



WORKING GROUP B

AN ASSESSMENT OF EUROPE'S CATALYST ROLE, EAST AND SOUTH

Protection of Human Rights in the South. Europe as a catalyst.

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Turkey is a negotiating country for membership with the European Union since 2005. A summary of Turkish experience in the field of Human Rights and the process of elections is given in the following paragraphs

Human Rights

Since the foundation of the Republic of Turkey Europe played a catalyst role in the protection of human rights. In the Lausanne Treaty of 1923 the Turkish Government undertook to assure full protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion. Turkish nationals belonging to non-Muslim minorities would enjoy the same civil and political rights as Muslims. The Turkish Republic was founded as a secular state. The Swiss Civil Code was adopted as the Turkish Civil Law in 1926. Personal, family and other civil matters could be regulated in a modern legal framework. In the 1930's women obtained the voting right in the elections. Turkey joined the Council of Europe in 1949. Turkey became a party to the Convention on Human Rights and Fundamental Freedoms of 1950. Turkey took a further step and became an Associate Member of the European Economic Community in 1963. In 1987 Turkey applied to become a full member of the European Union. At that time Turkey had the legal infrastructure in line with the European standards. However, because of the Cold War conditions some of the legislation was left behind European norms. Therefore it was necessary to make some legislative adjustments to fulfil the Copenhagen political criteria of the European Union. That is why Turkey launched a comprehensive harmonization process. The Turkish Parliament passed a comprehensive package of constitutional amendments. The death penalty was abolished. These harmonization packages changed the existing legislation to broaden the freedom of expression, the freedom of the press, strengthen the freedom of association, assembly and demonstration, expand cultural rights, reinforce gender equality.

Elections in Turkey:

Elections constitute a continuous process in the political life of a country. They show the fluctuations that the country undergoes. Each consecutive election comes to add to the development of the country. The Turkish case is a good illustration of this phenomenon.

The first multi-party elections were held in 1946 and the ruling Republican People's Party was the winner. But it was already clear that the people in the countryside were going to influence the political process. Consequently, in the 1950 elections the opposition Democratic Party had a landslide victory; they benefited from the reaction to the elitist, bureaucratic administration in Ankara. After they won the 1954 and 1957 elections the Democratic Party got heavy-handed. A military intervention came in 1960. A new Constitution was designed to prevent strong party rule; a Senate and a Constitutional Court were established. It was a liberal Constitution. This time, the measures made it difficult to govern. Shaky coalition governments, chaos and street battles between extreme right and left followed. The military intervened again to stop the bloodshed. This time a new Constitution was adopted to prevent the abuse of the liberal political process. The Electoral Law had a threshold of 10%.

The 22 July elections in Turkey gave a victory to the Justice and Development Party in power. The elections also reflected the tremendous urbanization in the country. Major cities doubled their population; internal market and civil society developed.

After the elections again the question of a new Constitution came to the fore. The government party initiated a move to draft a new Constitution. Many people thought that the 1982 Constitution promulgated following the military rule had to be replaced. It was already amended several times, mostly to suit the Copenhagen criteria of the European Union. At this juncture, participatory democracy is required; Civil Society demands that the new Constitution be prepared with the participation of all the segments of society.