Full harmonization with the European Union *acquis communautaire* regarding the equal opportunity in offices and in profession will be achieved.

8 Women Rights

The status of women in the society including their participation in the education, labour force and political and social life will be strengthened. In this framework, women organizations will continue to be supported.

In accordance with the current legislation, special trainings of judges and prosecutors, law enforcement bodies, municipalities and other relevant institutions regarding the women rights will continue. The works on establishing shelters for women under the threat of violence in the municipalities will continue. Informative and raising awareness trainings on combating violence against women will be provided to the law enforcement officers and employees working in the health sector.

The activities to determine the reasons and results of violence against women will be conducted.

Spreading the applications of micro credit in various provinces to other provinces in order to increase the participation of women to labour force will be ensured.

Measures on the prevention of violence against women will intensively be monitored and trainings and raising awareness activities will be supported. Comprehensive and broad campaigns will be organized in order to raise awareness of the public about combating violence against women and the participation of all sections of the society will be ensured.

The report of the Parliament's Investigative Commission established in order to determine the measures necessary to be taken through investigating reasons of the honour killings and violence against women and children has been endorsed by our Government. Within the framework of the Prime Ministry Circular No. 2006/17, report recommendation on combating violence against women and honour killings will be implemented.

9 Children's Right

Works on the protection of children's rights will continue in line with the international standards. Turkey will continue to become party to the international instruments of the UN and the Council of Europe concerning the children's rights.

Efforts to solve the problem of children living and/or working on the streets will continue. Efforts on fight against child labour will continue.

The Draft Law on Assistance to Children Victim of Violence will be submitted to the Parliament.

The trainings aiming to inform police on fight against violence are conducted.

10 Trade Union Rights

Efforts on reinforcing the social dialogue and facilitating and encouraging the cooperation with EU partners will continue.

“The Draft Law on Trade Union Rights” and “the Draft Law on Collective Labour Agreement, Strike and Lock-out” will be submitted to the Parliament following the accomplishment of consultations between social partners.

Efforts on establishing unions in accordance with EU standards and relevant ILO contracts, and protecting all trade union rights regarding strike, lock-out and collective labour agreement will continue.

11 Reduction of Regional Disparities

In accordance with the Ottawa Convention, all work concerning clearing and eliminating mine fields will continue.

The returns of the 1/3 of the internally displaced persons have been ensured within the framework of “the Return to Village and Rehabilitation Project”. Support efforts for voluntary returns will continue.

Compensation Commissions, which have been established under “the Law on Compensation for Losses resulting from Terrorism and the Fight against Terrorism” and recognized by the ECtHR as an effective and operational domestic remedy both in theory and practice, will continue their remaining works.

Development Agencies were established in eight regions in 2008. With the aim of removing regional disparities, measures to solve the economic and social problems of the less developed regions, also through the Development Agencies, will continue.