



2021/2250(INI)

7.2.2022

DRAFT REPORT

on the 2021 Commission Report on Turkey
(2021/2250(INI))

Committee on Foreign Affairs

Rapporteur: Nacho Sánchez Amor

CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	3

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the 2021 Commission Report on Turkey (2021/2250(INI))

The European Parliament,

- having regard to the Commission communication of 19 October 2021 on EU Enlargement Policy (COM(2021)0644) and to the accompanying Turkey 2021 Report (SWD(2019)0290),
- having regard to the Negotiating Framework for Turkey of 3 October 2005,
- having regard to the EU-Turkey Statements of 18 March 2016 and 29 November 2015,
- having regard to the Statement of the Members of the European Council of 25 March 2021 on the Eastern Mediterranean, to the European Council's conclusions of 24 June 2021 and 1 October 2020, and to all previous relevant Council and European Council conclusions,
- having regard to the Commission communication of 26 May 2021 on the Fifth Annual Report on the Facility for Refugees in Turkey (COM(2021)0255),
- having regard to the letter of the Commissioner for Human Rights of the Council of Europe of 25 February 2021 concerning the restriction of NGO activities and freedom of association in the name of counter-terrorism and to the letter of the Commissioner for Human Rights of the Council of Europe of 17 June 2021 concerning the human rights of LGBTI people,
- having regard to the relevant resolutions by the Committee of Ministers of the Council of Europe, including the interim resolution of 2 December 2021 on the execution of the judgment of the European Court of Human Rights in Kavala against Turkey, the interim resolution of 2 December 2021 on the execution of the judgment of the European Court of Human Rights in *Selahattin Demirtaş v Turkey* (No. 2), and the interim resolution of 2 February 2022 on the execution of the judgment of the European Court of Human Rights in Kavala against Turkey,
- having regard to the relevant resolutions of the UN Security Council on Cyprus, including resolution 550(1984) of 11 May 1984 on secessionist actions in Cyprus and resolution 789(1992) of 25 November 1992 urging all concerned in the Cyprus question to commit themselves to the confidence-building measures set out in the resolution,
- having regard to the 2021 World Press Freedom Index published by Reporters Without Borders, which ranks Turkey 153rd out of 180 countries, to the Amnesty International Report 2020/21, and to the Human Rights Watch World Report 2022,
- having regard to its previous resolutions on Turkey, in particular those of 19 May 2021

on the 2019-2020 Commission Reports on Turkey¹, of 8 July 2021 on the repression of the opposition in Turkey, specifically the People's Democratic Party (HDP)², and of 21 January 2021 on the human rights situation in Turkey, in particular the case of Selahattin Demirtaş and other prisoners of conscience³,

- having regard to its resolutions of 7 October 2021 on the implementation report on the EU Trust Funds and the Facility for Refugees in Turkey⁴, and of 24 November 2021 on the Council position on Draft amending budget No 5/2021 of the European Union for the financial year 2021 – Humanitarian support to refugees in Turkey⁵,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A9-0000/2022),
- A. whereas Turkey, besides being a candidate for EU accession, is a key partner in relation to the economy, trade and migration, as well as a strategic partner;
- B. whereas, in the aftermath of recent tensions between the EU and Turkey, particularly in relation to the situation in the Eastern Mediterranean, the European Council offered to nurture a more positive dynamic in EU-Turkey relations by expressing readiness to engage with Turkey in a phased, proportionate and reversible manner in a number of areas of common interest;
- C. whereas being a candidate country presumes a willingness to progressively approach in all aspects the values, interests, standards and policies of the EU; whereas an analysis of the EU's reports in recent years reveal that Turkey's distance from the EU's values and its normative framework is still considerable and is even growing in fundamental areas such as the rule of law and human rights;
- D. whereas over the past year, EU-Turkey relations have on average remained stable, as enhanced cooperation and dialogue on a number of issues have coexisted with regular conflicts; whereas this report reflects this situation by welcoming positive developments and pointing to further potential in the relationship, while signalling remaining problems, in particular as regards the rule of law and fundamental rights;

General assessment and latest developments

1. Reiterates its concern about the persistent distance between the EU and Turkey, despite it being a candidate country, in terms of values and standards, and the continuing lack of political will to carry out the necessary reforms to address, in particular, the serious concerns about the rule of law and fundamental rights that continue to negatively affect the accession process; considers that without clear progress in this field, Parliament cannot envisage any resumption of accession negotiations with Turkey, which have effectively been at a standstill since 2018;

¹ OJ C 15, 12.1.2022, p. 81.

² Texts adopted, P9_TA(2021)0360.

³ OJ C 456, 10.11.2021, p. 247.

⁴ Texts adopted, P9_TA(2021)0411.

⁵ Texts adopted, P9_TA(2021)0466.

2. Notes, however, that there has been a slight improvement over the past year in overall EU-Turkey relations, which have on average remained stable, as enhanced cooperation and dialogue on a number of issues have coexisted with regular conflicts; expresses its hope that this pattern of ‘conflictual cooperation’ can be overcome and replaced with a more positive dynamic;
3. Reiterates its firm conviction that Turkey is a country of strategic relevance in political, economic and foreign policy terms, a partner that is key for the stability of the wider region, and an ally with which the EU wishes to pursue the best possible relations; welcomes, in this view, the recent statements expressed at the highest level by the Turkish authorities about the recommitment of the Turkish Government to the EU path, but urges the Turkish authorities to put their words into action and demonstrate this commitment with specific facts and decisions;
4. Expresses concern over the current economic situation in Turkey, which through soaring inflation and a constantly rising cost of living is pushing a high and increasing number of people into hardship and poverty;

The rule of law and fundamental rights

5. Deplores the continued deterioration of the human rights situation in Turkey, including backsliding on fundamental freedoms, democracy and the rule of law; considers that the current repressive form of rule, whose main pillars are abuse of the legal framework and a lack of independence of the judiciary, is a deliberate, relentless and systematic state policy developed to suppress any critical activities either-directly or through a chilling effect; is appalled by the fact that in order to pursue this policy, the Turkish state authorities are ready to blatantly and persistently disregard their international and domestic legal obligations, such as those derived from Turkey’s membership of the Council of Europe;
6. Insists that the crucial area of fundamental rights and freedoms, which is at the core of the accession process, cannot be disconnected and isolated from overall relations with the EU and stresses that for Parliament, it remains the main obstacle to further progress on any positive agenda that could be offered to Turkey;
7. Reiterates its strong condemnation of Turkey’s withdrawal, by presidential decree, from the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention);
8. Notes the importance of upholding the freedom of assembly in Turkey, which is enshrined in its constitution;
9. Reiterates its serious concern about the disproportionate and arbitrary measures curtailing freedom of expression; welcomes the further decrease in the number of journalists in prison in Turkey;
10. Asserts that the continued prosecution, censorship and harassment of journalists and independent media remains an issue of concern;
11. Takes note of the adoption of the fourth and fifth judicial packages in Turkey during

2021; asserts, however, that the current problems stem not only from problematic legislation, but are often caused by a failure to implement existing adequate provisions; remains concerned about the erosion of the rule of law and judicial independence in Turkey;

12. Expresses concern about the high and growing number of applications lodged at the Constitutional Court concerning violations of constitutional rights and the lack of changes implemented when such violations are revealed;
13. Regrets the sustained pressure on civil society and human rights defenders and the continuously shrinking space to operate freely in Turkey;
14. Continues to urge the Turkish Government to release Osman Kavala after more than four years of detention; reiterates its call on the Turkish authorities to abide by the final judgment of the European Court of Human Rights in this case;
15. Expresses deep concern about the deterioration in the human rights situation for LGBTI people, in particular with regard to physical attacks – especially against transgender persons – the protracted bans on Pride marches across the country, restrictions on the freedoms of assembly, association and expression, and censorship in the media;
16. Is deeply concerned about the constant attacks and pressure on the opposition parties, particularly the HDP and the Republican People's Party (CHP), which undermine the proper functioning of the democratic system; stresses that democracy presupposes an environment in which political parties, civil society and the media can function without threats or arbitrary restrictions;
17. Notes with great concern that the HDP and its party organisations have been specifically and continuously targeted by the Turkish authorities, leading to a situation where over 4 000 HDP members are currently in prison; continues to strongly condemn the continued detention since November 2016 of Selahattin Demirtaş and Figen Yüksekdağ, the former co-chairs of the HDP;
18. Condemns the recurrent use of revocation of the parliamentary status of opposition MPs, which seriously damages the Turkish Parliament's image as a democratic institution;
19. Recognises that Turkey has legitimate security concerns and the right to fight terrorism; stresses, nevertheless, that this must be done with full respect for the rule of law, human rights and fundamental freedoms; reiterates its firm and unambiguous condemnation of the violent terrorist attacks by the Kurdistan Workers' Party (PKK), which has been on the EU list of terrorist organisations since 2002;
20. Calls on Turkey to abide by a zero-tolerance policy on torture and to duly investigate persistent and credible reports of torture, ill-treatment and inhumane or degrading treatment in custody, in order to put an end to impunity and hold those responsible to account;

Wider EU-Turkey relations and Turkish foreign policy

21. Commends the efforts made by Turkey to continue hosting the largest refugee population in the world; welcomes, in this regard, the continued provision of EU funding for refugees and host communities in Turkey, and expresses its commitment to sustain this support in the future;
22. Acknowledges that Turkey can pursue its own foreign policy in line with its interests and goals, but expects this policy to be defended through diplomacy and dialogue based on international law and, as a candidate country, to be increasingly aligned with that of the EU;
23. Welcomes the decrease in tensions in the Eastern Mediterranean during the past year, but remains fully aware that these positive dynamics could be reversed at any moment while the underlying issues remain unresolved;
24. Deplores the fact that the unresolved conflict in Cyprus is a major obstacle to EU-Turkey relations; reaffirms its view that the only sustainable solution to the Cyprus issue is that of a fair, comprehensive and viable settlement on the basis of a bi-communal, bi-zonal federation with a single international legal personality and political equality, in accordance with international law and on the basis of respect for the principles on which the Union is founded; deeply regrets that Turkey has abandoned this UN framework;

The way forward for EU-Turkey relations

25. Insists that democracy, the rule of law and fundamental rights should remain at the heart of EU-Turkey relations under any framework; reaffirms its support for keeping the accession process and its value-based approach as the main framework for EU-Turkey relations, as it is still the most powerful tool to exercise normative pressure and sustain the democratic and pro-European aspirations of Turkish society; nevertheless remains open to the possibility of both sides reviewing, in a realistic manner, the appropriateness of this framework and its ability to function, or, if necessary, exploring other possible models for future relations;
26. Notes that the current state of ‘conflictual cooperation’ in EU-Turkey relations is prone to producing unsatisfactory results; calls for a rebalancing of the relationship by building on the solid grounds for cooperation driven by mutual interests, and also by building confidence to address the lack of trust; believes that an orderly dispute settlement mechanism may be beneficial in such an overall framework and calls on the Commission to explore the creation of such a mechanism;
27. Notes that the varying priorities of the EU institutions set out in the existing frameworks governing EU-Turkey relations make it very difficult to find an effective way to move forward; deplores the lack of a long-term strategy, a coherent policy and consistent leadership towards Turkey in the EU and among all its institutions;

o

o o

28. Instructs its President to forward this resolution to the Council and the Commission.