

## **Civil Society Organizations, Social Partners and Turkey-EU Accession Process**

### **Report for the Turkey-EU Joint Consultative Committee Meeting**

#### **1. CSOs and Turkey-EU Relations**

1.1. The EU attaches great importance to civil society organizations (CSO) as actors of the democratic process and agencies of engagement with the society. Article 11 of the Lisbon Treaty commits the institutions of the EU with the task of consulting citizens and their representative organizations in all areas of EU action and sustaining an “open, transparent and regular dialogue” with them.

1.2. CSOs have also acquired a critical role in Turkey’s EU accession process. The European Commission’s recommendation to open accession negotiations with Turkey placed a strong emphasis on civil society dialogue while the negotiating framework of 2005 included a strong and inclusive civil society dialogue under the third pillar of the accession process. The aim would be to bring the peoples of Europe and Turkey together, generate mutual understanding, and establish the basis of close cooperation between them.

1.3. CSOs in Turkey have benefited from the EU accession process both in terms of political reforms which amended Law of Associations in 2004 and 2008 and thereby enlarged the scope of freedoms and right of association and in terms of financial assistance under civil society dialogue programs which helped with capacity building. According to a report by Turkey’s Third Sector Foundation, total number of associations and foundations was 116,945 in 2017 and 13.6 % of the population were members of CSOs.

1.4. CSOs fulfill several different functions in Turkey’s EU accession process. Firstly, CSOs act as norm entrepreneurs by facilitating dissemination and internalization of

European norms and values through their activities. They help to establish bridges with the EU civil society especially through engagement in joint projects. They also make an input into the policy-making process by expressing their views and approaches on specific issues. They have a double-sided relationship with state institutions, acting as partners in facilitating the EU process and also closely monitoring the advancement of relations.

1.5. According to latest statistics<sup>1</sup>, of 13,411,983 workers within the framework of Law number 6356, 1,859,038 are members of labor unions showing an increase from 12.38 % to 13.86% of the workforce.

1.6. In 5 June 2002 CSOs in Turkey led by Union of Chambers and Commodity Exchanges of Turkey (TOBB) and Economic Development Foundation created a platform supporting the start of Turkey's EU membership negotiations. The platform members met in Istanbul and Brussels and also involved their counterparts in the EU Member States in this endeavor. The Turkey platform coordinated the views of 260 CSOs and issued a joint declaration stating that "Turkey's place is in Europe". The Platform also met in 10.12.2004 just before the European Council and gave a strong message in favor of the start of accession negotiations. In 2011 the Turkey platform met once again protesting the stalemate in Turkey's accession negotiations and called on both the EU and Turkish government to accelerate Turkey's EU negotiations. Their message was: "We call upon both the EU and our government and political parties to make a substantive reassessment of this issue and we declare: Think about the next generations, not the next elections!".

1.7. During Turkey's Presidency of the G20 in 2015, CSOs played an important function both in the C20, B20 and L20 processes. Organizations from 91 countries around the world, representing close to 500 civil society organizations and almost 5,000 individuals, worked together for 18 months to engage with G20 governments on some of the critical issues facing today's world. The C20 process for 2015 identified four key

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<sup>1</sup> Figures published in the Official Journal by the Ministry of Family, Employment and Social Affairs

issues through a participatory online consultation process: Inclusive Growth, Gender Equality, Governance (with a focus on International Taxation and Anti-Corruption) Sustainability. Four C20 working groups corresponding to these issues developed policy recommendations, which were refined through further national and international consultations, and finalised at the C20 Summit.<sup>2</sup>

1.7. Recently, the Ministry of Trade established a working group on Brexit and EU-Turkey Customs Union in order to provide research and opinions on the process and its impact on Turkey. The working group consisted of representatives of CSOs including business organizations. Such consultative processes are a healthy sign of participatory policy-making.

1.8. On 3 September 2018, Directorate for Associations was closed and left its place to the newly established Relations with Civil Society General Directorate<sup>3</sup> which is a positive development.

## **2. The Coup Attempt and Normalization After the State of Emergency**

2.1. The July 15, 2016 coup attempt in Turkey created a trauma in Turkish state and society and necessitated emergency measures to fight against the FETO organization and to relieve state organs, judiciary, education system, media, business and civil society from infiltration by members of this organization and to cut financial and ideological support mechanisms. The threat from terrorist organizations which surged as a result of the Syrian conflict coupled with the FETO organization resulted in a state of emergency which was finally lifted on 19 July 2018.

2.2. The Reform Action Group, made up of Ministers of the Interior, Justice, Foreign Affairs and Treasury, tasked with the coordination of Turkey's EU reforms, met twice in the recent period, in August and December of last year. The conclusions of the

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<sup>2</sup> C20 Turkey Communique, <https://civil-20.org/2019/wp-content/uploads/2019/01/2015-Turkey.pdf>

<sup>3</sup> Official Journal, 2 September 2018, no: 30534.

Reform Action group are promising with regard to a return to Turkey's EU reforms including the following steps:

- The adoption of a judicial reform strategy with the inclusion of all relevant actors including Turkey's judicial community and civil society and embodying principles of the Council of Europe and the EU as well as the judgments of the European court of Justice.

- alignment with EU standards and aiming to end the monitoring procedure of the Parliamentary Assembly of the Council of Europe.

- Increasing the effectiveness and efficiency of the judiciary by increasing the number of judges, prosecutors, and Courts of Appeal and implementation of targeted time periods in line with EU best practises.

- Strengthening the protection of fundamental rights by updating the Action Plan on the Prevention of the Violation of the European Convention on Human Rights.

- Strengthening the personnel, financial, technical and physical infrastructure of the Human Rights and Equality Institution.

- Expanding the competence of the Human Rights Compensation Commission,

- Increasing the effectiveness of alternative methods for settlement of disputes,

- Taking of measures for the effective protection of the right to presumption of innocence by a preliminary evaluation before investigation.

2.3. The Turkish side of the Joint Consultative Committee continued to act as a responsible interlocutor engaging both with public and private actors. They took initiative in the resolution of societal and economic issues such as the employment mobilization initiative of TOBB.

### **3. Conclusions and Recommendations**

3.1. The stalemate in Turkey's EU accession process also impacted on the Turkish CSOs. The blocking of the opening of Chapters 23 and 24 directly works against the interests of CSOs in Turkey. Chapter 23 on judiciary and fundamental rights concerns

important issues such as rule of law, independence of the judiciary and rights and freedoms which are very critical for the autonomy and effectiveness of CSOs. The opening of these chapters could support the acceleration of the reform process in Turkey in these areas. It is paradoxical that EU does not intend to open these chapters the effect of which would clearly be a considerable improvement regarding these issues and creating a more susceptible environment for CSOs.

3.2. An acceleration of Turkey's accession process would greatly enhance the legal and institutional environment that CSOs operate in. Therefore we would urge the EU and the Economic and Social Committee to espouse a candid approach to Turkey and support the opening of new chapters especially 23 and 24.

3.3. Freedom of movement is another area which is of concern for CSOs. The continuation of the visa requirement for Turkish citizens constitutes a significant barrier to civil society dialogue. Turkey has already completed 66 of the 72 criteria included in the visa liberalization roadmap of 2013. It is also observed that several member states have made the visa application process even harder. An example is when 12 EU Information Center Coordinators applying for a visa to the Consulate of one of the Member States for a study trip on the basis of a letter from the Head of the EU Delegation in Turkey received visas for a total of 4 days. The visa not only creates an economic burden or time delays but also has psychological significance leading to a feeling of exclusion from Europe. We would urge the Economic and Social Committee to support this process.

3.4. According to latest figures published in 21 March 2019, registered Syrian refugees in Turkey numbered 3,651,635 persons, an increase of 7293 from the previous month. 45.7% of Syrians are in the 0-18 age range. According to statistics published by the Ministry of Family, Employment and Social Services on 15 November 2018, 32,199 Syrians under temporary protection in Turkey have work permits. However the official figures are estimated to be much above this figure. Turkish workers have mostly welcomed Syrians and no major disturbances or hate crimes occurred between the host community and the refugees. CSOs also play a significant role in providing

services and assistance to Syrians including vocational training courses. It is important for the EU to continue and upgrade its burden-sharing with Turkey.

3.5. The recent local elections have shown the resilience of the democratic process in Turkey. CSOs are a very important part of this process and increase their effectiveness year by year. We would recommend the EU to increase the funds going to Turkish CSOs and expand the scope of NGOs that benefit from EU funds.