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EMBASSY OF THE
REPUBLIC OF TURKEY
Ambassador

Copenhagen, 12 January 2004

Dear Mr. Jensen,

I have the pleasure to enclose herewith an information paper related to the latest developments as regards the implementation of the Copenhagen political criteria in Turkey, in the field of justice and home affairs for your information.

Sincerely yours,

Fügen OK
Ambassador

Encl: As stated

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Chairman of the EU Committee
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8 January 2004

LATEST DEVELOPMENTS PERTAINING TO THE POLITICAL CRITERIA, AND JUSTICE AND HOME AFFAIRS

POLITICAL CRITERIA

The Executive

- The Reform Monitoring Group was set up by the Government in September 2003 with a view to ensuring effective implementation of the reforms. In its second and third meetings of 28 October and 25 December 2003 respectively, the Group assessed the steps taken so far regarding implementation; discussed specific issues that require further attention and took decisions to ensure rapid and effective implementation.
- The implementation of the reforms continues to be a permanent item in the agenda of the Council of Ministers. In its meeting on 8 December 2003, the Council decided to designate State Minister and Deputy Prime Minister Mehmet Ali Şahin to report to the Council on a weekly basis on the situation of draft legislation pertaining to the commitments under the National Programme.

Civil-Military Relations & The National Security Council

- The Law abrogating some provisions of the Law on the National Security Council and its Secretariat General was adopted by the Parliament on 10 December 2003, and entered into force on 17 December 2003. Thus, the provisions regarding the confidentiality of the bylaw and the staff of the Secretariat General were repealed.
- The Bylaw on the Secretariat General of the National Security Council was published in the Official Gazette on 8 January 2004.
- The preparatory work undertaken by the Presidency of the Court of Audits and the Ministry of Defense on the bylaws to be issued under the Law on the Court of Audits is underway.

- The Law on Public and Financial Management and Control was adopted by the Parliament on 10 December 2003, and published in the Official Gazette on 24 December 2003. In accordance with the law, the funds within the public administration will be incorporated into the budget of the relevant administration in 2005, and will be liquidated by the end of 2007.

The Judicial System

- The Ministry of Justice issued a circular on 29 September 2003 regarding the execution of preparatory investigations by public prosecutors. The Ministry instructed all public prosecutors, including those in the State Security Courts, to carry out investigations in person, rather than delegating them to the police or the gendarmerie, particularly those that fall under the purview of criminal courts, as of the preliminary stage.

Anti-Corruption Measures

- Turkey signed the UN Convention Against Corruption on 10 December 2003.

- The Law on Public and Financial Management and Control was adopted by the Parliament on 10 December 2003, and published in the Official Gazette on 24 December 2003.

- The Law Amending the Law on Banking was adopted by the Parliament on 12 December 2003, and published in the Official Gazette on 26 December 2003.

Human Rights and the Protection of Minorities

- The instruments of ratification of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were deposited with the UN Secretary General on 23 September 2003. The Covenants entered into force on 24 December 2003.

- The Parliament approved the ratification of the UN Optional Protocol on the Involvement of Children in Armed Conflict on 16 October 2003.

- The Agreement between Turkey and the International Organization for Migration on the Legal Status, the Privileges and Immunities of the Organization and Its Office in Turkey was ratified by the Parliament on 16 October 2003. The decision of the Council of Ministers was published in the Official Gazette on 8 January 2004 accordingly.

- The internal process of ratification regarding the Rome and Berne Conventions of the World Intellectual Property Organization have been concluded.

- The instrument of ratification of Protocol No.6 to the European Convention on Human Rights was deposited with the Secretary General of the Council of Europe on 12 November 2003. The Protocol entered into force on 1 December 2003.

- The procedure to sign Protocol No.13 to the European Convention on Human Rights is about to be completed.

- The signature procedure of the Optional Protocol and the Second Optional Protocol to the UN International Covenant on Civil and Political Rights is underway.

- The Bylaw on the Establishment, Duties and Working Principles of Provincial and Sub-provincial Human Rights Boards, and the Bylaw amending certain articles of the Bylaw on the Establishment, Duties and Functioning of Human Rights Advisory Board were published in the Official Gazette on 23 November 2003. With the new bylaw, the number of the representatives of public institutions have been reduced in the Human Rights Boards while the number of civil society representatives have been increased. The representatives of the gendarmerie and the police are no longer members of the boards.

- The judgement of the European Court of Human Rights of 28 July 1998 in the Loizidou case against Turkey was struck out of the agenda of the Committee of

Ministers upon the adoption of a resolution at the meeting of the Committee of Ministers' Deputies on 2 December 2003.

- The Government has been working on the implementation of the friendly settlement in the case of Institut de Pretres français. In that regard, following the application of the Ministry of Finance, the final approval of the Council of State was obtained on 30 December 2003 for the execution of the friendly settlement. Requisite action will be taken accordingly.

Civil and political rights

- The Ministry of Justice issued a circular on 20 October 2003 regarding the execution of investigations on allegations of torture and ill-treatment. The Ministry has thus instructed all public prosecutors to carry out in person the investigations regarding allegations of torture and ill-treatment and to consider such investigations urgent cases which will be treated without delay as priority cases.
- The preparatory work on the bylaw on broadcasting in different languages and dialects traditionally used by Turkish citizens in their daily lives by public and private radio and television corporations is underway. The bylaw is anticipated to be issued soon.
- The Ministry of the Interior issued a circular on 5 December 2003 to inform all Governorships of the amendments to the Law on Meetings and Demonstrations. The Ministry has thus instructed all Governorships to take action accordingly. The Ministry is placing the amendments on its website in order to publicly inform all NGOs.
- The Task Force set up by the Reform Monitoring Group visited Antalya and Alanya on 17 November 2003 to hold talks with the relevant authorities and personalities concerning problems related to the opening of places of worship for the Christian communities.

- With regard to the places of worship, the Ministry of the Interior instructed the local authorities on 24 September 2003 to designate the required places of worship in the preparation of public works plans, and to allow for the building of such places in provinces, sub-provinces and towns by the approval of the highest local civilian administrator.

- With the amendments to the Act on Construction with a view to meet requirements of places of worship of different religions and faiths, official applications can now be filed to build such places of worship. Recently, the Municipality of Alanya has revised its urban plan in order to restore an historical church and transform it into a place of worship. The Governor of Antalya stands ready to authorise building of new facilities or renting estates to be used as worship places, if requested. Furthermore, an appropriate place has been allocated in Alanya to be used as a Christian cemetery.

- Non-Muslim religious minority foundations have been legally granted the right to acquire and dispose of real property. The implementation of the legislative change is currently underway. The Directorate-General of Foundations has received over two thousand applications from 116 foundations to register their real estate. Proceedings on a number of applications have already been concluded. The remaining applications are under consideration.

- The procedure for the reversal of the expropriation of and the return of a property used as a place of worship by the Bahai community in Edirne is underway.

- The Ministry of Justice issued a circular on 25 December 2003 with a view to ensure full respect of the principle of confidentiality regarding the written applications submitted to the enforcement judges in accordance with the relevant regulation.

- The Bylaw on Apprehension, Detention and Interrogation was amended on 3 January 2004 with a view to further strengthening the safeguards against torture and ill-treatment. The amendments aim at further bringing the bylaw in line with the European norms and eliminating the problems arising from implementation.

Economic, social and cultural rights

- The Bylaw on learning of different languages and dialects traditionally used by Turkish citizens in their daily lives was issued on 5 December 2003. Permission has been granted by the Ministry of National Education for the opening of Kurdish courses in Şanlıurfa, Van and Batman.

- The situation on the ground has been further improved, especially with regard to the exercise of cultural rights particularly in the South-eastern provinces. Cultural activities have continued to be held in Kurdish such as plays and concerts. Show programmes on national TV channels have included Kurdish performances.

- Administrative and legal work is under consideration in respect of withdrawing the reservations placed to the European Social Charter.

- The Ministry of the Interior has instructed the local authorities on 24 September 2003 that all names that do not offend public opinion or undermine public morals shall be registered.

- As to the Return to Village and Rehabilitation Project, Turkey has initiated a dialogue with the UN and the World Bank representatives in Turkey with the aim of defining possible cooperation areas and methods. As the first outcome of this initiative, a multilateral meeting was organized on 17 December 2003 with the participation of relevant international organizations.

JUSTICE AND HOME AFFAIRS

- The Law on the Right to Information was adopted on 9 October 2003, and published in the Official Gazette on 24 October 2003. The law will enter into force six months after its publication. With this legislation, those who want to receive information from public institutions on an issue related either to themselves or to their area of activity will be able to apply to the institution in question. The right is granted to foreigners as well as to Turkish citizens.

- The Law on the Justice Academy was enacted on 23 July 2003, and entered into force on 1 November 2003. The main aim of the Academy is to increase the efficiency of the judicial system by training judges, public prosecutors, judicial personnel, lawyers and notaries.