THE IMPACT OF EU CONDITIONALITY IN AFFECTING CANDIDATE COUNTRIES' HUMAN RIGHTS REFORM MAKING PROCESS

TURKISH CASE

A Master's Thesis

by

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Ankara

May 2013

To *Mom & Dad*

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Graduate School of Economics and Social Sciences

of

İhsan Doğramacı Bilkent University

by

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I certify that I have read this thesis and have found that it is fully adequate, in scope and in quality, as a thesis for the degree of Master of Arts in International Relations.

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ABSTRACT

THE IMPACT OF EU CONDITIONALITY IN AFFECTING CANDIDATE COUNTRIES' HUMAN RIGHTS REFORM MAKING PROCESS

TURKISH CASE

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This study is an attempt to investigate the extent of EU political conditionality tool's impact on triggering human rights reform making in candidate countries to the EU. It does so by analyzing the distinctive characters of the political conditionality and human rights reform making process. In this framework, the study argues that whereas the EU conditionality is an invaluable tool in encouraging the candidate states in terms of reform making, its impact is not independent from external factors.

Keywords: EU Political Conditionality, Human Rights Reforms, Candidate Countries to the EU

ÖZET

ADAY ÜLKELERİN İNSAN HAKLARI REFORM SÜRECİNDE AB ŞARTLILIK İLKESİ'NİN ETKİSİ

TÜRKİYE ÖRNEĞİ

Erdem, Nilay

Yüksek Lisans, Uluslararası İlişkiler Bölümü

Tez Danışmanı: Yrd. Doç. Paul Andrew Williams

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Bu çalışma, Avrupa Politik Şartlılık İlkesi'nin, AB'ye aday ülkelerin insan hakları reform sürecini tetiklemedeki etkisinin boyutlarını incelemeyi amaçlamaktadır. Tez bu amacına, politik şartlılık ilkesi ve insan hakları reform sürecinin ayırt edici özelliklerini analiz ederek ulaşır. Bu çerçevede, çalışma AB Şartlılık İlkesi'nin aday ülkelerin reform süreçleri üzerindeki etkisinin paha biçilemez bir teşvik edici unsur olduğunu kabul etse de, bu etkinin dış unsurlardan bağımsız olmadığını savunmaktadır.

Anahtar Kelimeler: AB Politik Şartlılık İlkesi, İnsan Hakları Reformları, AB'ye Aday Ülkeler

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LIST OF ABBREVIATIONS

AKP	Justice and Development Party
ANAP	Motherland Party
AP	Accession Partnership
CDU	Christian Democratic Union
CSU	Christian Social Union
CEECs	Central and Eastern European Countries
CPT	Committee for the Prevention of Torture
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EEC	European Economic Community
EP	European Parliament
EU	European Union
GDP	Gross Domestic Product
HADEP	People's Democracy Party

ICCPR	International Covenant on Civil and Political Rights
IFI	International Financial Institutions
IHD	Human Rights Association
NATO	North Atlantic Treaty Organization
NGO	Non- Governmental Organization
OPCAT	Optional Protocol to the UN Convention Against Torture
SPD	Social Democratic Party
SSC	State Security Court
TGNA	Turkish Grand National Assembly
UN	United Nations

CHAPTER I

INTRODUCTION

Turkey, being one of the most problematic candidate states to the European Union (EU), has experienced remarkably huge amount of problems in its relationship with the Union, especially with regarding respect for human rights. The reason for Turkey's inability to have adequate respect for human rights can be analyzed twofold: internal dimensions and external factors.

Because the internal dimensions in Turkey were quite problematic, Turkey could not manage to act accordingly when it comes to respect for human rights. Especially the military coups paved the way for creating a more undemocratic environment. For instance, with the military coup of 1980, the 1961 Constitution left its place to the 1982 Constitution which includes more militaristic and nationalistic articles compared to the previous one. In such a chaotic and undemocratic environment, it would not be a surprise to observe an increase in the human rights violations.

Following the signing of the Ankara Agreement in 1963, Turkey has been an associate member of the Union (the European Community at that time). It is fair to

state that, due to especially the inadequacies mentioned above, besides low economic development level, the Union refused the Turkish application for full membership in 1987. Although the Commission declared the eligibility of Turkey for full membership, it emphasized the time required for being fully capable for membership. Additionally, the Union, as expected, could not be able to present any motivating incentive for Turkey which shows its reluctance for considering Turkish application. Therefore, the membership process left its place to a Customs Union agreement between the two. The Union and Turkey decided to sign the Customs Union treaty that came into effect on 31 December, 1995 (European Commission, 2013). The treaty provided Turkey with privileges on trading goods and trading products with European Economic Community members.

However, in the Luxembourg Summit of 1997, Turkey had a big disappointment because the Union did not include Turkey in its candidate states list. In other words, although Turkey was expecting to be declared as a candidate state, the Union did not declare it as a candidate country. This action of the Union draw reaction from the Turkish officials and the public, and, finally, 1999 Helsinki Summit had been a turning point in this regard. In the Helsinki Summit, the Union declared Turkey as a candidate state which provides a bunch of reforms and improvements to take place. Aftermath of this important milestone, the transition period started, paving the way for incredible reform making process up until 2005.

The EU has always been considered as having a catalyst role in encouraging the candidate countries for reform making and it has specific tools for this mission one of which is EU conditionality. In this period, following acquiring candidacy status, the leading role for triggering the reform process was EU conditionality's. However, the efficacy of EU conditionality is an important issue to be elaborated on

because the reforms that have been actualized during the period of 1999-2004 most probably could not have been realized without the oppressive impact of this important enlargement tool of the EU.

EU conditionality is an important mechanism used especially while dealing with candidate countries aiming for accession to the Union. In other words, it is a tool used by international actors, like the EU, with the aim of presenting certain incentives in order to obtain compliance of specific conditions by the candidate countries. The conditionality tool was first presented in the 1990s as a set of conditions for membership to the ten Central and Eastern European countries (CEECs).[1] It, however, is not a political method particular to the EU. The traditional conditionality is widely used by international financial institutions (IFI) such as the IMF and the World Bank. The rationale of classical IFI conditionality is quite simple. Specific and quantitative targets, i.e. inflation rates or government deficits etc., are set for beneficiaries as conditions for receiving financial benefits. So, the targets to be achieved are clear and there is a symmetry between expected goals and expected benefits to be reaped. EU counterpart of IFI conditionality lacks some of these qualities that boost its effectiveness. In contrast to the IFI conditionality, EU conditionality is rather vague due to its wording/definition and implication both in terms of benefits and tasks to be undertaken (Grabbe, 1999: 4). Characterizing the EU conditionality as a myth, therefore, means that it lacks the expected causal relationship between the Commission's use of conditionality and the compliance of the candidate countries through policy, or institutional adjustments and normative

[1] The ten CEE applicants for membership are Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia. An eleventh applicant, Cyprus, began negotiations in 1998 at the same time as five of the CEE countries (the Czech Republic, Estonia, Hungary, Poland and Slovenia).

change (Hughes et al, 2004: 17). The inconsistency of results and policy paths are the expected outcomes of the EU conditionality due to its lack of uniformity.

However, the transforming power of EU conditionality is not negligible. Especially, the levers , such as gate-keeping, monitoring and financial aiding, makes the conditionality tool a lot more stronger for the presenting institution, the EU in this regard. Thus, Turkey made an incredible effort in order to comply with the Copenhagen Criteria which would provide it with the opening of accession negotiations. As a matter of fact, in October 3, 2005 the negotiations has started in result of the betterments that Turkey adopted in legislation and implementation. Democracy and human rights conditions improved dramatically when its compared to the period before the Helsinki Summit. Nevertheless, after the transition period, the pace of the reforms has slowed down mostly due to ineffective and inconsistent application of EU conditionality.

Thereby, the aim of this thesis is to analyze whether EU conditionality played a role of catalyst in supporting human rights reforms actualization in Turkey's membership journey. In order to achieve this aim, different time zones, namely the period after the Helsinki Summit until the negotiation opening (1999-2004) and aftermath of the opening negotiations (2005-), will be focused and analyzed in detail.

In lights of these, this study asks three major interrelated questions: First, does EU conditionality played a role in Turkey's human rights reform making process, and if yes how? Secondly, does the efficacy of EU conditionality has changed from time to time? Thirdly, what were the reasons behind EU conditionality's shifting efficiency?

The thesis mainly argues that there has been an incredible reforming period in the years between 1999 and 2004, however, afterwards there has been problems in the implementation of these reforms in human rights area. Additionally, Turkey had a prominent break time in legislation after the transition period. The main reason behind this break time and implementing problems is supported to be the inefficient application of the EU conditionality.

The organization of the chapters is as follows. After the introduction chapter, the second chapter introduces us a detailed literature review on EU conditionality. In this chapter, different arguments of various experts, mainly on EU politics and EU conditionality, will be offered. Various perspectives on defining the elements for an efficient EU conditionality will be presented. The chapter also offers the theoretical framework used in this thesis. It does so by emphasizing the impact of EU conditionality in triggering candidate states' human rights reform process without neglecting the other elements that may have an impact on the success of the process. However, the study strengths its stance by a crucial case and some empirical examples from the literature. This study also offers a literature review on human rights after stating the methodology used in it, the intervening variables, the data sources from which the data has gathered, and the preliminary evidence that makes the hypothesis an invaluable one. The chapter concludes with an analysis on how the relationship between EU conditionality and human rights in candidate countries is.

The third chapter offers a wide range empirical analysis of human rights records in Turkey by focusing on various problems and their sources. Then, it establishes a link between EU conditionality's application and human rights reforms actualized in the transition period. This part is the part in which the impact of EU conditionality is more observable. The problematic elements of human rights records

are defined carefully and the actualized reforms and the remaining problems are highlighted. After giving a background information, this chapter only focuses on the facts happening in the transition period.

The fourth chapter investigates the time zone following the transition period by focusing on the existing situation and analyzing the reforms actualized and remain untouched for a certain time period. Then, it focuses the possible sources of persisting problems and indicates possible causes. While defining the problems it does not neglect to suggest adequate attitudes for better outcomes for both sides.

Finally, the concluding chapter brings EU conditionality and human rights records together in light of the theoretical framework and empirical findings of the study. Hence, the thesis concludes with an evaluation of the extent to which EU conditionality's impact on altering conditions in candidate states, Turkey in this sample, exists and in what conditions this powerful tool of enlargement loses its strength.

CHAPTER II

EU CONDITIONALITY AS A FRAMEWORK

2.1 EU Conditionality

2.1.1 Literature Review on EU Conditionality

In this section of the second chapter, a literature review on EU conditionality will be elaborated with the purpose of demonstrating the complex and vague character of EU conditionality from which the impact of its transformative power is derived. Although there is a bit ambiguity in the literature about the precise definition and conceptualization of EU conditionality, the importance of the exact definition for having better impact is nonignorable. From one side, the variety of the definition seems as an advantageous feature regarding its supply for broad research agenda, however, the other side of the coin should be considered also. The multiplicity of its definition and conceptualization causes a lot of problems when it comes to the application of EU conditionality (Grabbe, 2002: 250).

In the literature various scholars study EU conditionality and its impact on candidate states' domestic institutional alterations in the key areas of EU's concerns such as democracy and human rights (Linden, 2002, Schimmelfennig, 2005, Kubicek, 2003, Kelley, 2004, Vachudova, 2005, Pridham, 2002, Hughes et al, 2004). Most of these scholars argue that international mechanisms, in this case EU conditionality, have significant impact on countries' domestic political alterations. In this respect EU conditionality, which is stated by the Union in 1993 via Copenhagen Criteria, proposes that any candidate country must comply with certain prerequisites such as promoting democracy, respecting the rule of law, human and minority rights in order to realize full membership. Moreover, the candidate states should have a functioning market economy and the ability to undertake the obligations of membership (The European Council, 1993).

Ronald H. Linden (2002: 371) argues that "the conditionality process generates enormous pressure on the applicant countries to conform to what the EU expects of them in the realm of creating a democratic society and the ability to engage in international economic competition." He also advocates that potential EU membership is a strong mechanism for the applicant states to make the necessary alterations in their domestic institutional systems. Nevertheless, Linden states that the impact of international mechanisms, such as the EU conditionality, is bounded by certain factors such as the culture and the political structure of the candidate countries. Also, the relationship between the state and the society plays a crucial role in defining the impact of EU conditionality. Therefore, according to him there may be some key intervening variables, such as the political structure or the governing party of the candidate state, to specify the impact of EU conditionality on human rights reform realization. In accordance with this idea also Frank Schimmelfennig

(2002: 3) advocates that for EU conditionality to cause domestic institutional alterations, domestic awareness and willingness for change are required. In accordance with this argument Judith Kelley (2004) argues that EU conditionality may not have an effect on candidate countries' reform periods unless the country is ready for this change. For example, she states that an authoritarian leadership will diminish the possibility of EU conditionality serving as a facilitator for reform processes. These arguments of Kelley are in line with some other scholars' arguments such as Paul Kubicek and George Pridham. Paul Kubicek (2003a) and George Pridham (2002: 185) both argue that it is almost impossible for international institutional mechanisms to affect authoritarian regimes. They also argue that EU conditionality's impact depends on institutional constraints such as cultural habits and political structures of the candidate countries. Kubicek also asserts that in order to have much more effective institutional mechanisms, i.e. EU conditionality, within the relatively authoritarian countries, the Union should establish domestic alliances to promote its values and norms.

Anna Milada Vachudova (2001: 3) advocates that "domestic politics determine the way ruling elites respond to the incentives of EU membership''. While Vachudova (2001: 3) argues in parallel with Kubicek (2003a), Kelley (2004) and Pridham (2002: 185) she also states that the relationship between the candidate country and the Union is a determiner for the EU conditionality to have an impact on policy alterations on the applicant state. She also posits that the regime type is a significant intervening variable between EU conditionality's impact and realization of political reforms in the candidate countries on a similar line with the argument of Linden (2002: 371)

In an overall assessment, EU conditionality's impact on reform realizations in candidate countries is bounded by those candidate countries' domestic institutional structures.

On the other hand, Heather Grabbe (2002: 249-68) argues that due to the vague definition of EU conditionality stated by the Union, the conditions are too broad and open to interpretation, which makes EU conditionality less effective on realization of reforms in candidate countries. According to Grabbe, although there is a strong relationship between EU conditionality and the willingness of the candidate countries to comply with the accession criteria, political concerns of the current member states also play a crucial role in the effectiveness of EU conditionality. Therefore, she argues that, due to the lack of clarity of the concept of EU conditionality and the ambiguous political readiness of the current member states for enlargement, EU conditionality cannot be as effective as it would be expected to be in changing candidate states' domestic structures. In this respect one may interpret that unlike the previously mentioned scholars who are mostly emphasizing domestic readiness and willingness of the candidate states rather than current member states, Grabbe argues that current member states' willingness and readiness is required for EU conditionality to have an impact on candidate states' reform procedures. Similarly, Hughes, Sasse and Gordon (2004a: 523-51) argue that although there is an obvious causal relationship between the use of EU conditionality and possible outcomes, i.e. reforms that can be achieved, there is a problem with the application of EU conditionality which makes it less effective in reaching outcomes in specific policy areas. They argue that EU conditionality should be taken as a process rather than a constant element of causation and its strengths and weaknesses should be taken into account on a case by case basis. Therefore, these authors argue that the

candidate states' domestic structure should be a determinant for the way of EU applies its conditionality in order to achieve maximum effectiveness in realization of reforms in the applicant states.

In sum, it can be asserted that although these scholars are interested in the relationship between EU conditionality application and the political structure of the candidate states similar to Linden, Schimmelfennig, Kubicek, Kelley, Pridham and Vachudova, they argue that the problematic structure of EU conditionality and readiness of current member states rather than the candidate ones matter also in EU conditionality's effectiveness on reform process of candidate states.

There are also some scholars in the literature who have analysed the EU conditionality and its impact on candidate countries' domestic institutional reforms from an empirical point of view. Geoffrey Pridham (2008, 365-87) argues that even though there is some defects of EU conditionality such as its imperfect implementation, all in all its effectiveness as a tool for reform realization is undeniable. He states that EU's political conditionality plays the role of being a catalyst for achieving progress on ethnic minority rights in Slovakia and Latvia. He advocates that because EU conditionality was the driving force for reform realization in these countries, after the accession, reforms have been realized in a much slower pace. Similarly, Uğur and Yankaya (2008: 586) advocate that EU conditionality, by decreasing the political costs of controversial reforms, enabled Turkey with a chance for making policy reforms. They also argue that AKP (Justice and Development Party) government has realized that if Turkey commits itself to EU conditionality, the economic costs of reforms would be decreased. Moreover, Schimmelfennig, Engert and Knobel (2003: 505) assert that the impact of EU conditionality is not something independent from the candidate states' domestic political costs of

compliance. When it is applied to the Turkish case they argue that although the impact of EU conditionality is not huge due to the domestic intervening factors, such as the undemocratic constitutional matters inherited from 1980 military intervention, the reforms that took place would not have been realized in the absence of EU conditionality. By emphasizing EU conditionality's impact these authors advocate that other mechanisms such as social influence and transnational mobilization are irrelevant for the candidate states' willingness for making reforms. On the contrary, Judith Kelley argues that socialization-based efforts are not useless but they have the role of being guidance for actors to realize the required reforms while the motor force is still EU conditionality. Although she does not specifically analyse the Turkish case she states that "the insights will most readily apply to candidates such as Turkey and the Balkan states queuing for EU membership" (Kelley, 2004: 454).

2.1.2 Conceptualizing EU Conditionality in Candidate Countries

Jeffrey Checkel (2000: 11-27) has various definitions for conditionality. First of all, he defines conditionality as "a basic strategy through which international institutions promote compliance by national governments." However, he argues that the traditional incentivizing character of conditionality has broadened and to be supplemented by certain strategies in order to have a strong transformation power on candidate countries. When defining conditionality, Checkel often emphasize its nature of changing states' behaviours and policies, hence it is obvious that he sees conditionality as a political tool for international institutions usage to convince states to behave as they wish them to behave.

Another definition he suggests is that "conditionality is a mutual arrangement by which a government takes, or promises to take, certain policy actions (Checkel, 2000: 18). Although at first side these two definitions seem alike, there are slightly different than each other. The word ‘mutually’ in the second definition should gather some attention on it. With this definition, Checkel seems to emphasize more on the two sides in the application of conditionality. He also argues that conditionality is simply a pre-condition that should be negotiated between an international institution and a state before the former suggests a carrot, such as granting EU membership in EU conditionality case.

Hans Agné (2009: 1-18) reinterprets Checkel (2000: 11-27) and defines conditionality as "the practice of setting conditions for the provision of a good from one actor or organization to another." However, he also stresses on the definition of conditionality from another perspective which includes more coercion than voluntary action by interpreting Adrian Hyde Price (2006: 217-234) and stating that "conditionality can be defined as the practice of a stronger actor imposing reforms on a weaker." With these two different definitions Agné (2009: 2) argues that conditionality stances as a means of both coercion and invitation for voluntary action and adaptation.

In order to conceptualize EU conditionality, I use the definition of both Jeffrey Checkel and Hans Agné because I think in my case a comprehensive definition is more useful than a limited one. I think Checkel’s definitions are simple, basic and comprehensive at the same time. They are simple and basic because they are easy to understand and follow. I also think that Agné has stressed on a very important aspect of conditionality which is whether it is coercive or voluntary action. Therefore, for this thesis EU conditionality is conceptualized as a comprehensive

strategy defining certain rules in order to change the behaviours of the candidates, either with coercion or via voluntary action, in favor of the applicant institution. Hence, EU conditionality will not only be associated with consent of the candidate countries but also with the coercion applied on them by the Union.

For the operationalization I will basically use the Copenhagen Criteria. However, because I am trying to find the impact of EU conditionality on candidate states' human rights reforms I will be interested in political criteria rather than economic ones. Therefore, I will take the democracy, human rights and the rule of law criteria into account in order to find the relationship between my variables. I am also planning to look into the *acquis communautaire* for the purpose of analyze both its applicability in candidate countries and its effect for furthering reform processes.

2.2 Human Rights

2.2.1 Literature Review on Human Rights

Human rights is honestly a huge subject to deal with in a thesis which requires a precise conceptualization and operationalization in order to fit in a thesis as the dependent variable as in the case of this current one. Even if it is the case, in the first place, it is a necessity to analyze it broadly, though. For better understanding and producing valuable arguments the subject will be covered in its all senses and immediately will be followed by a limited version. For this aim, the broad definitions of human rights made by various scholars will be given and the conceptualization of the subject will be made according to the existing literature.

Jack Donnelly (1989: 9) is basically defining human rights as "the rights one has simply because one is a human being – *droits de l'homme, Menschenrechte,* 'the rights of man'." These rights are moral kind of rights of the highest order and no higher rights appeal is available (Donelly, 1989: 12). The most interesting aspect of human rights is that the arguments or the struggle for protecting these rights become required only if there is a threat or denial to the enjoyment these rights, other than that there is no need to argue about human rights because they are given to one just because of his/her being a human being, in other words it is that natural that no one ought to argue otherwise (Donelly, 1989: 13). If one claims a human right, the only reason for that claim could be the hope for eliminating the need to claim it again in that society. The centrality of the possession paradox of human rights is very interesting in that sense. If these rights are well protected in one society, than there is no need to use or mention them simply because the people belonging to that society will continue to have these rights naturally. In other words, if a human right is being claimed it is because that human right is violated or not being enjoyed even if it already belongs to the one who claims it. Therefore, one may argue that human rights naturally have the power of altering or challenging "existing institutions, practices, or norms, especially legal institutions" just because of their naturally strong existence (Donelly, 1989: 14). The extralegal character of human rights makes this intervention possible. Although most right-holders would opt for parallel legally enforceable rights, according to certain scholars the moral force of human rights will usually be greater which enables them to alter certain behaviours of institutions and even governments (Rex, 1980: 393). In any case, even the legal and other low rights fail, the morally stronger rights, human rights, will always be valuable. From this point of view, it is fair to state that "legal rights ground legal claims on the political system to

protect already established legal entitlements. [On the other hand,] human rights ground moral claims on the political system to strengthen or add to existing legal entitlements" (Donelly, 1989: 16). This situation does not make human rights any better than legal rights but just makes them different.

However, controversial is the question of how does being human, i.e. human nature, pave the way for having those rights. At that point Christian Bay's 'needs theory' of human rights would be helpful for the explanation. Bay argues that human needs establish the human rights. As the International Human Rights Covenants[2] sets it, the rights are needed not for life but for a life of dignity; that is to say, the inherent dignity of human person gives rise to the right for human rights (Donelly, 1989: 17). Due to this nature of human rights, they are not unsteady or changeable. Even though the Universal Declaration of Human Rights[3] points to little about the life in most countries, minimum conditions required for a dignified life, a life any human being deserves, are set (Donelly, 1989: 18).

According to Lynn Hunt (2007: 20), three interlocking qualities are required to human rights: the right has to be natural, meaning they are inherent in human beings; equal, meaning they should be applicable in the same way for everyone; and universal meaning their applicability would not change from one place to another. In other words, it is a necessity for rights to be claimed as human rights that "all humans everywhere in the world must possess them equally and only because of their status as human beings."

[2] International Human Rights Covenants were opened for signature in 1966 and came into force in 1976. With this Covenants a single treaty envisioned in 1948 evolved into two: the International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights. The Covenants together with the Universal Declaration, represents an authoritative statement of international human rights norms.

[3] Adopted by United Nations General Assembly on December 10, 1948.

Since these three principles are the core features of human rights, the American Declaration of Independence of 1776 and French Declaration of the Rights of Man and Citizens of 1789 should be taken as the first documents valuable for human rights' political expression. Although the English Bill of Rights of 1689 is estimated as being 'ancient rights and liberties', because it did not touch upon these three principles it cannot be approached as a valuable human rights document. Oppositely, the Declaration of Independence stated that "all men are created equal and all of them possess unalienable rights" and the Declaration of the Rights of Man and Citizen insisted that "men are born and remain free and equal in rights" (Hunt, 2007: 21). This simply means that somewhere between 1689 and 1776 the rights previously seen belonging to certain people, started to be seen as universal natural rights and applicable to every single human being equally.

Hunt (2007: 25) advocates that human rights had almost no explicit definition in the second half of the 18th century; however, the English jurist William Blackstone defined human rights as "the natural liberty of mankind." Mirabeau and d'Holback, the controversial Enlightenment figures, defined the rights of man "as if they were obvious and needed no justification or definition, in other words self-evident" (Hunt, 2007: 25).

When one thinks how was human rights made an issue related to world politics, it can be said that the holocaust that is to say, the planned mass murder of millions of innocent people by Hitler during the World War II, allowed human rights to take a place for itself in world politics (Donelly, 2007: 3-20). Human rights had not even mentioned in the Covenant of League of Nations, the predecessor of the United Nations (UN), and it can be argued that they became a subject of international relations with the establishment of the UN in 1945. One of the organization's

principal purposes is even “encouraging respect for human rights and for fundamental freedoms for all” as stated by the Article 1 of the UN Charter (Donelly, 2007: 5). The lack of standards and conceptualization of human rights was eliminated of by the UN immediately after its establishment. First the Convention on the Prevention and Punishment of the Crime of Genocide was opened for signature on December 9, 1948 and it was followed by the adaptation of the Universal Declaration of Human Rights, on December 10, 1948, that is the most widely accepted statement of international human rights norms and standards still (Donelly, 2007: 5). World-wide acceptance of human rights has been fostered by the efforts made in these years such as the Universal Declaration of Human Rights. (Davies, 1988: 20).

In the Cold War era, after the Iron Curtain came down in Central and Eastern Europe and the Communists won a victory in China in 1949, human rights gained a lot of importance in world politics and even became an area of superpower struggle. For instance, freedom of information, which was largely violated by the Soviets, was discussed in great detail by the Commission on Human Rights in the late 1950s (Donelly, 2007: 6).

On the contrary, Peter Davies (1988) argues that the origins of human rights belong to early philosophical and legal theories, according to which individuals had certain immutable rights just because their being human, of ‘natural law’, which is a higher law than the positive laws of the states, and not to the establishment of the UN and the Universal Declaration of Human Rights as is largely assumed.

The term human rights openly and very clearly indicates its nature and origins, i.e. its derivation. Human rights are "held by all human beings, irrespective

of any rights or duties that individuals may have as citizens, members of families, workers, or parts of any public or private organization or association" (Donelly, 2007: 21). Therefore, it is sure that all human beings should hold the equal rights no matter what and since being human cannot be renounced, human rights are naturally inalienable.

Moreover, in the literature some scholars specifically studied human rights reforms and the impact of the EU's efforts to promote them. Thomas Smith (2003: 111-31) argues that during the period between 1999 and 2003, the EU put a great amount of effort for promoting human rights reforms' actualization in Turkey via both diplomatic pressure and "conditionality", although in the decade prior to 1999 the pressure on Turkey was very modest. He states that although Turkey has had a lot of deficiencies in human rights, after the 1999 Helsinki Summit the reform process accelerated because of the candidate status that Turkey had gained. Smith (2003: 111) states that " Ankara has initiated ambitious reforms in line with the Copenhagen Criteria and the Accession Partnership to strengthen the rule of law, expand basic freedoms, and protect minority rights" after the 1999 Helsinki European Council.

2.2.2 Conceptualizing Human Rights

When it comes to the conceptualization of human rights, the attitude of Donnelly is a bit confusing. Although the International Bill of Human Rights, the combination of Universal Declaration of Human Rights and the International Human Rights Covenants, brings a widely accepted list of human rights, such as legal, personal, political, civil, economic, social and cultural rights, Donnelly (1989: 23-24) is simply unable to conceptualize its theory and provide a list of human rights.

However, he does not see it as a problem due to his perspective of human rights nature. He does not see a necessity to classify these rights because they naturally belong to any human being no matter what. However, Donnelly accepts the list of human rights derived from the Universal Declaration, in which the widely accepted international standards for the list of human rights is stated, 18 years after he claimed that there is no necessity for the list. He still states that there is a lack of philosophical consensus on the list of human rights but anyway there is the list of human rights and it better to accept it in order to be able to act internationally (Donelly, 2007: 24-25).

Having said that, in order to conceptualize human rights reforms in candidate countries, I use the definition of Paul Kubicek (2003a: 113) which is stated as "European-style protections from abuses committed by the state." Thus, with this conceptualization I will be able to analyze the state policies for accelerating or reducing human rights reforms by taking the "European-style protections" as my basis.

On the other hand, for the operationalization I will use the 3rd and the 5th articles of the European Convention on Human Rights (ECHR) which are torture and liberty & security, respectively. I will be focusing on merely these articles because I am not interested in finding EU conditionality's impact on every single human right reforms actualized in candidate countries. Due to this reason I will look into the changes in the detention periods of the suspects, the conditions in prisons and disappearance and killings in custody. I may further operationalize the conditions in prisons as the bad treatment of the guardians and the bad quality of living standards, i.e. supplying bad food and living with too many people in small places.

2.3 Theoretical Framework

2.3.1 Variables and Hypothesis

My hypothesis is that EU conditionality has a huge positive impact on candidate countries' actualization of human rights reforms. Especially for certain candidate countries such as Turkey, one of the most problematic candidate countries of the EU in terms of complying with the required reforms, the political conditionality serves as an accelerator in realizing the required human rights reforms by implementing reform packages. I argue that any country is not able to comply with the required human rights reforms in a short time period if there is no EU conditionality laid down as a prerequisite for realizing the full membership to the Union. Therefore, the transforming power of EU conditionality on a candidate country's domestic and international policies seems to be very significant (Kohen, 1999, Akyol, 1999, Cemal, 1999). In short, my argument is that, although there are some rival hypotheses stated in the literature, such as military presence's impact, government formations' role and economic growth's impact as determinants for defining one countries' ability and capability to actualize human rights reforms, EU conditionality deserves a greater attention for being a determinant in reform processes. I do not deny the impact of these variables on human rights reforms' actualization; however, I argue that their impact is minor compared to EU conditionality's impact. My crucial case will explain this issue more specifically.

2.3.1.1 Main Variables

I am planning to analyze the European Commission progress reports on Turkey between 1998 and 2012 in order to observe if there are any human rights reforms actualized on association with EU conditionality. I may also investigate the European Convention on Human Rights in order to better operationalize my dependent variable. For example, because I am interested in detention periods of the suspects, the conditions in prison, disappearance and killings under custody, etc. I am planning to operationalize human rights reforms under 3rd and 5th articles of the European Convention on Human Rights which are torture and liberty & security, respectively. On the other hand, for my independent variable, EU conditionality, I will look into the Copenhagen Criteria in which the conditions were declared. I also plan to analyze the *acquis communautaire* in order to measure political conditionality's impact before 1993 Copenhagen Criteria. Therefore, by analyzing the European Convention on Human Rights, European Commission's Progress Reports, Accession Partnership documents on Turkey, harmonization packages of the EU on Turkey, the amendments that occurred in Turkish constitution due to these harmonization packages I am planning to collect valuable data for my hypothesis.

2.3.1.2 Control Variables

There are certain intervening variables that may have an effect on the causal relationship between my independent and dependent variables that I will need to control for. For example, some intervening variables such as domestic awareness and willingness to change in the candidate countries (Schimmelfennig, 2002), political readiness of the current member states for enlargement (Grabbe, 2002), the

relationship between candidate and member states and the regime type of the candidate country (Vachudova, 2001) might affect the causal relationship between EU conditionality and candidate countries' human rights reform processes. In order to find the impact of my independent variable on my dependent variable, I need to control for these variables. For instance, I intend to control for regime type by holding it constant which means that I need to take two countries whose political regimes are the same. Although I intend to analyze only the Turkish case, whenever I need to compare its membership process with another candidate or a recent member state, the political regime should be hold constant in order to investigate the impact of EU political conditionality on human rights reforms actualization processes properly. Therefore, I may argue that regime type is not a valid variable to explain my dependent variable which gives me the chance for arguing that my independent variable has greater importance in determining human rights reforms actualization. However, there may be other causes that I need to control for such as domestic and political readiness of candidate countries. For this variable I may claim that even if the Central and Eastern European Countries were not domestically ready for the enlargement immediately after the collapse of the Soviet Union, with the help of EU conditionality they managed to actualize required human rights reforms in such a short period of time, from the 1997 Luxembourg Summit to the 2007 Bulgarian and Romanian accessions (Grabbe, 2006).

On the other hand, although it is not an antecedent or intervening variable but a characteristic of my independent variable, I argue that the definition of EU conditionality should be precisely stated. The clear definition of EU conditionality plays a crucial role in determining the impact of EU conditionality on candidate countries human rights reforms actualization because if the definition is not clear-cut

then a specific application might not be realizable for each case (Grabbe. 2002). This situation might cause some inconvenience among the candidate countries and might encourage the current member states to define EU conditionality according to their own perception/interest which might increase the corruption and decrease the potential positive impact of EU conditionality.

2.3.2 The Crucial Case

If one thinks about the Central and Eastern European Countries' enlargement case, my hypothesis would be valid and the case would be inconsistent with especially one of the rival hypothesis, economic growth's significance. Although EU conditionality was there before 1993, with the Copenhagen Criteria it had gain more legality in application. After the collapse of the Soviet Union, the countries of the former Soviet bloc, in general, had bad economies, for example, their total GDP represents less than 5% of the current EU GDP (Moravcsik and Vachudova, 2003: 50). Although their economies were in a bad condition, with the invaluable assistance of EU conditionality, applicable after 1997 Luxembourg Summit, many democratization reforms, including human rights reforms were actualized in these countries in a short time period (Grabbe, 2006: 8). Moreover, Kopecky and Mudde (2000: 526) argue that the impact of economic development was obviously quite overrated and the most successful democratic consolidation experiences were in Poland, Hungary, and Czech Republic, where successive governments struggled with increasing inequalities, unemployment and poverty. Therefore, in the light of these scholars who state that, although the economic situation of the Central and Eastern European countries were bad, the reforms were actualized in a short period of time, I

argue that, although economy may positively affect human rights reforms' actualization, it is not able to explain a huge amount of democratization reforms occurred in the Central and Eastern European Countries while their economies were in a really bad situation. Hence, the only reason possible for this reform process seems to be the EU conditionality tool put on these countries. Thus, this case is consistent with my hypothesis, while it is inconsistent with one of my rivals, which means that my hypothesis worth pursuing.

2.3.3 The Methodology

I am planning to conduct my research by applying single case study method through content and discourse analysis. The reason for not using a comparative case study for this research is straightforward. Although, a single case study may not be able to sense as the basis for a valuable generalization, the case of this study, the Turkish case, is a sui generous one. The long journey that Turkey has been having since its first application to the Union, in 1987, needs to be analyzed in two phases: one is the transition period (1999-2004), and the other is the afterwards. Due to this very reason, the impact of my independent variable on my dependent variable will be compared in these periods in order to analyze the situation. Therefore, due to the existing comparison chance in this case, another case would not be necessary to be included.

Hence, I am planning to discover the causal mechanism between EU conditionality and human rights reforms by analyzing different time zones in the Turkish case. The Turkish case is chosen because it is one of the most problematic cases for the EU in terms of its human rights reforms records. Moreover, if there is

an impact of EU conditionality on candidate countries' human rights reforms, as I expect to observe, Turkish case would be very appropriate to analyze because of the newly applied EU conditionality on the country.

On the other hand, I am planning to apply content and discourse analysis in order to make my research more empirically detailed and increase its reliability by finding more support for my argument. In my research, I am planning to use content analysis method specifically for collecting scientific data for my research question. I will make an analysis of actualized human rights reforms in candidate countries by focusing on archival data, i.e. the harmonization packages or the progress reports published by the EU Commission. I am going to analyze the progress reports on Turkey for the purpose of collecting data about its progress in human rights reforms. Then, I am planning to apply discourse analysis method in order to find out the motivation behind the actualization of human rights reforms in candidate countries. With this step, I intend to interpret the conditions for EU conditionality's effectiveness and come up with some control variables, such as regime type of the candidate countries, in the meantime. I am also planning to analyze the *acquis communautaire* and the speeches of EU policy makers on candidate countries' human rights reforms progresses for the purpose of understanding their construction of specific terms such as human rights. I am also planning to look at the discourse of specific groups of people such as journalists who were/are under custody in order to understand whether they are satisfied with the actualized human rights reforms in their countries. Therefore, applying a single case study method through content and discourse analysis would make my research more reliable, promising and fruitful at the same time.

2.4 Preliminary Findings

My preliminary findings is that there is an overlap between the period of actualized human rights reform (1999-2004) and the EU conditionality's applicability on Turkey (1999). Between 1997 and 1999 there were almost no reforms actualized in Turkish domestic structure most probably due to the 1997 Luxembourg Summit in which Turkey was not announced as a candidate country. However, according to the progress reports of the Commission published on Turkey, after the 1999 Helsinki Summit, where Turkey gained the candidate status, democratization reforms increased significantly. Hence, the harmonization packages, the progress reports and accession partnership packages support my preferred explanation of the problématique. Because there is an overlap between the periods of reforms and the applicability of EU conditionality on Turkey, I believe this study and hypothesis worth pursuing.

In sum, in this thesis I am planning to test my hypothesis which is "EU conditionality has a huge positive impact on candidate countries' human rights reforms" through conducting a single case study method. I believe that my argument worth pursing due to two separate reasons. First of all, I have found some supports from the literature and invaluable preliminary evidence for the hypothesis. Secondly, with my operationalization I am planning to focus on some specific areas of human right reforms such as changing detention periods and bad conditions in prisons. Because these subjects have not been studied in the literature in great detail, I am planning to contribute to the existing literature.

2.5 The Relationship between EU Conditionality and Human Rights in Candidate Countries

The Universal Declaration of Human Rights, which is the most important document of 20th century on human rights, provided the basis for the establishment of European Convention on Human Rights. However there are some controversies in the European Union's (EU) human rights policies. On the one hand, the Union stood as the ultimate defender of human rights both internally and externally, whereas, on the other hand, there is a lack of comprehensive and coherent policy at either level which causes doubts about the sincerity and credibility of the Union (Alston et al, 1999: 6).

The European system is claimed to be the most developed regional human rights structure that exists (Davies, 1988: 13). The Council of Europe, established in 1949, is the major component of the European System for the protection of human rights and its major aim is to be the defender of the principles of human rights, democracy, and the rule of law (Buergenthal et al, 2002: 113). The Council system has two constituent parts, one of which is the Convention for the Protection of Human Rights and Fundamental Freedoms and the other of which is the European Social Charter for Economic and Social Rights. In 1953 the European Convention for the Protection of Human Rights and Fundamental Freedoms was accepted and entered into force, thus creating two different bodies for the implementation of human rights, one being the European Commission of Human Rights and the other one being the European Court of Human Rights (Buergenthal et al, 2002: 113). The Convention has evolved into an international system of human rights protection where member states participate and some scholars argue that it can be interpreted as a European Fundamental Rights Constitution (Walter, 2007).

The European system, operated by the European Court of Human Rights by taking the Convention as the basis, has the power of changing member states' behaviours in legislative terms. For instance, Germany, Italy, Belgium, and Greece have modified their detention rules due to the demands of the Court (Çakmak, 2003: 67).

The human rights issue of the EU can be approached from two sides. The first side consists of the mechanisms established for the protection of the human rights within the Union whereas the other side comprises the protection of and respect to rules established as a prerequisite for the accession to the EU (Çakmak, 2003: 67). Although the importance of the human rights principle was emphasized heavily by the EU, the Union unfortunately has long been lacking a fully-fledged human rights policy, which causes serious problems. Also the enlargement policy of the Union poses new threats to the Union's commitment towards defending fundamental human rights (Alston, 1999: 18).

Until the Amsterdam Treaty came into force, the Union demanded nothing but just being a European state as the requirement for being a member. In other words, the treaties establishing the Union hardly mentioned the rules for the protection of the human rights (Çakmak, 2003: 67). The Amsterdam Treaty posits that "the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law", which proves that human rights is one of the most important core principles of the EU.[4] The Amsterdam Treaty also provides sanctions on the member states, such as suspension on the membership, if they violate human rights in a serious way.[5] European Court of Justice and

[4] Art. 6 TEU (Treaty on European Union)
[5] Art. 7 TEU.

European Council are also the key players in defense and protection of human rights. Nevertheless, in June 1993 the European Council decided on certain political criteria for the candidate countries' accession processes, especially for the candidates in Central and Eastern Europe, known as the Copenhagen Criteria. Therefore, with the Maastricht Treaty, respect for fundamental rights, as guaranteed by the European Convention, was emphasized clearly. Also, in Nice Treaty of 2000 the Charter of Fundamental Rights of the European Union was proclaimed, proving the Union's eagerness and devotion to the protection of human rights (Çakmak, 2003: 68).

With the Copenhagen Criteria, the conditions, one of which is the respect for human rights, for becoming a member to the Union were established. In that sense it is fair to state that, each member state has the responsibility of being guardian in the protection of human rights within their territories. This is not the only responsibility of the Union, though. The candidate states to the Union should also comply with certain criteria including strict human rights requirements in order to realize their membership to the Union.[6]

In sum, it can be stated that as the Union moves from an economic one towards a political one, human rights gained more importance both internally and externally. The promotion and protection of human rights were emphasized heavily by the Amsterdam Treaty and found their places in international human rights law. Also, the judicial review of the European Court of Justice was operative for the Union, making its obligation for the respect for human rights more visible (Alston, 1999: 697). The last but not the least, respecting human rights became a precondition for the accession to the Union with the Copenhagen Criteria.

[6] Art. 49 TEU.

CHAPTER III

EU CONDITIONALITY'S IMPACT ON HUMAN RIGHTS REFORM IN TURKEY

Between 1999 and 2004

3.1 EU Conditionality's Application and Its Impact on Human Rights Reforms

EU political conditionality can be effective through many ways. One is monitoring through the regular progress reports on candidate countries. In addition to the legislation mentioned in the European Human Rights Convention, in the reports, certain fields are examined and analyzed in order to prepare the candidate country for full membership to the Union. In the regular progress reports, the Commission analyzes different types of human rights issues, such as the improvements in the fields of civil and political rights, freedom of expression, detention conditions, ill-treatment and torture in prisons, freedom of association and assembly, the death penalty, minority rights, freedom of religion, the ratification of certain conventions and cultural rights (European Commission:2001). The Commission enacts procedures for bettering human rights conditions in the candidate country and provides methods that can be helpful for problem solving. These recommendations

of the Commission are in line with EU human rights conditionality and with the reports the candidate is provided with both in terms of the required amendments in legislation and the ways to carry out these amendments effectively Therefore, the role of progress reports in aligning the candidate with EU standards is invaluable.

Although these appear negative at first glance, the Progress Reports include both negative criticisms and positive critiques. Reports do point out improvements of the candidate on any policy issue. The Commission can criticize a candidate in one policy area where the candidate has shortcomings and show examples of successful candidates to encourage improvement. By this way, the candidate can better grasp the empirical possibility of actual reform in that area.

Another way of observing the impact of EU political conditionality is by examining the Accession Partnership documents presented by the Union on Turkey in 2001, 2003, 2006 and 2007. These documents aimed to provide Turkey with a framework for change according to specific schedules. In other words, the improvements should be achieved within definite time frames. These documents are the complementary to the Regular Progress Reports of the Commission. The main documents showing the required possible amendments in the long term are the progress reports, but the accession partnership documents are necessary and effective in terms of complementary aid programs.

While preparing the reports, the EU is helped by non-governmental organizations, international organizations and their reports, press records and academic resources in order to give the final shape to their reports recommending policy changes making in candidate countries. By applying certain rules for limited

time periods the Accession Partnership documents help to make EU conditionality more effective.

These documents have helped Turkey in many ways. For instance, the Accession Partnership documents made Turkey announce a National Program for the Adoption of the *acquis* and a program for making short and medium-term changes.[7] Because these documents aimed at altering candidates' behaviors in the short and medium-terms, the Turkish authorities and EU policy makers met on a regular basis to discuss progress and obtain updated information about the issue at hand. In addition, EU officials attended certain court cases in Turkey, such as those on Leyla Zana and Orhan Pamuk, with the aim of monitoring and recording human rights violations and improvements.

In this regard, the reports should be analyzed starting from the 1998 regular report of the Commission. The Commission has stated that Turkey addressed certain human rights violations and achieved a certain amount of progress. However, Turkey's human rights record was not problem free. The Commission highlighted five problems, which consist of persistent human rights violations, major shortcomings in the treatment of minorities, lack of civilian control of the army, the situation in the South East of Turkey, and disputes with various neighbouring countries (European Commission:1998: 21). Nevertheless, the candidacy status obtained in the 1999 Helsinki Summit opened the path to accession negotiations which in turn triggered Turkey for the purposes of complying with the *acquis*. This significant point and the following reports published by the Commission will be

[7] Further information is available at: Europa Summaries of EU Legislation, Partnership for the Accession of Turkey. http://europa.eu/legislation_summaries/enlargement/ongoing_enlargement/community_acquis_turkey/e40111_en.htm

analyzed in the following section for the purpose of investigating the EU's impact on Turkey's human rights reform.

3.2 Human Rights Records in Turkey: Background Discussion

The human rights lobby tries to provide various ways in which international society could influence the human rights situation in different states. The international influence on human rights is expected to be strong in Turkey's membership process to the EU (Sugden, 2004: 241). However, due to the inconsistent attitudes of the EU, the reform process in Turkey on human rights could not be accelerated and for many years the EU could not be considered as a catalyst for reform actualization. After 1987, when the application for EU membership was submitted by the president of the period, Turgut Özal, until 1995, the EU was not capable of having any significant influence in decreasing human rights violations in Turkey and some even claim that the violations were increased (Sugden, 2004: 241). When the reasons for EU's incapacity to be a catalyst for reform are considered, it is obvious that there is a link between this incapacity and the lack of trust and confidence on both sides. On the one hand, the EU remained skeptical about Turkey's capability to be a member of the Union, and on the other, the statecraft and the other actors who are responsible for realizing human rights reforms in Turkey did not find the promises and leverages sufficient incentive to pursue on reform making. In other words, for both the EU and Turkey the situation was not particularly appealing.

Some of Turkey's characteristic features, such as its big size, being a predominantly Muslim country, being a NATO member, and sharing border with

unstable neighbours, who could create complexity while fighting against Islam, made Turkey a strategic partner for the EU. Due to this strategic position, human rights violations were not emphasized when the application was made and the Union turned a blind eye to this issue. Also, from the Turkish point of view the European understanding on government and public relations were quite dubious. Because the security forces in Turkey are under civilian control and the government should be accountable to public, Turkey did not feel comfortable with the rules of the game as decided by the Union (Sugden, 2004: 242).

During the 1990s human rights violations were at their peak in Turkey, which was negotiating a customs union with the EU. Other than killing "Kurdish patriots" in the name of fighting against the PKK[8], torture and deaths in custody reached their peaks in 1994 (Sugden, 2004: 244). In addition to punishing journalists and politician some prosecutors were actually strengthening separatism by confiscating newspapers and books on the grounds that they insulted state institutions. Turkish law-and-order forces lacked restraints, similar to the Latin American-style of state criminality where corruption rules (Sugden, 2004: 244). However, the EU was so deeply concerned with the establishment of a customs union that it cared about neither corruption nor violation of human rights.

Because the EU is not a human rights organization, it lacks an official mechanism to monitor human rights violations. However, after Amnesty International lobbyists decided on lobbying in favor of human rights with the European leaders, the Council of Europe took action.

[8] PKK stance for Partiya Karkeren Kurdistan which means Workers' Party of Kurdistan.

Nevertheless, the Council of Europe is hardly played the most effective role in addressing human rights issues. Its last action on Turkey occurred in 1983, when Denmark, France, Norway, the Netherlands and Sweden complained about the human rights situation in Turkey. These complaints were obviated both by Turkey's signature on the European Convention against Torture and the recognition of Turkish citizen's right to petition to the European Court of Human Rights as individuals. However, this individual right was not widely announced and, even after the European Committee for the Prevention of Torture had visited Turkey and found significant human rights violations, Turkey did not allow them to publish their findings. Therefore, more violations were taking place than appeared to be the case.

In reality, however, it was politically rational for Turkish politicians and government actors not to bend to European pressure. The European Parliament (EP) was the only actor who committed on human rights issues and both Turkey and the Commission was aware of the fact that the Parliament was little more than a talking shop and the most important institution on human rights issues was the Commission. The EP's resolutions were proved to be ineffective due to its inability to communicate with Turkish government and public. Because the Greeks were lobbying both on the Kurdish issue and the Cyprus problem, it was logical for Turkey to reject the resolutions of the EP on the basis of being biased and serving interests of particular nations, such as Greeks. It can even be stated that the EU is a "… selfish, rich Christian club who wanted to exclude Muslim Turks but were too politically correct to admit their motives" (Sugden, 2004, 245).

Although Turkish officials were eager to integrate into Europe, they were not willing to accept Europeans' interference in their domestic issues, especially on human right related issues. In support of this idea, in 1995 the Foreign Minister Erdal

İnönü stated that "[with] the fashion to scrutinize the level of democracy in each country the principle of human rights has taken precedence over another important principle that of not interfering in the internal affairs of other states" (Uğur and Canefe, 2004: 245). It means that Turkish political actors did not hesitate to blame Europeans as interlopers as they did not think this criticism would cost them a heavy price.

Although at first glance this attitude of Turkish officials seems a bit irrational, admission to the customs union proved that they were not wrong to doubt Europeans' sincerity in terms of their scrutiny of Turkey's human rights violations. For instance, one year before the customs union was signed, some international human rights organizations such as Amnesty International provided the EU with many reports pointing to human rights abuses and violations in Turkey. Despite this fact, the customs union agreement was signed in 1996 without 'a single brick of reform being put in place' (Sugden, 2004: 245). Although the Commission was seen as quite effective in stating its decisions in interim reports, such as the report entitled "Concerning the Reform Process: The Human Rights Situation and the Consolidation of Democracy in Turkey", in which the Commission stated, "the European Union strongly supports constitutional and legal reform in Turkey and the Commission will continue to follow developments closely and will keep the Parliament informed" (Sugden, 2004: 246), in reality they signed the customs union without realizing any reform, which proves the Union's ineffective leverage on reform.

However, in the mid 1990s, through Council of Europe mechanisms such as the European Committee for the Prevention of Torture (CPT) and the European Court of Human Rights (ECtHR), Europe tried to apply stricter sanctions on Turkey on human rights-related issues. For instance, despite all the denials by Turkish

politicians, the CPT reported widespread torture in prisons (CPT, 1992). In addition, in 1996, the CPT emphasized torture issues by directing public attention to the governments' failure to provide safeguards for detainees (CPT,1996). Furthermore, the ECtHR was pulling out its judgments about the human rights abuses of Turkey in mid-1995 and mid-1996. The court analyzed some cases such as the Manisa case[9] and the Susurluk incident[10] and maltreatment by the security forces of people in custody and people are being imprisoned for non-violent opinions. For instance, the court stated that the Zeki Aksoy case that ended with his killing by an unknown assailant was important in showing the ill-treatment by the security forces. Zeki Aksoy was tortured in police custody at Mardin police headquarters (Sugden, 2004: 248). He himself reported that, "he had been blind-folded, stripped naked, strung up by his arms, beaten, hosed with cold water and given electric shocks through his genitals" (Sugden, 2004, 248).

Turkish officials could not ignore the statements of the Court as had done with the Parliament because the Court's investigation was independent. Also, Turkey's long-standing Council of Europe membership and active participation in its processes forced Turkey to accept these statements made by the ECtHR.

As a result of these criticism and judgments against Turkey, the first substantial reform in many years was realized by the Erbakan government in 1997. The government "substantially reduced detention periods, abolished incommunicado detention in law for criminal detainees and reduced incommunicado detention to four days for State Security Court detainees" (Sugden,2004: 248). In practice, it is doubtful as to how effective this reform was due to the ongoing practice of police

[9]For Further Information: http://www.radikal.com.tr/haber.php?haberno=239839 and http://www.radikal.com.tr/haber.php?haberno=240144
[10] For Further Information: http://oraclesyndicate.twoday.net/stories/3213126/

and gendarmes; nonetheless, the shortened detention period limited the ability of security forces to suppress complaints.[11]

Although the Turkish side started to take steps to decrease violations of human rights, some scholars claim that these steps have nothing to do with EU pressure, or at best, the EU played a minimal role (Sugden, 2004: 249). The ineffectiveness of the Union was attributed to its unbalanced attitude towards Turkish EU candidacy.

At the 1997 Luxembourg Summit, the EU stated that Turkish was not an eligible candidate due to its human rights violations, including lack of respect for minorities. However, this supposedly catalyst, non candidacy, could not trigger actualization of the reform process in Turkey. In contrast Turkish officials put relations with the EU on ice. Turkish officials declared that due to the attitude against Turkey's candidacy manifest at the 1997 Luxembourg Summit, full membership to the EU was no longer a priority for Turkey (Criss, 2008: 580).

However, at the 1999 Helsinki Summit, Turkey did gain candidacy status to the Union. It was significant that the Commission stated that Turkey was taking positive steps towards making reform in human rights, even if this was not actually the case. The Commission emphasized in its progress reports that positive developments in Turkey were occurring in line with Turkey's intention to meet the Copenhagen Criteria; however, for instance, the Commission stated in 1999 Regular Report on Turkey that there was almost no improvement. This underscored that, even though Turkey did not show any progress after the 1997 Luxembourg Summit, the Union had granted Turkey candidacy status for the purpose of not losing Turkey.

[11] Before cutting detention periods from 30 days to 4 days, the security forces were using the last weeks of the detention for the wounds to heal themselves, for the purpose of not being get caught. Nevertheless by this reform they would not be able to continue with that.

Because after the Luxembourg Summit decision, when Turkey expressed that the EU is not credible in its attitude toward Turkey, the Union wanted to avoid admitting they were discriminating against Turkey.

Until 1999, the EU was not willing to push the reform process in Turkey and Turkey was reluctant to actualize human rights reforms because the membership target was too distant to encourage Turkey to engage in reform. Even when candidacy status was gained in December 1999, the pace of reform in Turkey did not speed up immediately, but because the membership possibility got larger via candidacy status, it is fair to say that the Turkish politicians and the EU accelerated the process. It is in that period that both sides wanted positive result to come out reform making process (Sugden, 2004: 259):

> It reflects a fundamental change in our concept of identity and Turkish citizenship. It embraces all our citizens with their cultural diversity and undertakes not only to respect but also to promote such diversity. This reform package eliminates the bondage of fear and replaces it with a confidence in the enriching value of diversity for national unity. In a country that has suffered so much from terrorism… the elimination of the death penalty for crimes of terror is the most dramatic measure one can imagine. For those who do not face such challenges, this may seem as a simple and straightforward measure to align the Turkish legal system with the European norms. But you will all agree that in the context of Turkey this has been a major achievement. (Uğur and Canefe, 2004: 255-56)

However, although candidacy status paved the way to Turkey's EU accession process, the lack of a roadmap for accession together with the lack of specified roles for EU institutions, made Turkish candidacy mostly symbolic (Tocci, 2005: 73-83).

3.3 Human Rights Problems in Turkey: At a Glance

At the 1999 Helsinki Summit, in which Turkey gained candidacy status, Turkey reached a turning point in its relations with the EU. Turkey became more aligned with the operational framework of EU policy and the pace of reform accelerated (Ulusoy, 2005: 1-18). The Motherland Party was in the coalition government and its liberal policies, together with the successful policies of Kemal Derviş, fostered an appropriate environment for democratization. For instance, a legislative change occurred in the form of decreasing the number of military judges serving in the State Security Courts (SSC). In other words, the government aimed to minimize the military's impact on civil issues as the Union required (Güney and Karatekelioğlu, 2005: 445) Moreover, Sema Pişkinsüt, who was then the chairperson of the Human Rights Commission in parliament, started to play a more influential role in the fight against torture and all other practices violating human rights. Hence, with the help of the Commission's reports, efforts by Sema Pişkinsüt and other liberal policies, the public became better informed about human rights practices. The EU itself, also donated funds directing to preventing these malpractices; i.e. many security officials were trained in certain programs which are in harmony with the EU standards (Türkiye Cumhuriyeti Avrupa Birliği Bakanlığı, 2007). Furthermore, police schools and academies were required to include human rights education in their curricula. Other than these developments, F-type prisons, which are high-security prisons, were scheduled to be built by the government. The government aimed at building four more F-type prisons in order to increase the number to fifteen by 2000 with the aim of make the number of prisons a lot more sufficient (Council of Europe, 2000).

The Commission appreciated efforts made by Turkish government, to reform political life and the judiciary and to give more importance to the protection of human rights, with the aim of harmonizing these key features of the EU (Külahçı, 2005: 390). Nevertheless, the Commission tried to direct Turkey's attention to the following deficiencies: shortcomings in terms of human rights protection, inadequacies in the protection of minorities, torture, freedom of expression, the emergency courts system, and the death sentence imposed upon PKK leader Abdullah Öcalan (European Commission, 1999).

The Helsinki Summit triggered the so called 'Europeanization' process along with some related institutional developments. For instance, in 2000 the General Secretariat for the EU Affairs was established and Prime Minister Bülent Ecevit announced that ANAP leader Mesut Yılmaz would be appointed as Minister for European Affairs. The ministry and the EU General Secretary's office were to be attached to each other (Hürriyet Daily News, 2000). Moreover, ministries in general were making reforms in order to bring their internal structures into line with the EU standards. At that time, harmonization with the EU *acquis* was one of the main aims of various government officials.

Although government officials aimed to make reforms in order to be eligible for the commencement of negotiations, many human rights violations and problems remained.

Between 1998 and 2000, the Turkish Grand National Assembly (TGNA) published nine reports highlighting conditions in prisons and police stations, especially the situation of prisoners and their rights of communication with their relatives (Amnesty International, 2002). However, torture incidents continued due to

weak oversight mechanisms, so, poor conditions did not disappear entirely. Although in 1997 the Erbakan government reduced the detention period to four days for State Security Courts detainees actual enforcement was insufficient to achieve harmonization with the European Convention on Human Rights (ECHR).

In fact, according Human Rights Watch reports, torture remained a widespread practice. Detainees indicted for common criminal offenses, such as theft, reported torture and deaths occurred in police custody. Furthermore, many detainess under accusation of sexual assaults and reported rape in custody (Human Rights Watch, 1999). For example, a HADEP official, Muzaffer Çınar, reported after being released from detention an incommunicado interrogation eight days at Siirt police headquarters due to the his alleged support for the terrorist organization PKK, that he experienced serious violence in custody. He clearly stated that

> He had been beaten, that his testicles been pulled using a noose, that he had been suspended by the arms and hosed with cold water under pressure. He stated that police officers detained his wife and threatened to rape her. Medical and photographic evidence of widespread grazing and bruising corroborate his account. At the time of writing, no prosecution had been opened against the alleged torturers (Human Right Watch, 1999).

In 2000, Turkish legislation was also not in harmony with the ECHR on freedom of expression and applications to hold marches and demonstrations. For instance, together with several journalists, Sadi Çarsancaklı, who is a lawyer and president of the Istanbul branch of Mazlum- Der[12], was accused of "incitement" at in the Istanbul SSC under Article 312 of Turkish Penal Code, "for organizing and participating in a nationwide nonviolent demonstration against the headscarf restrictions in October 1998" (Human Rights Watch, 1999). The President of the

[12] Mazlum- Der is an association established in 1991 with the purpose of providing solidarity for the oppressed and increasing human rights standards.

Constitutional Court, Ahmet Necdet Sezer, emphasized the inappropriateness of the judicial processes being unduly influenced by political pressure and called for harmonization of the Turkish domestic law restricting the basic freedoms of Turkish citizens on political expression, with the European Convention. The president of the Appeals Court, Dr. Sami Selçuk, also directed attention towards the legitimacy of the constitution, which he rated as almost zero, at the official opening of the judicial year, and stated that Turkey should not continue crushing minds and stifling voices (Human Rights Watch, 1999). Regarding these maltreatments, along with the imprisonment of Oral Çalışlar for twenty months under Article 8 of the Anti-Terror Law for conducting interviews with Kurdish political leaders, Prime Minister Bülent Ecevit acted to suspend all sentences imposed on journalists for three years. However, this would not be applied to those prosecuted for public speeches (Human Rights Watch, 1999).

In addition to these ill-treatments, other restrictions and limitations on basic human rights and violations were criticized by the EU. First of all, broadcasting in languages other than Turkish was forbidden. Various legal excuses, such as the nation that using minority languages might inflame separatist movements were used to prevent broadcasting in foreign languages (Human Rights Watch, 2001). The usage of language other than Turkish was limited to daily life and (Ekinci, 2004: 302). Moreover, women's rights lacked any legal guarantees. For example, honor crimes were widespread and violence against women continued, as enforcement mechanisms were insufficient. Therefore, certain amendments to the constitution for gender equality were required (Republic of Turkey Ministry of Foreign Affairs, 2013).

In 2000, Turkey launched a domestic debate regarding its accession to the Union and signed a number of international human rights conventions (Külahçı, 2005: 391). With these developments the Commission acknowledged Turkey's improvement in its human rights records. However, shortcomings were also highlighted. The Union criticized Turkey on civil-military relations. Also, torture and ill-treatment in prisons continued to be widespread and should immediately be tackled. The Commission also stressed free enjoyment of the cultural rights of all Turks regardless of their ethnic origins (European Commission, 2000).

3.4 Actual Human Rights Reforms in the 2001-2004 Period

Starting from 1999, Turkey made huge progress on democratization and human rights-related issues. According to Neil Hicks, with the capture of PKK Leader Abdullah Öcalan, in February 1999, a tremendous decrease in the level of violence and human rights abuses occurred in parallel (Hicks, 2001: 78). This significant incident event furthered legal efforts to prevent human rights abuses (Çakmak, 2003: 82). Certain amendments to the constitution took place. For instance, the military judge in the SSCs was removed, according to the amendment in Article 143 of the Constitution. Another amendment to Articles 243 and 245 of the Penal Code was passed in order to strengthen sanctions against security forces (Çakmak, 2003: 82).

3.4.1 Reforms and Remaining Problems in 2001

In 2001, parliament enacted a package of thirty-four measures, including the removal of restrictions on broadcasting and publishing in minority languages, changing the 1926 civil code, which assumes that men are the heads of the household into a code that treats men and women as equal and gives women the chance to gain more property in a divorce, and a reduction in the pre-trial detention period to four days (Gorvett, 2002, 28). Moreover, the Parliamentary Human Rights Committee was established (Gorvett, 2002: 29). The 2001 Regular Progress Report of the Commission stresses that the constitutional amendments adopted by Turkey and its signature of the European Convention on corruption are promising steps towards betterment of human rights in Turkey (European Commission, 2001). However, although these improvements were mentioned in the Union's progress report, the shortcomings and failings of Turkey were not neglected. For instance, the Commission stated that there are significant problems in the implementation of these reforms, indicating that Turkey still fall short of meeting the Copenhagen Criteria. Therefore, the Union demanded more adequate and effective implementation of legislative reforms. In addition, the report also underscores certain shortcomings in various areas relating to human rights. For example, the right of broadcasting and publishing in minority languages, Kurdish in this case, is only applicable if it does not pose any harm or threat to national security, which is a very broad concept to that is open to competing interpretations. The report also points to a huge gap between the legal rules and actual practices of women's rights, especially in the rural areas of Turkey. In those parts of Turkey, women are still regarded as inferior to their husbands and traditional family and village structures limit the actual status of

women (Gorvett, 2002: 29). Regardless of what the legal code states in cases of torture and prison mistreatments, the report points to certain malpractices. The Human Rights Association (IHD) has reported that in the first nine months of 2001, 762 cases of torture and mistreatment in police custody occurred (Gorvett, 2002: 29). In addition to the aforementioned shortcomings, independence of the judiciary, judicial corruption, and regional disparities, especially in South East, are the most emphasized deficiencies of Turkey in terms of its human rights practices (European Commission, 2001).

3.4.2 Reforms and Remaining Problems in 2002

In 2002, with a lull in terrorism after the capture of Abdullah Öcalan, Turkish officials were more able and willing to consider reforms. Hence, on 3 August 2002 a new package of legislative reforms, consisting of reinforcing legal guarantees of freedom of expression, abolition of the death penalty, and elimination of legal limitations on learning languages other than Turkish, was adopted by the Turkish Parliament (Çakmak, 2003: 83). In October 2002, the Commission emphasized the progress that Turkey had made up to that point but still had doubts about the adequacy of Turkey's compliance with the Copenhagen Criteria and demanded further improvement in human rights conditions. One month after the report was released, the Turkish government denounced the state of emergency completely and the newly elected Justice and Development Party (AKP) led government prepared two legislative packages including

> the prevention of torture and ill treatment, reinforcing the freedom of expression, press and association, changes to the Political Parties and Elections Act, simplification of procedures on non-Muslim community foundations as well as the expansion of the scope of retrial arrangements on the basis of judgments rendered by the European Court of Human Rights (Çakmak, 2003: 83-84).

Even though the Commission recognized the existing efforts of Turkish officials to comply with the Copenhagen Criteria, the regular report of 2002 stressed that further improvement in these issues of human rights were required to open accession negotiations. Some of the aspects emphasized in the report were as follows: penal and prison-related aspects, including high security F-type prisons, the length of pre-trial detention, the lack of a press union, the concomitant prosecution of writers, journalists, and publishers, and reduced sentences for the crime of honour killing. In addition, statues related to associations and religious minorities, the ongoing functioning of the SSCs, the weakness of democracy and civil rights, including fundamental human rights freedoms in law and practice, attracted the Commission's attention (European Commission, 2002).

3.4.3 Reforms and Remaining Problems in 2003

From 2002 until 2004, the Turkish government adopted eights reform packages, which changed 218 articles of 53 different laws in order to align with the EU's Copenhagen Criteria:

1st Reform Package- 19th of February 2002

2nd Reform Package-9th of April 2002

3rd Reform Package-9th of August 2002

4th Reform Package-11th of January 2003

5th Reform Package-4th of February 2003

6th Reform Package-19th of July 2003

7th Reform Package-7th of August 2003

8th Reform Package-14th of July 2004 (Ministry of Foreign Affairs: 2010)

In 2003, the AKP government's efforts and willingness to make reform were recognized in the Commisson's progress report (European Commission, 2003). The AKP government accelerated the reform process and implemented regulations actual in this regard. For instance, the Reform Monitoring Group, consisting of the Minister of Foreign Affairs, the Minister of State and Chief Negotiator, the Minister of Interior and the Minister of Justice, was established with the aim of ensuring over the sustainability of reforms in democracy, human rights-related issues, and the rule of law (Ministry of Foreign Affairs: 2010). Nevertheless, the Commission continued to emphasize certain problems, such as the problematic efficacy and independence of the judiciary, the lack of execution of numerous judgments made by the European Court of Human Rights, and the high level of judicial corruption (European Commission, 2003). In addition, although the Commission states that torture was no longer systematic, ill-treatment in prison and limitations on freedom of speech remained. The report also highlighted cases of disproportionate use of violence by security forces against non-violent demonstrators even though the number of such cases had actually decreased tremendously (Külahçı, 2005: 392).

3.4.4 Reforms and Remaining Problems in 2004

In 2004, the progress that Turkey had made towards complying with Copenhagen Criteria was again recognized by the Commission (European Commission, 2004). Actually, the year 2004 was a turning point in terms of EU-Turkey relations, because that year President of the European Commission Romano Prodi visited Turkey for the first time since the signature of the original association agreement in 1963 (Hürriyet, 2004). In 2004, scores of constitutional amendments, including "new regulations as regards gender equality, freedom of the press, and the status of international conventions and the functioning of the judiciary" were realized (Ministry of Foreign Affairs, 2010). While Prodi congratulated Turkey for its rapid and successful reform process, he emphasized the problems in implementing these reforms (Hürriyet, 2004). For example, he emphasized that although a reform had been issued on permitting foreign language usage in broadcasting and education, this reform had had little practical effect. Additionally, corruption in the judiciary, penal and prison-related shortcomings, such as ill-treatment of people in custody, prosecution of writers and journalists, disproportionate use of violence against demonstrators, and abuses of women were emphasized in the 2004 Progress Report of the Commission. Abolition of death penalty in all circumstances according to Protocol No 13 to the European Convention on Human Rights was signed. A new Penal and a Civil Code have been adopted including the aim for fighting against torture and ill-treatment (European Commission, 2004). For instance, if the tortured dies under custody, the officer would concede a lifetime imprisonment.

Other than these developments, one of the most important development towards the membership has been occurred. That year, Turkey enacted a law in human rights that accepted the superiority of the international law over national law. According to official sources, considerable amount of cases made reference to the ECHR law in 2004 and it help to ease the transition process for better human rights records (European Commission, 2004: 30).

Individuals were able to make complaints about the abuses of the human rights that they have been through to the Human Rights Presidency. An easily reachable form with set of question inspired by the ECHR was waiting for them to complete and put in complaint boxes. With this new application it is aimed that human rights abuses would be told wide spread which seems an efficient way to decrease the amount (European Commission, 2004: 32). However, it took time for the people to get courage for making their voices public because they feel insecure about it.

In addition to the human rights protecting bodies that was established since 1999, such as Reform Monitoring Group and Human Rights Presidency, a human rights Investigation Office was established by the Ministry of Interior with the aim of inspecting police stations (European Commission, 2004: 32). Turkish authorities supported and initiated a number of training programs on human rights for the security forces and relevant personnel such as lawyers and judges. The training were made by 225 professional trainers and the trainees' numbers were more than 9.000 (European Commission, 2004: 33).

The last but not the least, the successful wave of legislative and administrative reforms regarding combating torture and ill-treatment continued.

Government's decisiveness about zero tolerance policy about torture helped to ease the process. In this regard, there was no chance for those who practices torture and ill-treatment to convert their sentences into fine. Also, the need for taking permission from the superior for opening investigations against officials was cancelled (European Commission, 2004: 33). Although, not being fully sufficient, these efforts showed eagerness of Turkish government to improve its human rights standards. For instance, the zero tolerance for torture and the decisiveness of the government to pursue the legislative reforms decreased the number of the complaints related to torture. In 2004, instances of torture were 29% less than the previous year (European Commission, 2004: 34). However, despite these positive outcomes, it has been an essential need to establish an independent monitoring system of detention facilities in order to eliminate the remaining problems about these types of human rights abuses.

Because Turkey was found very successful by the Commission in making a bunch of legislative and constitutional reforms, the monitoring procedure on Turkey, that had been applied since 1996, was lifted by the Parliamentary Assembly of the Council of Europe (European Commission, 2004: 30).

CHAPTER IV

EU CONDITIONALITY'S IMPACT ON HUMAN RIGHTS REFORM IN TURKEY

From 2005 onwards

4.1 Actual Human Rights Reforms in the 2005-2012 Period and Possible Reasons for the Remaining Problems

The pace of the reform realization starting from 1999 until 2004 could not actually be preserved after the accession negotiations had started. When EU conditionality lost its effectiveness on Turkey, naturally the pace of the reform actualization process has slowed down and the implementation has been quite insufficient. Although some internal factors such as the impact of the military power on politics, different perspectives of the political parties in power and security problems were not negligible in slowing down the pace, the major reason behind the problems related to reform actualization was mainly related to EU conditionality's ineffectiveness. However, there were still some problems in the implementation of actualized reforms, the impact of EU conditionality was valid in the transition period, and most of the reforms have been actualized.

4.1.1 The Situation After the Transition Period

4.1.1.1 Reforms and Remaining Problems in 2005

In 2005, The Optional Protocol to the UN Convention Against Torture (OPCAT) was signed and the ratification of the Protocol No 13 to the European Convention on Human Rights (ECHR) that abolishes death penalty in all circumstances was enabled. The institutions established to fight human rights abuses, such as the Parliamentary Human Rights Investigation Committee, the Human Rights Presidency and the Reform Monitoring Group, continued to make enormous contributions to the betterment of Turkey's human rights records. However, due to the heavy work load, consolidation and the strengthening of these institutions gained utmost importance (European Commission, 2005: 20). The Ministry of Interior's Investigation Office, a newly established institution against human rights abuses, received a large number of complaints from the public via easily accessible forms designed based on the ECHR. The Office has also investigated detention procedures (European Commission, 2005: 21).

Although incidents of torture and ill-treatment have remained unacceptably high by European standards, international and Turkish NGOs and experts have cited a remarkable decrease in the number of these abuses. In fact, the President of the Council of Europe's Committee for the Prevention of Torture (CPT) stated that, " It would be difficult to find a Council of Europe Member State with a more advanced set of provisions in this area" (European Commission, 2005: 22). New legislative reforms, a new Penal Code and new Code of Criminal Procedure also enhanced the

ability to combat torture and ill- treatment. For instance, the new Penal Code enabled an increase in the terms for imprisonment of whomever practices torture and ill-treatment. However, although the frequency of these incidents has decreased and overall there has been an essential improvement in this situation, there remain considerable frequent instances of ill-treatment outside of detention centers. During transportation and demonstrations, for example, the rate of torture and ill-treatment has not changed measurably (European Commission, 2005: 23). Human Rights Boards tried to monitor the situation in detention centers without pre-warning of the visits. Although this was a positive development in the eyes of both international and national NGOs, the latter remain somewhat uncertain about the independence of this monitoring institution. For this reason , it became necessary to establish a fully independent monitoring system, which was recommended both by the UN and the Committee for the Prevention of Torture. The ratification of the OPCAT, which Turkey signed in 2005, would also provide for regular visits by independent expert bodies to inspect detention places (European Commission, 2005: 24).

Other than that, when it is compared to the previous year, there is a slight decrease in the number of complaints received by the Human Rights Association, which shows that the reforms that have been actualized helped in strengthening the fight against torture and ill-treatment (European Commission, 2005: 108).

Prison conditions have improved tremendously in recent years. In addition to the establishment of the monitoring boards and enforcement judges, the implementation of a remarkable number of CPT recommendations led to positive developments in the prison system. However, this positive trend, has not been universal. There remain problems of overcrowding and lack of resources in some of the prisons located in various regions of the country. For instance, during its

investigation, the Parliamentary Human Rights Investigation Committee found deficiencies such as insufficient resources in the administration and the structure of the Tekirdağ F-type prison.

A large number of Monitoring Boards, which were deployed to investigate the living, health, education and food support conditions of the prisons, conducted research on nearly 500 different prisons and recommended improvements to the Turkish government (European Commission, 2005: 24). Turkish officials acted upon nearly half of the recommendations by re-distributing available resources. This immediate act points to the Turkish government is committed to the membership process. Therefore, it is fair to state that there has been a significant improvement of human rights conditions in Turkey, especially in the area of torture and ill-treatment and the prison system after the transition period.

4.1.1.2 Reforms and Remaining Problems in 2006

Similarly, in 2006, reforms continued and improvements in especially torture and ill-treatment incidents have occurred. In legal framework, Turkey made progress in the ratification of reforms related to international human rights instruments and acted upon European Court of Human Rights (ECtHR) judgments; however, when it comes to the institutional framework, more effort is need. The ratification of the abolition of the death penalty in all circumstances occurred in February 2006. In most cases where ECtHR found Turkey in violation of the European Convention on Human Rights (ECHR), Turkish officials immediately implemented the judgments. However, due to some problems, such as the lack of independency from the

government, budgetary problems and insufficient number of staffers, the Human Rights Presidency's efficacy has still been questionable.

The reforms that were realized in the recent years on detention procedures and detention periods and the arrangements of medical treatments of the people in custody, which are regulated according to the recommendations of the CPT, have shown that there have been positive developments in fighting against torture and ill-treatment. Nevertheless, although these reforms were undertaken in the last years, their implementation remains problematic (European Commission, 2005: 13).

The Turkish government has not done enough to provide independent monitoring of the prisons with the aim of fighting ill-treatment and torture. OPCAT, which aimed at providing this facility has not been ratified yet.

In order to increase the transparency and accountability of the public sector activities, the adaptation of the law for the establishment of an Ombudsman[13] is a remarkable development in terms of bettering human rights records (European Commission, 2006: 60).

When it comes to the prison system, no major reform and improvement has occurred. The cells have still been suffering from overcrowding and the prisoners continue to lack sufficient medical treatment.

[13] The Ombudsman responds to complaints from EU citizens, businesses and organisations, helping to uncover cases of 'maladministration' – where EU institutions, bodies, offices or agencies have broken the law, failed to respect the principles of sound administration or violated human rights. Examples include: unfairness, discrimination, abuse of power, lack of or refusal to provide information, unnecessary delay, incorrect procedures. Further information is available at: http://europa.eu/about-eu/institutions-bodies/ombudsman/index_en.htm

To sum up, implementation and monitoring mechanisms lack efficacy. The Union suggests that the Turkish government take more decisive steps to tackle this very problem.

4.1.2 The Situation Worsens

4.1.2.1 Reforms and Remaining Problems in 2007

It would not be an exaggeration to state that the period from 1999 until 2005 was very fruitful regarding reform on human rights; however, after this period, there was a noticeable decrease in the pace of change. 2007 was especially problematic in the implementation of reforms and improvement of the institutional framework. For the reasons stated below, the Union started using a harsher tone towards Turkey and the Turkish government started to lose its eagerness to implement reforms. It would not be an exaggeration to state that EU conditionality thoroughly lost its effectiveness.

First of all, there occurred some development such as the ratification of the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), which provides individuals the right to apply to the UN Human Rights Committee on human rights abuses. However, the Optional Protocol to the UN Convention against Torture (OPCAT), waiting since 2005 to be ratified, has not yet been ratified. Three additional Protocols[14] to the ECHR have not been ratified also

[14] Protocol 4, 7 and 12.

(European Commission, 2007: 11). Hence, the Union's recommendations on establishing an independent monitoring system for prisons have not been adopted.

The applications made to the European Court of Human Rights about Turkey's violations in this area increased in comparison to the previous year. The applications to the Human Rights Presidency also increased. Human Rights Boards continued to visit detention places in order to monitor the situation. However, both the reliability of these institutions have continued to be questioned by some NGOs, such as Mazlum-Der, and public awareness of these institutions' functions has not been sufficient (European Commission, 2007: 13).

Positive developments in terms of reducing the number of cases related to torture and ill-treatment continued. In addition, there has been a focus on implementing the Istanbul Protocol. [15] Nevertheless, the ongoing problem of lack of an independent monitoring institution, represents a continuing obstacle and the Union emphasizes the importance of the ratification of the OPCAT due to this very reason.

The actions of security forces have also been a problem. The issue of impunity has not yet been fully resolved and judicial proceedings into allegations of torture and ill-treatment by security forces have been delayed due to procedural inefficiencies and abuses (European Commission, 2007: 14).

The problems the prison system carrying over from the last year, such as overcrowding and insufficient resources have persisted. The provision of

[15] Istanbul Protocol is a manual on the effective investigation and documentation of torture and other cruel, inhumane or degrading treatment or punishment. The manual was submitted to the UN Human Rights Commissioner for Human Rights on 9th August 1999. The Protocol briefly provides guidance on effective investigation and documentation of torture and ill-treatment incidents.

independent oversight of civilian and military prisons still depends on ratification of the OPCAT.

4.1.2.2 Reforms and Remaining Problems in 2008

The ongoing problems in human rights applications continued into 2008. No human rights instruments were ratified. Both the OPCAT and the other three additional Protocols to the ECHR have been awaiting ratification since 2005. This situation shows that, although the Union emphasizes the importance of the ratification of these protocols for Turkey's membership, Turkish officials have been much less interested in complying with this demand.

In order to investigate torture and ill-treatment in prisons and detention centers, two sub-committees under the Human Rights Investigation Committee were established. Moreover, a comprehensive set of safeguards, including medical examination of detainees under police custody, has established with the aim of fighting torture and ill-treatment (European Commission, 2008: 13).

On the other hand, the conditions in prisons improved noticeably. In order to tackle overcrowding problem, twelve new prisons have been established, with an additional twenty-two prisons on the way (European Commission, 2008: 14). Prison personnel have been trained according to the Union's judicial modernization and Penal reforms program.

Unfortunately, despite this progress, the overall picture remains less promising. There has been an increase in the number of the applications related to cases of torture and ill-treatment received by NGOs. It is detected that the security

forces could not prevent torture and ill-treatment during arrests or transfers between prisons.

These shortcomings show that these limited efforts to better human rights record were insufficient and immediate corrective action is needed in this area. The ratification of the OPCAT, which aims at establishing monitoring of the prisons and combating torture and ill-treatment, should no longer be delayed and ratification of human rights instruments should occur.

4.1.2.3 Reforms and Remaining Problems in 2009

In 2009, although ratification of some human rights instruments, such as the UN Convention on the Rights of Persons with Disabilities, was achieved, the ratification of the OPCAT and three optional Protocol to the ECHR remained to be accomplished. The OPCAT finally reached Parliament for approval but there did not ECHR Protocols.

The increase in applications to the ECtHR against Turkey also points to a problem in fighting human rights abuses. Abuses related to the right to a fair trial, freedom of expression and the prohibition of torture increased when compared to the previous years. This fact is a clear sign of how the pace of the reform decreased.

Although the training of the security forces, judges, public officials and prosecutors continued, there has still occurred an increase in the number of applications to the Human Rights Presidency and Human Rights Boards, which are responsible for visiting detention centers and investigating human rights violations (European Commission, 2009: 14). These institutions have been weakened by the

lack of independency, public awareness and resources. Due to that reason, although the increase in applications may show that, when compared to the previous years, public awareness of these institutions' functionality has grown stronger, those are lacking autonomy and resources, which prevents them from operating efficiently. Nevertheless, the parliament has established four sub-committees under the Human Rights Investigation Committee, including a sub-committee on torture, ill-treatment and prisons (European Commission, 2009: 14).

There has also been a progress in combating the problem of official impunity for human rights violations. The death in custody of Engin Çeber in 2008 was a notable case with sixty officials found responsible for this incident. After their indictment, the trial started in 2009 and resulted in the 2012 sentencing of three official-Selahattin Apaydın, Sami Ergazi, Fuat Karaosmanoğlu-with life-imprisonment terms due to the severity of the torture they applied (Radikal Türkiye, 2012). It is also obvious from this fact that, although the Turkish government established a comprehensive set of safeguards to fight torture and ill-treatment, the implementation of these safeguards remains incomplete, and the publications of the report by the Council of Europe's Committee for Prevention of Torture (CPT) should be helpful in accelerating progress in this area (European Commission, 2009: 16).

The prison reform that started in the recent years continued to progress. As previous years, new prisons have been constructed in order to solve overcrowding problems and a number of small outdated facilities were closed in order to improve the existing conditions. The establishment of a fifth center, adds to the existing four, that already provide pre-service and in-service training for prison officials. However, the high proportion of prisoners who remain in a state of pre-trial detention remains a huge obstacle to solving the overcrowding. In addition to that, inadequate

resources, such as the failure to provide the issue standard ratio of one doctor to 250 prisoners, make it impossible to provide proper medical care for prisoners. Due to that reason, Turkey needs further efforts in its prison reform program (European Commission, 2009: 17).

Last but not the least, the establishment of an Ombudsman has also been delayed by legislative obstacles. The Constitutional Court stated that, "the institutions not explicitly mentioned in the Constitution would distort the integrity of the administration and parliament had no legislative power to establish such an institution" (European Commission, 2009: 71). The constitutional amendment that would establish an Ombudsman should be adopted for the sake of creating an authority to fight maladministration in human rights cases. Since there is no independent national institution for monitoring detention places and the OPCAT awaits ratification, the establishment of an Ombudsman is an essential step, in the eyes of the Union, towards strengthening the fight against torture and ill-treatment.

4.1.2.4 Reforms and Remaining Problems in 2010

In 2010, the ratification of human rights instruments such as the OPCAT and the three optional Protocols to the ECHR were still pending, which is not a very good sign of Turkey's eagerness for the implementation of the required reforms. Also, the number of cases where the ECtHR found Turkey to have violated the ECHR increased. With the aim of decreasing this number, Turkish officials made the necessary statutory amendments enabling individual applications to the Constitutional Court. However, a bunch of ECtHR rulings on issues related to oversight of the security forces, stronger remedy and redress of abuses and excessive

length of pre-trial detention periods , have not been complied with by Turkey for some years (European Commission, 2010: 16).

Regarding the establishment of human rights institutions, there has been little progress. For instance, the draft law on the establishment of the Turkish Independent Human Rights Institution was submitted to parliament and the parliamentary sub-committees were open to discuss the opinions of NGOs about this institution's functions. These discussions with NGOs were crucial in aligning the institution with the UN framework that focuses on autonomy and functional efficiency.

Other than that, a constitutional amendment to establish an Ombudsman was drafted, which is a positive step by Turkey towards fighting human rights abuses. However, the partiality, dependency and inefficiency of the human rights institutions continued to be key deficiencies. Moreover, although the trainings of the public officers and security forces continued, continuing lack of resources undermined the efficiency of these trainings. Also, the training of prosecutors, judges and health personnel to provide for a more effective investigation into torture and ill-treatment incidents continued and the implementation of the Istanbul Protocol in order to provide guidance on effective investigation and documentation of torture and ill-treatment incidents came up (European Commission, 2010: 17).

In some, although progress has taken place in several areas, a number of reforms have not occurred which proves that there has been serious problems in the implementations of the reforms. Disproportionate use of force by security forces has continued to be a serious type of human rights abuse. The incidents resulting in death increased according to NGO reports. Therefore, a draft law foreseeing the Establishment of a Monitoring Commission on Security forces was submitted to the

Parliament with the aim of monitoring the disciplinary procedures against public officers (European Commission, 2010: 18). Although, the Turkish government seems to be eager in fighting with the abuses that the law enforcement officers committed incident in which disproportionate use of force was applied, have not been eliminated.

Regarding prison reform, that there have been ongoing problems. One of the most important one is the overcrowding problem, which gets worse every day due to the high proportion of prisoners in pre-trial detention, such that, only 12% of the prisons host prison sentences, the rest hosting those awaiting trial (European Commission, 2010: 19). In addition to that problem, health related problems are still of concern and despite all the warnings by the Union and the UN, resources remain insufficient.

4.1.2.5 Reforms and Remaining Problems in 2011

In 2011, as for ratification of human rights instruments, there has been a huge step towards establishing an independent monitoring system for prisons via the ratification of the OPCAT, which had been waiting to be ratified since 2005. Although this has been a huge step towards eliminating torture and ill-treatment incidents, the three additional Protocol to the ECHR were still waiting to be ratified. Turkish government also did not seem so eager to apply some of the ECtHR rulings.[16] However, finally the draft legislation on the establishment of an Ombudsman was submitted to the parliament.

[16] Non-implementation of the Hulki Güneş, Göçmen and Söylemez judgements has resulted in the defendants being deprived of liberty for several years without due process of law. A legislative

Although the training of security forces continued, NGOs reported that incidents of disproportionate use of force increased. Although the courts were giving priority to these cases of ill-treatment at the hands of security forces, lack of an impartial and independent police-complaints mechanism undermines the integrity of the administrative investigations. There is a rapid need for an independent mechanism, where investigations would not be carried out by fellow police officers (European Commission, 2011: 22). In some, although the ratification of the OPCAT was a significant step, there has not been much in practice. Due to that reason, reports of torture and cases of ill-treatment in prisons increased. Fight against impunity should be strengthen. The privileges, such as lighter or suspended sentences given to the security forces that practice torture and ill-treatment, should be eliminated totally if authorities are serious about fighting human rights abuses.

As for prison reform, there has been a positive development on healthcare conditions. The rehabilitation centers for convicts and detainees increased in number (European Commission, 2011: 23). However, the lack of resources and overcrowding problems posed a threat to the efficiency of the reform. The decision procedure for a sentence should be accelerated in order to tackle with the overcrowding problem, which would also be helpful in using existing resources more efficiently. Therefore, overall, the detention and prison conditions would be bettered.

amendment is required to remedy this situation. Moreover, Turkey has not adopted legal measures to prevent repetitive prosecution and conviction of conscientious objectors. Other issues awaiting legislative measures by Turkey concern of the activities of security forces, effective remedies against abuse, restrictions on freedom of expression, and excessive length of pre-trial detention.

4.1.2.6 Reforms and Remaining Problems in 2012

When we came to the year 2012, in the progress report the EU is changed its usual tone about the progress that Turkey have made so far. It is easy to recognize that the language and its tone sounds more harsh and pessimistic from the side of the Union. For instance, as numerous judgments of the ECtHR have been ignored for several years, the Union was focusing on this issue. However, this year the call for implementation of all ECtHR judgments was much more forceful.

The Union acknowledged the amending of the mandate of Human Rights Inquiry Committee that enables it to take the lead on certain draft laws. Following this amendment, the Committee received approximately 4000 petitions concerning allegations of unfair trial and ill-treatment (European Commission, 2012: 19). Legislation for the establishment of an Ombudsman has been adopted, but the required establishment of independent monitoring institutions proposed by the OPCAT has not been realized yet. A National Preventive Mechanism has not been established yet. Additionally, although the positive trend of fighting against torture and ill-treatment continued, such events continued to occur. There has been marked increase in the use of disproportionate use of force by security forces. Due to that reason, the Union finds Turkey's efforts in fighting against human rights abuses and impunity insufficient. It requires more prompt, thorough, impartial, independent, and effective investigation on torture and ill-treatment incidents practiced by security forces. The short and suspended sentences given to public officers found guilty of torture, ill-treatment, and fatal shootings, should immediately be eliminated (European Commission, 2012: 20).

Other than that, there have been ongoing shortcomings in the prison reform system also. The problems of overcrowding and lack of resources continued and the insufficient monitoring standards could not be brought in line with the UN standards, which hampers the effectiveness of prison reform.

In some, the Union found the efforts of Turkish government very limited and insufficient so far. Although there have been similar problems in the previous years, in 2012 the tone of the criticism got harsher with expressing the Union some pessimism on Turkey's ability to gain full membership.

4.2 Possible Causes for the Remaining Problems : "Should Be"s and "Should Not Be"s in Making EU Conditionality Effective

As the facts above show, the relationship of Turkey with the Union got worse over time and the implementation of the required reforms slowed down. For instance, although the Union mentioned the importance of the ratification of the OPCAT in every single progress report since 2005, this did not occur until 2011. Moreover, incidents of torture and ill-treatment never ceased although there has been a positive trend progressively. In sum, it can be stated that although in earlier years, the eagerness of Turkish government to implement the required reforms was observable, towards later years both the Union and the Turkish government seem to give up doing what they have been doing. In that regard, it is fair to state that the main reason behind this downward trend is that EU conditionality lost its effectiveness. In motivating Turkish officials on making and implementing reforms. This section, focuses on factors that may play a role in strengthening EU conditionality's effectiveness.

4.2.1 Need for Consistency, Credibility and Existence of a Real Reward

An asymmetrical relationship exists when it comes to EU influence over the candidate states. First, the Union can dictate non-negotiable requirements and withhold the reward of accession for the candidate's non-compliance with EU requirements. However, " one should note that the prospect of receiving the reward must be real, that is, there must be certainty that political change would be rewarded" (Kubicek, 2003a: 17)

Thus for the sake of preserving its credibility, the EU should apply a consistent form of conditionality. However, conditions were stricter and tougher for Turkey and the latest member states proved that there is no consistency in the applicable conditions (Smith, 2004: 113-15). In addition, some argue that the EU lacks credibility, because some of the requirements it imposes on its candidate states are not sufficiently applied in its own member states. In other words, some of the same conditions were never demanded by some of the member states. For instance, while in France and Greece the existence of minorities within the borders of the aforementioned states was not recognized, the EU emphasizes this issue, with respect to Turkey (Tocci, 2005: 79). This example, instill doubt in minds about the Union's consistency and credibility.

In order to better understand the reasons behind the ineffectiveness of the EU's conditionality approach towards Turkey, five main sub-categories need be analyzed (Zalewski, 2004: 22):

- a lack of credible material commitment to Turkish accession by the EU;
- imprecisely defined criteria for evaluation;
- vulnerability to accusations of double standards;
- the diffusion of mixed signals;
- and the threat of politicizing human rights criteria, whether in the context of an evaluation, a decision to open accession negotiations, or a decision to admit new members.

The analysis of these sub- categories and their examples in the Turkish case can illuminate the importance of preserving the efficiency of EU conditionality, if the latter aims at making an impact on the reform-making process in Turkey.

4.2.1.1 Lack of Material Commitment to Turkish Accession

Zalewski states that, referring to Villavarde (1998), since the beginning of its relationship with Turkey, the EU has demands reforms and imposed requirements without making an actual material commitment to promoting this process (Zalewski, 2004: 22). For instance, with the Customs Union Agreement, five financial instruments were set up for Turkey, including a special financial measure of €375 million over five years, in addition to €750 million worth of loans from the European Investment Bank (Zalewski, 2004: 22). Nevertheless, the major part of this aid package was blocked both by the European Parliament and one of the member states, Greece. Considering the amount of aid that the Union made for the Central and Eastern European Countries, Turkish officials argue that Brussels discriminates against Turkey, suggesting that the pace of reform would decrease in the absence of adequate financial assistance (Avcı, 2002: 91-110).

4.2.1.2 The Criteria for Evaluation

The non-transparency and the vulnerability of the human rights criteria of the Union undermined the credibility of the Union's human rights conditionality and decreased the willingness of Turkish government to comply with the uncertain conditions. One of the most important problems ,according to Zalewski, has been that neither the progress reports nor the accession partnership documents include any clear benchmarking mechanism for analysis of the actualized human rights reforms in Turkey. Therefore, subjective interpretation leaves doubts about human rights conditionality's even-handed implementation. As Smith (2004: 29) suggests, an effective monitoring system is required and an objective application of a particular criteria is essential in triggering the reform process in the candidate states.

4.2.1.3 Perceptions of Double Standard

According to Schimmelfennig, Engert and Knobel (Schimmelfennig et al, 2003), cited in Zalewski (2004: 29), if there is a fair and equal understanding of the conditions imposed on all member and candidate states and there is not much variation from one country to another, the criteria's "compliance pull" is said to be very strong. However, if the conditions are not applied on the same basis to the Union as a whole, conditionality would not be able to exert the same leverage (Zalewski, 2004: 29). Since Luxembourg Summit, both Turkish officials and citizens have argued that the Union's evaluations of Turkey's eligibility is based on a double standard (Zalewski, 2004: 30). Zalewski (2004: 31) further adds that:

> As it [The Turkish Political Elite] tends to identify the double standards, of which it accuses Brussels, as expressions of 'Islamophobia' and exclusionism on the part of the Union, a large section of the Turkish political elite have their doubts as to Turkey's prospective EU vocation. Such views, naturally, do not leave the strength of the Union's human rights conditionality untouched: the shared suspicion that the Union would like to exclude Turkey from membership on 'civilisational' grounds casts serious doubt on the credibility of the EU's conditionality policies and, in consequence, reduces Ankara's incentives to comply with EU human rights criteria.

4.2.1.4 Contradictory Signals

According to Zalewski, this reason is one of the strongest one in explaining why EU conditionality lost its influence on Turkey's human rights reform-making process. While the CEECs were assured of prospective membership in the EU, from 1993 onwards, Turkish officials could not feel the same assurance that it would gain membership even if it satisfied the formal requirements. The Union has been sending mixed signals, which reduces others' trust in it. For instance, in European elections, the stances of the member states changed dramatically. A government committed to Turkish membership, German SPD, can be replaced by a government, CDU/CSU, for which Turkey is not an eligible country for Union membership even if it complies with all the criteria and does every reform that is required for full membership (Zalewski, 2004: 31). In such an uncertain environment, it would not be realistic for the conditionality tool to be effective in promoting reform. First, if the messages sent by the Union were made less ambiguous, then the conditionality tool would be effective in making Turkish officials eager to actualize reform. In other words, opposing positions towards Turkish membership process ranging from the "no-oriented stance of the German CDU" to the more "Turkey friendly view" coming from Rome, Warsaw and London, make the conditionality tool much less effective in Turkish reform making process (Zalewski, 2004: 33). Turkish officials would not be

willing to invest massive political and economical assets in making reform if they do not see a certain future reward.

4.2.1.5 Politicization of the Human Rights Criteria

As Zalewski (2004: 33) sees it, the EU conditionality for human rights for membership has a political tone rather than a legal one. Due to that reason, this criteria is wide open to subjective interpretations in the name of security, economic and political considerations. Some scholars such as Meltem Müftüler Bac and Lauren McLaren (2003) argues that, Turkish membership is a process beyond a simple analysis of whether it complies with the Criteria or not (Zalewski:2004: 33). In other words, due to the its politicization , this Criteria while it is a requirement for the membership, it unfortunately is not sufficient for in the Turkish case. In order to eliminate this problem, as Nowak (1999) sees it, the Criteria should be legal and judicial rather than economic and political (Zalewski, 2004:35). Also, the Union's institutional bodies-the Commission, the Council and the Parliament-should establish some mechanisms for monitoring the human rights situations in candidate countries and the autonomy and impartiality of these institutions should be assumed. If this is not realized the relationship of Turkey with the Union would probably become a vicious circle, "in which the lack of EU commitment to membership will give rise to Turkey's lack of commitment to reform, which will give rise to negative EU evaluations, which will give rise to Turkish resentment… and so on and so forth" (Zalewski, 2004: 35).

CHAPTER V

CONCLUSION

Although being so eager to become a member to the Union, Turkey had to go to a long way before it would be count as an eligible candidate state for the full membership. First in 1959, Shortly after the creation of European Economic Community (EEC) in 1958, Turkey made its application to be a part of the Community. However, the EEC responded as suggesting an association between the two until the circumstances allow Turkey to join. In result of this suggestion, the Ankara Agreement of 1963 was signed between Turkey and the EEC, foreseeing a customs union that would ease the integration process of Turkey to the EEC and lead to the final aim which is full membership (Embassy of the Republic of Turkey, Washington DC, 2004).

The EEC was stipulating the establishment of a customs union in order to be integrated in economically. At the mean time, the Community was offering financial assistance and an increase in its import share.[17] Following this, in 1970 the Additional Protocol was implemented ensuring a free movement of goods and services and a harmonization of Turkish legislation with that of the Community in economical terms (Embassy of the Republic of Turkey, Washington DC, 2004).

[17] The import share of the EEC increase from 29% in 1963 to 42% in 1972.

Although the relationship between the EEC and Turkey was about to came to a freeze due to the 1980 military coup and dire economic straits, when the civilian government restored in 1983 Turkey adopted a liberal economic policy (Criss, 2008: 577). It was that time, Turkey applied for full membership to the Union in 1987.

The application was seen eligible by the Commission, however, it was claimed that a more appropriate environment for the membership is required and the Customs Union , envisaged to be signed in 1995, should first be focused on. However, although the Customs Union became effective between the two parts in December 1995, the Union's not giving candidacy status to Turkey put the relationship in a dangerous situation. Following this, Turkish officials publicly declared that the membership to the Union was no longer a priority. (Criss, 2008: 580). Due to the harsh reaction of the Turkish public and officials, the Union granted Turkey with the candidacy status in 1999 Helsinki Summit despite there was not actually much progress during these two years with the aim of becoming more eligible for the candidacy (Sugden, 2004: 249).

In the lights of abovementioned process, when Turkey was granted with the candidacy status, one of the most important enlargement tool of the Union, the conditionality, became effective on Turkey. The existence of the potential for EU membership possesses both conditions and incentives by which the process of democratization and economic transformation are aimed to be constituted. However, if the harmonization of the conditions and incentives is inconvenient, the political reform process in the candidate states will naturally slow down (Öniş, 2003: 9). Moreover, this situation will unfortunately create an environment where the opponents of the membership would gain more power and space to act. In that sense, it would not be an exaggeration to state that the Customs Union that Turkey had to

sign in 1995, could not be successful in creating both conditions and incentives for triggering the transformation of Turkey's domestic politics and economy. However, accepting Turkey as a candidate in the 1999 Helsinki Summit, the Union created an appropriate mixture of conditions and incentives that leads to an efficient reforming process in the side of Turkey.

By adapting the draft European Constitution and taking further steps such as ensuring the ratification of the Lisbon Treaty in 2009, the European leaders, yet again, declared that "the EU is based on the principles of human dignity, freedom, democracy, equality, the rule of law, and respect for human rights. They further agreed that in such a Europe, the values of pluralism, non-discrimination, tolerance, justice, solidarity,and equality would prevail" (Doğan, 2006: 256).

This study, I believe, successfully demonstrates that the Turkish government has taken essential steps in order to adapt its domestic politics to the Union's, whose emphasis was the importance of respect for abovementioned values. Turkey did achieve to actualize a great amount of reform in the transformation years. In order to explain further, the new laws and constant amendments to problematic laws that the Turkish Parliament has made, such as the Turkish Penal Code and the Civil Code are very strong examples of Turkish officials willingness for change and adaptation. In addition to that, the amendments that was made to the Turkish Constitution in 1999,2001, and 2004 are also good examples to show Turkish government's efforts for having a more liberated constitution that is more respectful towards human rights (Doğan, 2006: 256). Moreover, the Accession Partnership (AP) of 2000 accelerated the changes by pointing out the short term and long term priorities in order to comply with the Copenhagen Criteria (Öniş, 2003: 12). When focused on the political arenas of the Criteria, a special emphasize on betterment of human rights records is not

negligible. The last but not the least, the zero tolerance policy towards torture and ill-treatment which was adopted and publicly declared by Turkey in 2007 (Delegation of Turkey, 2007), is a very important proof showing the eagerness of the Turkish government to provide better human rights standards.

This thesis mainly asks three previously stated questions. These questions will be evaluated and answered below one by one.

Does EU conditionality played a role in Turkey's human rights reform making process, and if yes how?

First of all, EU political conditionality's potential effectiveness in triggering Turkish reform making process in human rights was analyzed in thesis through certain tools such as regular progress reports and accession partnership documents. The findings of this study are straightforward. Although there has been many violations of human rights , especially on torture and ill-treatment cases and bad conditions of the prisons, the progress that Turkey made following acquiring candidacy status is clearly observable. Especially in the first years, the efforts of Sema Pişkinsüt, the chairperson of the Human Rights Commission in parliament, in fighting against torture and all other degrading practices were very much in line with the Union's. Furthermore, the training programs that the security officials had to take in order to decrease the ill-treatment incidents were also very essential steps towards establishing better human rights standards. In other words, the statements, that Human Rights Watch made, declaring that torture and ill-treatment was widespread in Turkey, left their places to publishing reports on institutional improvements such

as the establishment of Parliamentary Human Rights Committee, new legislative packages preventing torture and ill-treatment, and constitutional amendments of 2005 (Gorvett, 2002: 28) Therefore, it is clear that the EU conditionality tool was genuinely effective in boosting the reform making process of Turkey regarding human rights violations.

One may always argue that, the conditionality tool was not the sole actor in this process. This argument may be valid, however, the crucial case that is included in the theoretical chapter is a very strong proof for opposing to that argument. If I have to re-emphasize, although in the literature there are some rival hypothesis such as the importance of the power of economic growth in triggering reform making process, the Central and Eastern European Countries' enlargement case is a very good example to prove the opposite. As many scholars such as Moravcsik and Vachudova stated, in the post-Soviet era, these countries had really bad economies, however, they managed to realize a huge amount of reform with the undeniable assistance of EU conditionality (Moravcsik and Vachudova, 2003: 50). Moreover, as Kopecky and Mudde (2000: 526) argue countries such as Czech Republic and Poland were the ones to apply democratic consolidation most successfully in spite of the fact that they were struggling with high levels of poverty and unemployment. Hence, the role of EU conditionality in triggering the whole reform making process is quite obvious as it can be derived from these cases. Connecting these with the Turkish case, the existence of the role of EU conditionality is proven also in the Turkish case.

Does the efficacy of EU conditionality has changed from time to time?

It is obvious from the third and fourth chapters that in the Turkish case the EU conditionality has not had the same efficacy all the time. Although it was genuinely effective in the transformation period, following the opening of accession negotiations, the pace of the reform making process slowed down.

As many scholars suggests, in order to make the EU conditionality effective, both the conditions and the incentives should be crystal clear (Kubicek, 2003, Öniş, 2003, Tocci, 2005, Zalewski, 2004). The candidate country should feel certain of the existence of a carrot that it will get after complying with the necessary conditions, i.e. the stick. In the absence of any of the these two, it is natural to have some obstacles in the process for the both sides. This study argues that the effectiveness of EU conditionality was valid for the transformation years because the carrot, that is the start of the accession negotiations envisaged in 2005, was there as well as the stick, compliance with the Copenhagen Criteria. The consistent attitude of the Commission, which gives a guarantee for not having a delay if the Criteria is complied with, is one of the most important aspects in defining the efficiency of the conditionality tool. In other words, with the help of clearly defined carrot, Turkey spent lots of effort with the aim of making necessary reforms in order to provide better human rights records. This stick was clearly defined and consistent and Turkey was aware of the fact that it might lose its chance to open the accession talks. In that arena, effective usage of EU conditionality was perceived. According to the progress reports, in those years, the torture and ill-treatment incidents dropped dramatically.

However, after the transition period the situation has changed. The pace of the reform making process slowed down and the talks of uncertainty of the process, incredibility and inconsistency of the Union's behaviors were widespread in Turkey. There occurred lots of problems in the implementation of the reforms and the Union had to repeat itself in its regular progress reports. For instance, the ratification of the OPCAT waited for six years to be realized although it was very essential for establishing an independent monitoring system for prisons which is of great importance in combating against torture and ill-treatment. In sum, it was clear that Turkey once was a lot more eager to make reforms than it has been after the transformation years.

Why did the pace of the reform making process slow down following the transformation period of 1999-2004? What were the reasons behind EU conditionality's shifting efficiency?

The findings of this study are straightforward. First of all, it is argued that the material commitment by the Union to the Turkish accession has been found insufficient. Although financial instrument were set up for Turkey, a great amount of the aids were blocked by both the European Parliament and Greece. In this regard, Turkish officials felt a discrimination especially when they think about the amount of the aid that the Central and Eastern European Countries (CEECs) got in their membership process. This situation, naturally, resulted in the distrust of Turkish officials to the Union's equality which plays a negative role in EU conditionality's impact. Secondly, the vulnerability of the human rights criteria also decreased the

impact of the conditionality tool. In the Turkish case, the Union constantly demanded amendments and betterments in the human rights standards but unfortunately due to the lack of an efficient monitoring system the application of the criteria was a bit shallow. Additionally, similar to the first point, the Turkish government and the citizens started to feel a double standard in the membership process which decreased the power of human rights conditionality tool. Some arguments such as Turkey's ineligibility to become a member due to its Muslim character and some statements made by member states such as although Turkey complies with all the criteria and realizes every single reform that is required, there is no chance for it to be a European Union member state. These double standards and contradictory signals also decreased the efficacy of the conditionality tool on Turkish reform making process. The last but not the least, human rights criteria itself pose a threat to the effectiveness of conditionality in the Turkish case. Similar to the second point, the nature of the human rights criteria is a bit problematic to measure. The human rights criteria's being political rather than legal and being open to subjective interpretations due to the lack of monitoring system makes it hard to evaluate. Therefore, due to abovementioned reasons although being quite efficient between 1999-2004, the human rights conditionality tool of the EU, unfortunately, lost its effectiveness on the Turkish case after the transition period.

SELECT BIBLIOGRAPHY

Agné, Hans. 2009. "European Union Conditionality: Coercion or Voluntary Adaptation?" *Alternatives: Turkish Journal of International Relations* 8(1): 1-18.

Akyol, Taha. 1999. "Avrupa Yolu." *Milliyet*.

Alston, Philip, Mara Bustelo, James Heenan. 1999. *The EU and the Human Rights*. Oxford University Press, New York: 6-18, 697-725.

Amnesty International. 2002. "Turkey: Conditions in "F-Type" prisons continue to raise alarm." Available at: http://www.hrea.org/lists/prisoner-rights/markup/msg00021.html

Avcı, Gamze. 2002. "Putting the Turkish Candidacy in Context", *European Foreign Affairs Review* 7: 91-110.

Buergenthal, Thomas, Dinah Shelton, David P. Stewart. 2002. *International Human Rights in a Nutshell,* (3rd ed.). St Paul, MN: West Group: 113-115.

Cemal, Hasan. 1999. "Seferberlik." *Milliyet*.

Checkel, Jeffrey T. 2000. "Compliance and Conditionality." *ARENA Working Paper Series* 18:11-27 Available at http://www.sv.uio.no/arena/english/research/publications/arena-publications/workingpapers/working-papers2000/wp00_18.htm.

Committee for the Prevention of Torture. 1992. "Public Statement on Turkey", CPT/ Inf (93) 1 [EN]. Available at: http://www.refworld.org/type,SPEECH,COECPT,,4ee771232,0.html.

Committee for the Prevention of Torture, 1996. "Public Statement on Turkey", CPT/ Inf (96) 34 [EN]. Available at: http://www.cpt.coe.int/documents/tur/1996-34-inf-eng.pdf.

Criss, Nur Bilge. 2008. "Turkish Foreign Policy and the West (1946-1999): Change and Continuity in Turkish Foreign Policy" :580. In Zürcher, Erik- Jan, "*Turkey in the Twentieth Century"*, Klaus Scharz Verlag, Berlin: 567-585.

Cumhuriyet. 1995. quoted in Amnesty International (1996:100) In Sugden, Jonathan, "Leverage in Theory and Practice: Human Rights and Turkey's EU Candidacy". In Uğur Mehmet, Nergis Canefe, "*Turkey and European Integration: Accession Prospects and Issues",* Routledge Taylor and Francis Group, London: 245.

Çakmak, Cenap. 2003. "Human Rights, The European Union, and Turkey", *Turkish Journal of International Relations*, 2(3&4): 67-82.

Davies, Peter. 1988. *Human Rights*, Routlege, New York: 1-20.

Delegation of Turkey. 2007. Human dimension implementation meeting (Warsaw, 24 September-5 October), Working Session 9: Rule of Law II, "Turkey's "Zero Tolerance Policy" in Combating Torture and Ill-Treatment" Available at : http://www.osce.org/odihr/27855

Doğan, Nejat. 2006. "Human Rights and Turkey's Bid for EU Membership: Will "Fundamental Rights of the Union" Bring Fundamental Changes to the Turkish Constitution and Turkish Politics?", *Turkish Studies*, 7(2): 243–259.

Donnelly, Jack. 1989. *Universal Human Rights in Theory and Practice*, Cornell University Press, Ithaca and London: 1-19.

Donnelly, Jack. 2007. *International Human Rights*, Westview Press, Colarado: 3-20.

Ekinci, Tarık Ziya. 2004. *Türkiye'de Demokrasi ve İnsan Hakları Sorunları*, Cem Yayınevi, İstanbul: 298-310.

Embassy of the Republic of Turkey, Washington DC. 2004. "Turkey and the EU" Available at:

http://web.archive.org/web/20070927211417/http://www.turkishembassy.org/index.php?option=com_content&task=view&id=57&Itemid=235

European Commission, Regular Report. 1998. From the Commission on Turkey's Progress Towards Accession: 15-20 Available at: http://www.abgs.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_1998.pdf

European Commission, Regular Report. 1999. From the Commission on Turkey's Progress Towards Accession: 10-13. Available at: http://www.abgs.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_1999.pdf

European Commission, Regular Report. 2000. From the Commission on Turkey's Progress Towards Accession: 14-32. Available at: http://www.abgs.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2000.pdf

European Commission, Regular Report. 2001. From the Commission on Turkey's Progress Towards Accession: 19-46. Available at: http://www.abgs.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2001.pdf

European Commission, Regular Report. 2002. From the Commission on Turkey's Progress Towards Accession: 25-48, 133-37. Available at: http://www.abgs.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2002.pdf

European Commission, Regular Report. 2003. From the Commission on Turkey's Progress Towards Accession: 19-45, 128-138. Available at: http://www.abgs.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2003.pdf

European Commission, Regular Report. 2004. From the Commission on Turkey's Progress Towards Accession: 29-57, 138-147, 165-174. Available at: http://www.abgs.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2004.pdf

European Commission, Regular Report. 2005. From the Commission on Turkey's Progress Towards Accession: 18-43, 103-114, 134-141. Available at:

http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1426_final_progress_report_tr_en.pdf

European Commission, Regular Report. 2006. From the Commission on Turkey's Progress Towards Accession: 10-24, 57-65. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/tr_sec_1390_en.pdf

European Commission, Regular Report. 2007. From the Commission on Turkey's Progress Towards Accession: 11-24, 58-63. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/turkey_progress_reports_en.pdf

European Commission, Regular Report. 2008. From the Commission on Turkey's Progress Towards Accession: 11-28, 66-71. Available at: http://ec.europa.eu/enlargement/pdf/press_corner/key-documents/reports_nov_2008/turkey_progress_report_en.pdf

European Commission, Regular Report. 2009. From the Commission on Turkey's Progress Towards Accession: 13-31, 69-73. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2009/tr_rapport_2009_en.pdf

European Commission, Regular Report. 2010. From the Commission on Turkey's Progress Towards Accession: 16-36, 75-80. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/tr_rapport_2010_en.pdf

European Commission, Regular Report. 2011. From the Commission on Turkey's Progress Towards Accession:5-20, 84-89. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf

European Commission, Regular Report. 2012. From the Commission on Turkey's Progress Towards Accession: 18-35, 70-75. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/tr_rapport_2012_en.pdf

Europa Summaries of EU Legislation, Partnership for the Accession of Turkey, http://europa.eu/legislation_summaries/enlargement/ongoing_enlargement/community_acquis_turkey/e40111_en.htm

European Commission. 2013. Taxation and Customs Union. Turkey: Customs Union and Preferential Arrangements. Available at: http://ec.europa.eu/taxation_customs/customs/customs_duties/rules_origin/customs_unions/article_414_en.htm

Gorvett, Jon. 2002. "Human Rights, Cyprus Issues Loom over Turkey's EU Aspirations" *Washington Report on Middle East Affairs,* 21(1). Available at: http://www.wrmea.com/component/content/article/236/4013-human-rights-cyprus-issues-loom-over-turkeys-eu-aspirations.html

Grabbe, Heather. 1999. "A Partnership for Accession? The Implications of EU Conditionality for the Central and East European Applicants" *Robert Schuman Centre Working Paper 12/99 San Domenico di Fiesole (FI): European University Institute*: 1-34.

Grabbe, Heather. 2002. "European Union Conditionality and the Acquis Communautaire." *International Political Science Review / Revue internationale de science politique* 23(3): 249-68.

Grabbe, Heather. 2006. *The EU's Transformative Power: Europeanization through Conditionality in Central and Eastern Europe*. Edited by Michelle Egan, Neill Nugent and William Paterson. New York, Palgrave Macmillan.

Güney, Aylin, and Petek Karatekelioğlu. 2005. "Turkey's EU Candidacy and Civil Military Relations: Challenges and Prospects." *Armed Forces & Society* 31(3): 439-62.

Hicks, Neil. 2001. "Legislative Reform in Turkey and European Human Rights Mechanisms", *Human Rights Review*, 3(1): 78-85.

Hughes, James, Gwendolyn Sasse, and Claire Gordon. 2004a. "Conditionality and Compliance in the EU's Eastward Enlargement: Regional Policy and the Reform of Sub-National Government." *Journal of Common Market Studies* 42(3): 523- 51.

Hughes, James, Gwendolyn Sasse, and Claire Gordon. 2004b. *Europeanization and Regionalization in the EU's Enlargement to Central and Eastern Europe: The Myth of Conditionality.* Palgrave: Basingstoke:1-17.

Human Rights Watch. 1999. "Turkey: Human Rights Developments", World Report. Available at: http://www.hrw.org/legacy/wr2k/Eca-20.htm

Human Rights Watch. 2001. Turkey- Human Rights Developments Report, Available at http://www.hrw.org/legacy/wr2k2/europe19.html

Hunt, Lynn. 2007. Inventing Human Rights: A History, w.w Norton & Company Inc., New York, 2007: 1-20.

Hürriyet. 2000. "Yılmaz to be Minister for EU Affairs", *Daily News.* Available at: http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=yilmaz-to-be-minister-for-eu-affairs-2000-07-13.

Hürriyet. 2004. "Tarihi Ziyaret". Available at: http://arama.hurriyet.com.tr/arsivnews.aspx?id=196152.

Hyde-Price, Adrian. 2006. '"Normative" power Europe: a realist critique', Journal of European Public Policy 13(2): 217-234; cf. James Hughes, Gwendolyn Sasse and Claire Gordon, *Europeanization and Regionalization in the EU's Enlargement to Central and Eastern Europe: The Myth of Conditionality*, Palgrave Macmillan, (2004): 3. In Agné, Hans. 2009. "European Union Conditionality: Coercion or Voluntary Adaptation?" *Alternatives: Turkish Journal of International Relations* 8(1): 2.

Kelley, Judith. 2004. "International Actors on the Domestic Scene: Membership Conditionality and Socialization by International Institutions " *International Organization* 58(3): 425-57.

Kohen, Sami. 1999. "Avrupalı Olmak." *Milliyet*.

Kopecky, Petr, and Cas Mudde. 2000. "What Has Eastern Europe Taught Us About the Democratisation Literature (and Vice Versa)?" *European Journal of Political Research* 37: 517-39.

Kubicek, Paul. 2003a. *The European Union and Democratization*. New York, Routledge.

Kubicek Paul. 2003b. "International Norms, The European Union, and Democratization: Tentative Theory and Evidence", Kubicek (ed), *The European Union and Democratization,* Routledge: 1-17.

Külahçı, Erol. 2005. "EU Political Conditionality and Parties in Government: Human Rights and the Quest for Turkish Transformation", *Journal of Southern Europe and the Balkans*, 7(3): 387-402.

Linden, Ronald H. 2002. "Conclusion: International Organizations and East Europe-Bringing Parallel Tracks Together." *In Normas and Nannies: The Impacy of International Organizations on the Central and Eastern European Countries* edited by Ronald H. Linden, Lanham, Md, Rowman and Littlefield Publishers: 369-82.

Moravcsik, Andrew, and Anna Milada Vachudova. 2003. "National Interest, State Power, and EU Enlargement." *East European Politics and Societies* 17(1): 42-57.

Müftüler-Bac, Meltem and Lauren M. McLaren. 2003. "Enlargement Preferences and Policy-Making in the European Union: Impacts on Turkey" in *Journal of European Integration*, 25(1): 17-30.

Nowak, Manfred. 1999. "Human Rights 'Conditionality' in Relation to Entry to, and Full Participation in, the EU" in Alston, Phillip ed. *The EU and Human Rights*. Oxford, Oxford University: 687-99.

Öniş, Ziya. 2003. "Domestic Politics, International Norms and Challenges to the State: Turkey- EU Relations in the post- Helsinki Era". *Turkish Studies*, Routledge, 4(1): 9-34.

Pridham, George. 2002. "European Integration and Democratic Consolidation in Southern Europe." In *Southern Europe and the Making of the European Union, 1945-1980s*, edited by A. C. Pinto and N. S. Teixeira, Columbia University Press: 183-207.

Pridham, Geoffrey. 2008. "The EU's Political Conditionality and Post- Accession Tendencies: Comparisons from Slovakia and Latvia." *Journal of Common Market Studies* 46(2): 365-87.

Radikal Türkiye. 2012. "Engin Çeber Davasında 3 Müebbet" Available at: http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1102414&CategoryID=77

Republic of Turkey Ministry of Foreign Affairs. 2013. "The Right of Women, Gender Equality and Struggle with Violence Against Women." Available at: http://www.mfa.gov.tr/the-right-of-women_-gender-equality-and-struggle-with-violence-against-women.en.mfa

Republic of Turkey Ministry of Foreign Affairs. 2010. " Relations Between Turkey and the European Union." Available at: http://eski.mfa.gov.tr/relations-between-turkey-and-the-european-union.en.mfa

Rex, Martin. 1980. " Human Rights and Civil Rights" *Philosophical Studies* 37: 391-403.

Schimmelfennig, Frank. 2002. "Introduction: Conceptual and Theoretical Issues." In *Norms and Nannies: The Impact of International Organizations on the Central and Eastern European States*, edited by Ronald H. Linden, Lanham, Md, Rowman & Littlefield Publishers: 1-29.

Schimmelfennig, Frank, Stefan Engert, and Heiko Knobel. 2003. "Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey." *Journal of Common Market Studies* 4(3): 495-518.

Schimmelfennig, Frank. 2005. "The Impact of EU Political Conditionality." In *The Europeanization of Central and Eastern Europe*, edited by Frank Schimmelfennig and Ulrich Sedelmeier, New York: Cornell University Press: 29-50.

Smith Karen. 2004. "The Evolution and the Application of EU Membership Conditionality" in M. Cremona (ed), *The Future of Europe: Integration and Enlargement*, Routledge: 113-115.

Smith, Karen. 2005. "The Outsiders: the European Neighbourhood Policy" *International Affairs* 81(4): 763-765.

Smith, Thomas W. 2003. "The Politics of Conditionality: The European Union and Human Rights Reform in Turkey." In *The European Union and Democratization*, edited by Paul Kubicek, London and New York, Routledge: 111-31.

Sugden, Jonathan. 2004. "Leverage in Theory and Practice: Human Rights and Turkey's EU Candidacy". In Uğur Mehmet, Nergis Canefe, "*Turkey and European Integration: Accession Prospects and Issues"*, Routledge Taylor and Francis Group, London: 241-276.

The Copenhagen European Council, 21-22 June 1993. Available at : http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/72921.pdf

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Council of Europe. 2000. Report to the Turkish Government on the visit to Turkey. Available at: http://www.cpt.coe.int/documents/tur/2001-25-inf-eng.htm#_Toc499366850

Tocci, Nathalie. 2005. "Europeanization in Turkey: Trigger or Anchor for Reform?", *South European Society & Politics*, Vol. 10, No. 1: 73-83.

Türkiye Cumhuriyeti Avrupa Birliği Bakanlığı. 2007. AB Bilgi Merkezinde, AB Fonlari - Sistem Nasil Işliyor Bilgilendirme Toplantisi. Available at: http://www.abgs.gov.tr/index.php?p=40931&l=1

Ulusoy, Kıvanç. 2005. "Turkey's Reform Effort Reconsidered, 1987-2004", *European University Institute, Robert Schuman Centre For Advanced Studies Mediterranean Programme Series*, EUI Working Paper RSCAS 2005/28, Florence: 1-18.

Uğur, Mehmet, and Dilek Yankaya. 2008. "Policy Entrepreneurship, Policy Opportunism, and EU Conditionality: The Akp and Tusiad Experience in Turkey." *Governance: an International Journal of Policy, Administration, and Institution* 21(4): 581-601.

Uğur Mehmet, and Nergis Canefe. 2004. *Turkey and European Integration: Accession Prospects and Issues*, Routledge Taylor and Francis Group, London: 255-56.

Vachudova, Anna Milada. 2001. "The Leverage of International Institutions on Democratizing States: Eastern Europe and the European Union." *European University Institute Working Papers*: 3-42.

Vachudova, Anna Milada. 2005. *Europe Undivided: Democracy, Leverage, and Integration after Communism*.

Villaverde, Jesús A. 1998. "Turkey and the EU: an Endless Hurdle-Race", *Perceptions Journal of International Affairs*,3(3). Available at: http://sam.gov.tr/wp-content/uploads/2012/02/JesusNunezVillaverde.pdf

Walter, Christian. 2007. "Part I: The Notion of European Fundamental Rights and Freedoms" In Ehlers, Dirk. *European Fundamental Rights and Freedoms*, Hubert & Co., Berlin: 1-23.

Zalewski Piotr. 2004. "Sticks, carrots and great expectations: Human rights conditionality and Turkey's path towards membership of the European Union" *CEPS Working Document, Center for International Relations*: 1-39.