



REPUBLIC OF TURKEY
MINISTRY FOR EUROPEAN UNION AFFAIRS

27th REFORM MONITORING GROUP MEETING

Press Statement

Bursa, 11 November 2012

- The 27th meeting of the Reform Monitoring Group (RMG), which was established in 2003, was hosted today in Bursa by Mr. Bülent Arınç, Deputy Prime Minister and Government Spokesman, with the participation of Mr. Sadullah Ergin, Minister of Justice, Mr. Egemen Bağış, Minister for European Union Affairs and Chief Negotiator, Prof. Dr. Ahmet Davutoğlu, Minister of Foreign Affairs, Mr. Osman Güneş, Deputy Minister of Interior, Mr. Mehmet Tekelioğlu, the Chairman of the EU Harmonisation Committee of the Turkish Grand National Assembly (TGNA) and Mr. Efkân Ala, Undersecretary of the Prime Ministry.
- High level officials from the Prime Ministry, Ministry of Justice, Ministry for EU Affairs, Ministry of Foreign Affairs and Ministry of Interior have also participated in the meeting.
- Dialogue with groups of different faiths, which was a priority item on the agenda was addressed, and Director General of Foundations made a presentation on developments regarding community foundations and the implementation of the Law on Foundations. In addition, Turkey's 2012 Progress Report was evaluated and the link between the Turkish Government's 2023 Vision and the EU process was addressed.
- The objective and constructive criticisms in the Progress Report will naturally be taken into account. However, in the seventh year of the negotiations, the unnecessarily detailed and lengthy political criteria section, claims based on unverified sources and generalizations made on the basis of a number of individual incidents have resulted in a text that is far from serving its purpose and have overshadowed the credibility of the Report.
- In particular the claim that "there is a culture of intolerance of minorities in Turkey" is a clear indication that the Commission has not acted in good faith and exceeded its authority while preparing the 2012 Progress Report.
- Since the screening reports and opening benchmarks of Chapters 23 and 24 have not yet been presented to Turkey, criticisms and demands of the European Commission on these chapters do not have any fair and ethical grounds. Nevertheless, progress has been achieved in the light of matters referred to in a number of discussions with the EU.
- On the other hand, regardless of the subjective and prejudicial approach taken in the preparation of the Progress Report, the fact that Turkey's progress in 32 out of 33 chapters has also been noted in the Report confirms that Turkey continues its determined work for harmonisation despite all difficulties and political blocks.

- The 2023 Vision determined by our Government, and almost all of its 63 articles, serving as a road map, contribute to our EU accession process and a considerable part of these is directly linked to the “Political Criteria”, “Chapter on Judiciary and Fundamental Rights” and “Chapter on Justice, Freedom and Security”.
- The TGNA Conciliation Committee, which is comprised of political parties represented at the TGNA, is continuing with its work on a new civil constitution.
- As regards property rights, the addition of the provisional Article 11 to the Law on Foundations on 27 August 2011 paved the way for restituting the immovable properties owned by the community foundations of our citizens of different faiths and which had previously been confiscated for various reasons.
- In accordance with this provisional Article 11, the deadline for applications regarding the return of properties of community foundations was 27 August 2012. 116 community foundations applied by the deadline for the return of 1560 properties. Within this framework, it is decided to return 71 properties and to pay for compensation for 15 properties. However, 90 applications were found ineligible. The processing of the remaining 1384 properties is ongoing.
- Furthermore following the entry into force of Law No. 5737 on Foundations, community foundations were entitled to collect monetary donations from abroad, and 16 immovable charities functioning as schools were permitted to be transformed into real estate.
- Furthermore, Directorate General of Foundations is working on the renovation of places of worship used by the citizens of different faiths.
- Within the framework of the equality principle laid down in the Constitution, the Prime Ministry Circular, which entered into force on 13 May 2010 upon the signature of Mr. Recep Tayyip Erdoğan, the Prime Minister, is a significant arrangement stating that Turkish citizens of different faiths, have the right to enjoy and maintain their own identity and culture, and stressing that the democratisation efforts should not be hindered. The rigorous implementation of the Circular is ongoing. Citizens of different faiths enjoy their identities freely in the culture of tolerance which has been embedded to the historical fabric of our country.
- The kick-off meeting of Positive Agenda, which aims at improving the cooperation mechanisms on important issues in terms of Turkey-EU relations, such as visa regime, political reforms, energy, fight against terrorism, as well as fulfilling the technical opening/closing criteria in the politically blocked chapters in cooperation with the working groups, was initiated on 17 May 2012. Within the framework of the Positive Agenda, working groups were established on eight chapters and the first working group meetings of six chapters were held.
- Positive Agenda is not an alternative to the negotiation process, but a complementary way to accelerate and support the process.

- However, unless the political blockages on the negotiations are removed, the “Positive Agenda” will not achieve its goal in the long term and it will not serve the final objective of Turkey’s accession to the EU.
- The work to update the **Judicial Reform Strategy**, which was adopted by the Council of Ministers on 24 August 2009 and the objectives and targets of which have been realized in general, is continuing. For this purpose, consultation activities were carried out with the relevant institutions and the “Draft Strategy Document” prepared by the Ministry of Justice, was sent to all relevant institutions on 11 September 2012 for their opinion. Furthermore, this document was submitted to the opinion of all relevant parties through a newly established website. A workshop is planned to be held in the forthcoming months with the participation of the relevant institutions in order to evaluate these views and the work to update the Judicial Reform Strategy is planned to be completed.
- “Law on the Amendment of a Number of Laws to Increase the Effectiveness of Judicial Services and the Postponement of Judicial Proceedings and Penalties Concerning Offences Committed through the Press and Media”, referred to as the **3rd Judicial Reform Package**, was adopted on 2 July 2012 and entered into force on 5 July 2012.
- Within this framework, the postponement of judicial proceedings and execution of the penalties concerning offences committed through the press and media or through other means has been introduced in the area of freedom of the press and expression.
- This Law is expected to have major contributions to increasing the effectiveness and acceleration of judicial services. Certain data on the implementation of the 3rd Judicial Package are the following.
 - Whereas the number of persons under probation was 1276 between 15 July and 15 October 2011, this number was 3019 for the same period in 2012.
 - 33,500 persons have been released from prisons and detention houses with the extension of the scope of parole through recent amendments to legislation regarding legislation on prisons and detention houses, including the 3rd Judicial Reform Package.
 - During the ongoing judicial reform process, whereas the percentage of detainees in prisons was %49.2 in 2006, currently this number is %25.3 (The relevant data is annexed).
- A historic process started in Turkey in terms of the protection and enhancement of human rights standards when the **Constitutional Court** started to receive **individual applications** on 24 September 2012. The full support of participants for the functioning of this procedure as a domestic legal remedy, within the framework of the European Court of Human Rights (ECtHR) standards, has been emphasized at the RMG meeting.

- **“Draft Law on the Settlement of Pending Applications before the European Court of Human Rights through Compensation”**, which has been prepared by the Ministry of Justice to address the applications made to the ECtHR due to matters arising from trials exceeding reasonable time limits and execution of court judgments, by providing for a domestic legal remedy, has been adopted by the TGNA Justice Committee on 31 October 2012. Efforts are underway for enactment of this Draft Law without delay, following its discussion at the TGNA General Assembly.
- The **4th Judicial Reform Package**, which aims to introduce certain improvements to address structural problems which have led to decisions of violation by the ECtHR in many areas, in particular the freedom of expression, the freedom of the press and the right to a fair trial, was discussed at the Council of Ministers on 11 June 2012, with overall support. The importance of the enactment of this reform package without delay has been underlined.
- The expected finalization of the work to revise the “Draft Action Plan to Prevent Human Rights Violations” prepared by the Ministry of Justice, taking into account the opinions of the relevant institutions, has been welcomed. The finalization of the Draft Action Plan is expected as soon as possible.
- The Draft Law on the Protection of Personal Data, redrafted by the Ministry of Justice, was submitted to the Prime Ministry on 8 June 2012. The Prime Ministry submitted the draft law to the relevant institutions and organisations for their views; following the evaluation of the views, the draft law is envisaged to be submitted to the TGNA.
- There has been significant progress regarding the legislative work undertaken for institutionalization in the field of human rights in the public administration. In this framework, the Law on the Ombudsman Institution and the Law on the Turkish National Human Rights Institution entered into force on 29 June 2012 and 30 June 2012, respectively.
- Within the framework of the will of our Government to further improve institutionalization in the field of human rights in line with international principles and in compliance with the EU acquis, the enactment of draft laws on the establishment of the Supervisory Commission on Law Enforcement Officers and the Anti-Discrimination and Equality Board is expected in the forthcoming period.
- Within this framework, an international seminar will be held on 13-14 November 2012, in cooperation with the Ministry for EU Affairs and the European Commission, in order to further enhance the current awareness in our country regarding anti-discrimination and accelerate the efforts for institutionalization in the field of human rights.
- The negotiations on the Readmission Agreement, which started again in March 2010 in line with the objective of initiating the process of visa exemption for Turkish citizens, were concluded in January 2011 with a consensus on a “balanced and applicable text”. Following the mandate given to the European Commission by the Council to start negotiations for visa exemption, the Readmission Agreement was initialed by both parties on 21 June 2012.

- Our objective is visa exemption, which would allow all our citizens to enter countries of the Schengen Area without a visa. Under the leadership of Mr. Recep Tayyip Erdoğan, the Prime Minister, we will continue to make every effort to resolve this important problem of our citizens in cooperation with all segments of society and the relevant institutions, in line with our national interests, and without prejudice to our vested rights.
- The Ministry of Interior is currently carrying out work for comprehensive policy and legislation on immigration and asylum. Within this framework, the draft Law on Foreigners and International Protection, which has been prepared with the participation of all relevant national and international stakeholders and which will reshape the main policies of our country was adopted unanimously on 27 June 2012 by TGNA Internal Affairs Committee and was submitted to the TGNA General Assembly. The enactment of this draft law is considerably important, as it will provide for more comprehensive legislation and the establishment of a strong institutional infrastructure as needed by our country for migration management.
- Moreover, the “Draft Law on the Fight against Human Trafficking and Protection of Victims” is one of the matters of priority for the Ministry of Interior. The work on this draft law is ongoing.
- With the enactment of these draft laws, matters indicated in the recent rulings of the ECtHR on Turkey regarding migration and asylum will have been addressed.
- Agreement has been achieved regarding the acceleration of steps taken for harmonisation with the EU acquis and implementation in the area of Integrated Border Management. Within this framework, work is underway on the draft Law on the Organization of the Directorate General for Border Security, which will constitute a basis for restructuring border management.
- The 2010-2012 National Action Plan to Fight against Organised Crime is being successfully implemented. In line with the National Strategy Paper on the Fight against Organised Crime, a new Action Plan is being prepared for 2013-2015 with the contributions of the relevant institutions. Within this framework, in the fight against organised crime, particular importance will be given to preventive measures, capacity for effective investigation, and identification of criminal organisations with all their aspects, risk analysis, coordination among institutions, international operational cooperation and fight against the financial aspects of crime.
- The main threat of terrorism for Turkey is the PKK. In this context, our main expectation from EU member states is a demonstration of the will that is necessary to suppress the financing and propaganda resources of the PKK.
- Our efforts regarding prevention of propaganda-related activities of terrorist organizations, in particular their broadcasting activities especially in the European countries using various names are ongoing with determination.

- Moreover, regarding the fight against the financing of terrorism, the enactment of the Draft Law on the Prevention of the Financing of Terrorism, which has been prepared in order to remedy shortcomings in relevant legislation, has been considered to be particularly important in terms of the fulfillment of our international obligations.
- The 28th meeting of the Reform Monitoring Group, established in 2003 so as to ensure the continuity of the political reform process which is one of the key elements of our determination to advance our country beyond the level of contemporary civilization and the effective implementation and follow-up of these reforms, in which the issue of women's rights and the prevention of domestic violence will be addressed as priority items on the agenda and will be hosted by Ms. Fatma Şahin, Minister of Family and Social Policies, will be held in Gaziantep at a date to be determined later.