

*A STUDY OF TURKEY'S ATTEMPTS TO FULFILL THE EU ACCESSION
REQUIREMENTS IN THE FIELDS OF HUMAN RIGHTS, POLICE
COOPERATION AND HUMAN RIGHTS TRAINING FOR THE POLICE*

*A THESIS SUBMITTED TO THE
INSTITUTE OF SOCIAL SCIENCES OF
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*BY
ELİF ÖZBAYKAL (ÖZDİLEK)*

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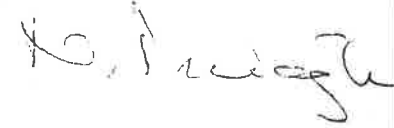
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ABSTRACT

During the history of Turkey-EU relations, there have been many milestones and historic events. There have been several internal changes within EU. The EU now gives priority to human rights and democratisation issues in their internal relationships. Thus for the candidate members, the prior requirement is respect for human rights and democratisation. The more the EU enlarges, the more problems will emerge. The EU does not want the new candidates to create problems for the Union. A high inflation and unemployment rate in a common market economy will create problems which will affect all member states. Minimum standards must be met for an effective deepening process in the future. Thus Turkey, to become a part of Europe, and also to meet the requirements of a global market, must not only solve its economic problems but must also resolve its problematic issues on human rights and democratisation. Reforms supporting the realisation of democratisation should be accelerated. The EU should observe impartiality towards Turkey. Financial aid in the form of donations (similar to Greece, Spain and Portugal) should be provided. Double standards should be avoided. The decisions taken at the Helsinki Summit created a calm atmosphere in Turkey. Further steps should now be taken.

In this study, I have tried to identify the Turkey-EU government's efforts and the progress achieved in accordance with the National Programme. As the nation's law enforcement officials, Police Cooperation is vital for the implementation of human rights. Hence, the European Police Organisation and its history, police and human rights in Turkey, and the significant role of 'education' in human rights in the accession period, will be discussed. 'Police Cooperation', both in the Political Criteria and Cooperation in the Justice and Home Affairs sections of the National Programme, will be analysed.

This study entitled 'Turkey's Attempts to Fulfill The EU Accession Requirements In The Fields Of Human Rights And Human Rights Training For The Police' elaborates the

approach of the European Union and Turkey to the concept of human rights and attempts to display the common and differing viewpoints.

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ABBREVIATIONS

CSIS	Central Schengen Information System
EC	European Community
ECHR	European Court of Human Rights
EDIU	EUROPOL Drugs Intelligence Unit
EDS	EUROPOL Drugs Service
EDU	EUROPOL Drug Unit
EEC	European Economic Community
EFTA	European Free Trade Area
ELEC	European Law Enforcement College
ELO	European Liaison Officer
ENU	European National Unit
EP	European Parliament
ESDP	European Security and Defence Policy
EU	European Union
EUROPOL	European Police Office
HR	Human Rights
IBIS	Integrated Ballistic Identification System
ILEA	International Law Enforcement Academy
INTERPOL	International Police Office
KA	Bundeskriminalamt
MERNIS	Central Population Management System
MT	Maastricht Treaty
NATO	North Atlantic Treaty Organisation
NCB	National Criminal Bureau
NCIS	National Crime Intelligence Service
NPAA	National Programme For the Adoption of the Acquis
OOPEC	Office for Official Publications of the European Communities
SEA	Single European Act
SIS	Schengen Information System
SSC	State Security Courts
TADOC	Turkey-EU Academy for Fighting Against Drug and Organized Crime
TAIEX	Technical Assistance on Implementation and Approximation of EU Legislation
TEU	Treaty on European Union
TREVI	Terrorism, Radicalism, Extremism, Violence, International
UN	United Nations
UNDCP	United Nations Drugs Control Programme
WCO	World Customs Organization

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CHAPTER I

INTRODUCTION

Background of the Study

Turkey-EU relations started on 31 July 1959, with Turkey's application for membership. Since then, for years, there had not been any desired improvements in the relationship. Then Turkey's destiny was affected by the internal dynamics of the EU. The EU enlarged from six to fifteen member states. Currently, twelve prospective members are ahead of Turkey on the accession to the EU.

The issue of enlargement created new impediments for Turkey. These not only arose from the reservations of the EU, but also resulted from military interventions in Turkey. However, the main issue now is how well Turkey will comply with the Copenhagen Criteria. One of these Criteria is 'the institutionalised practice for democracy and legal order, and protection of human rights'. Turkey-EU human rights practice undoubtedly will affect EU-Turkey relations.

In recent years, Turkey-EU relations improved after the Helsinki Summit. This Summit brought new obligations imposed by the Copenhagen Criteria. Unless Turkey meets these requirements she will not have the opportunity to become a part of the civilized western world. There are several reasons for Turkey not being accepted as an EU member in the last forty years. These include economic, political, strategical, cultural and religious reasons. However the political reasons should be emphasised to understand the Copenhagen criteria. As mentioned before, 'Human Rights' criteria are among the main impediments for Turkey not being accepted as a full member state. The effects of human rights practice in Turkey mostly became apparent after the military intervention in 1980. The European Parliament suspended the relationship at that time because of illegal arrests and detentions. The relationship was suspended subject to elections being held and a new parliament being established. Thus the relations were '*de facto*' frozen.

At this same time, Greece had experienced similar events. She also had a military intervention but returned to a democratic regime and recovered from the burdens of military rule in a relatively shorter time.

Turkey was given the chance to return to a democratic regime and act on the principles of 'Human Rights'. The relations resumed after 16 September 1986. Turkey then applied for full membership on 14 April 1987. However, two years after the application, in 1989, the European Community Commission refused the application, stating that they wouldn't accept any members until 1993, as they were working on needed social and political guidelines. Among these guidelines human rights and democratization were regarded as the priority issues for improvement.

Prejudices about Turkey's practice on 'abuse of human rights' has been the most challenging obstacle to membership, especially in the 1990s, and this has helped the Greek policies to develop. As Ali Tigr el mentioned in one of his speeches, 'It is not just a coincidence that in all international committees, at least one Greek member always exists'.

In reports of NGOs (such as Amnesty International), Turkey was mentioned due to its abuse of human rights. The reports claimed increasing terrorism, illegal actions of security forces in South-Eastern Anatolia and torture, all to be common in Turkey. These were viewed to be impediments to accession to the EU.

Nothing had been mentioned regarding 'Human Rights' in the original Rome Treaty; the emphasis on democratization and human rights were added in the Treaty on European Union (TEU). An attachment to this document, 'Developmental Cooperation' (Part 17, Article 130) states that, in relations with developing countries, with the principles of democracy and the rule of law, human rights and recognition of basic freedoms should be accepted as the Policy of the Community. The Copenhagen summit further clarified the requirements for accession. The Copenhagen Criteria were

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created on 21-22 June, 1993. The following three requirements for the members and the candidate members were listed:

1. Having a European Identity and a democratic regime,
2. Having permanent institutions respecting human and minority rights,
3. Having capacity to compete in European capital market economy and to adapt policies such as political, economic and monetary union.

The EU gives priority to human rights and democratization issues in their internal relationships. Thus for the candidate members the prior requirement is to respect for human rights and democratization. The more the EU enlarges, the more problems will evolve. The EU does not want the new candidates to create problems for the Union. A high inflation and unemployment rate in a common market economy will create problems which will affect all member states. So minimum standards should be met for an effective deepening process in a near future.¹

The Luxembourg Summit on 12 December 1997 involved the enlargement policies and listed eleven states as candidate members. (Czech Republic, Slovakia, Hungary, Slovenia, Poland, Bulgaria, Romania, Estonia, Latvia, Lithuania and Cyprus).

For the candidate membership negotiations to commence, the Copenhagen Criteria should be met. Thus, Turkey should resolve its major problems of abuse of human rights and terrorism in its accession to the EU. In the light of the background information given above, the future efforts for achieving full membership will be discussed in this study.²

¹ 'The Human Union's Human Rights Policy,' (<http://europa.eu.int>)

² The External Dimension of Human Rights Policy From Rome to Maastricht and Beyond,' (http://europa.eu.int/comm/dg1a/human_rights_dimension/intro.htm)

Purpose Of The Study

In this study I would like to emphasise the significant efforts Turkey-EU institutions are making to achieve accession to the European Union, following announcement of Turkey's candidate membership status. The requirements to be realised in the short and medium terms, the steps already taken and the future steps will be explored in depth.

I would also like to emphasize that ; 'The improvement of human rights and Police Cooperation issues' are important components of Turkey's obligations to gain acceptance into the EU. The main documents enumerating these obligations are the Accession Partnership Document (APD), created by the EU, and the Turkey-EU National Programme for the Adoption of the Acquis, prepared by Turkey to achieve compliance with the APD, and referred to as the National Programme. These documents set forth the short term goals, to be attained in 2001, and also the medium term requirements.

It is paradoxical that the criteria to be achieved in the sense of Police Cooperation and Human Rights Training For the Police is not a handicap for EU accession but a positive step forward. Progress Report 2001 and Strategy Document 2001 stated that Human Rights Training For the Law Enforcement Officials and the implementation of the Universal Principles of Human Rights were Turkey's short term obligations that are positively evaluated as an improvement for EU accession. Alignment with the international standards, review of the related acts, re-drafting considered to be actualised in the short term in the sense of these obligations.

Follow-ups on the National Programme are required to determine where Turkey stands now and where she will be in the medium term. It is a dynamic process. Thus it is not easy to keep track of all the developments. This is however a recent study (October 2001) which may serve as a source for future research.

CHAPTER 2

EUROPEAN UNION

History of European Integration

The European states, to compensate for the damages of World War II and to restructure Europe with a stronger economy, attempted to unite Europe. The European Coal and Steel Community. Paris Treaty – 1951 was the first step in unification.³

European countries first sacrificed a portion of their national sovereignty to a 'supranational organ' by forming the European Coal and Steel Community. Thus sectoral cooperation was targeted at the start.⁴ Subsequently; unification has expanded with establishment of the 'European Economic Community' that created a Common Market, then came the 'European Community' in which the focus moved beyond Economic cooperation and, finally, with the Maastrich Treaty it became 'European Union'. The names of the unification stages represent the different scopes and contents of unification.⁵

The initial alliance was composed of six European countries (France, Germany, Italy, Holland, Belgium, Luxembourg) and brought new dimension to International Relations. In 1957, these six countries convened in Rome, where they signed the Rome Treaty for the establishment of European Economic Community and EURATOM. The process continued with first enlargement in 1973, when England, Denmark and Ireland joined, and then a second enlargement in 1981, including Greece then in 1986 Portugal and

³ Haluk Günuğur, 'Avrupa Birliğı Bütünleşmesinin Tarihsel Gelişimi: Dünü, Bugünü, Yarını,' Avrupa Birliğı El Kitabı içinde, M.Özdemir ve S.Altınışık (eds), T.C. Merkez Bankası, Ankara, 1995, s.14-15

⁴ TC Başbakanlık Hazine ve Dış Ticaret Müsteşarlığı Yayınları, Ankara, 1991, s.5; Rıdvan Karluk, Avrupa Toplulukları ve Türkiye, Bilim Teknik Yayınevi, Ankara 1990, s.2.

⁵ Haluk Günuğur, 'Avrupa Birliğı Bütünleşmesinin Tarihsel Gelişimi, 'Dünü, Bugünü, Yarını', Avrupa Birliğı El Kitabı içinde, M.Özdemir ve S.Altınışık(eds), T.C Merkez Bankası, Ankara 1995, s.14)

Spain, and a third enlargement in 1995 which added Sweden, Finland and Austria. The number of countries in the Community increased to fifteen. These communities had structural changes in time. The emphasis and priorities also changed. The tendency moved from the economic integration to political and social integration. The parameters of the changing world and balances, as a result of restructuring, caused the European Economic Community (EEC) to become the 'European Community' through the 'Single European Act' in 1986. The elimination of the word 'economic' reveals the fact that the balances are changing in Europe.⁶

Political Integration

The European Communities had a turning point in 1991 with the Maastricht Treaty.⁷ This Summit was at the presidential and ministerial level. It is recognised as a radical change in European history. The ultimate goal of an European Community (EC), which focused on 'Economic Integration', changed to 'Political Integration'. The EC became the 'European Union'. Before the Maastricht Treaty, the European Movement was uni-dimensional. After Maastricht it acquired two more dimensions. The classical dimension was as the 'Common Market'. The two new dimensions were; creation of 'Common Policies' aiming a closer union, particularly with respect to political and social integration and secondly in the field of 'Justice and Home Affairs'.⁸ 'Common Policies' envisaged cooperation in Foreign Affairs and Security. The idea was new and the instruments and mechanisms to implement the common policies have not been created yet. However, the decisions taken on these new dimensions are political, and still international as opposed to supranational, the consent of each member state being required for a decision to be taken, in contrast to the decisions taken on the classical economic dimension, which are supranational, meaning that there is no need for the approval of individual member states because the EU decision is above that of the nation states.

⁶ Veysel Bozkurt, *Avrupa Birliği ve Türkiye*, Alfa yayınları, İstanbul, 1997, s.68-69

⁷ Treaty on European Union, Council and Commission of the European Communities, OOOPEC, Luxembourg 1992)

⁸ <http://europa.eu.int>)

Economic Integration

Neo-functionalist theory stipulates that; 'The political integration should be based on economic integration'. It starts with a Free Trade Area, which is a loose economic integration, which implies the abolition of quotas in trade between the member states. The Common Market means the creation of a market with no-tariffs among the member states. Then 'Customs Union' which is a closer economic integration by abolition of customs duties and abolition of charges having an equivalent effect to customs union. Customs Union envisages the imposition of CET 'Common External Tariff' for the third countries.⁹ Functional theory then stipulates free movement of goods¹⁰ followed by the provision of four freedoms: free movement of goods, persons, services and capital¹¹ which is the creation of a single market. For a healthy economic integration, economic union, as well as monetary union should be realised. Monetary Union requires a Common Central Bank and European Currency Union. One step further, political union envisages Economic Union, European Citizenship and Common Foreign Security Policy. The ultimate stage targeted is the United States of Europe.¹²

Structure of European Union

The Union is supranational.¹³ member states transfer some of their national sovereignty to the EU institutions. All member states work in coordination to preserve their interests. 'Subsidiarity' is another principle, which is *sui generis* for European Union. The structure of the EU does not stem from a Constitution, but from the founding treaties and bilateral agreements among the member states. The laws are named with respect to their effects as binding and the objectives to be reached.

⁹ Günüğur, 'Avrupa Birliğı Kurucu Antlaşmaları, Gümrük Birliğı ve Tek Pazar (İç Pazar)', AB El kitabı içinde s.71

¹⁰ Rome Treaty 9/37

¹¹ Rome Treaty Article 9/73

¹² Profile 2001, Türkiye-AB İlişkileri – EKO sayfa 6-7

¹³ Haluk Günüğur, Avrupa Topluluğı Hukuku, Eğitim Yayınları, Ankara, 1993, s.16-19)

Organisation of the European Union is evolutionary. It is designed in a sense that a gradual change is aimed at, and it has not taken its ultimate shape and design yet. The EU, similar to a nation state, is equipped with independent legislative, executive and judicial organs. These organs are not limited with the organs of European Economic Community in Rome Treaty. Changing needs created new institutions:

a) Basic Structural Institutions: These are *sine qua non* institutions and are necessary for the EU system to operate. These institutions exert supranational powers. They are necessary for the effectiveness and efficiency of the society and its existence. Basic Structural Institutions are the European Council, Commission, European Parliament, European Court of Justice and European Court of Auditors.

b) Functional Institutions: These institutions are not *sine qua non* institutions but are necessary for the improvement of the social and/or economic structures of society. Functional Institutions are the European Social Fund, European Investment Bank, European Fund for Development, Economic Social Committee, Committees of the Regions, European Agency of Environment and EUROPOL. It is important to position the European Police Office in the European Union Structure.

Enlargement Process in European Union

The milestones of the EU commence from creation of the European Coal & Steel Community, which was composed of France, Germany, Italy, Holland, Belgium and Luxembourg. The Rome Treaty envisaged economic integration.¹⁴ In 1957 the same states established the European Economic Community and the European Atomic Energy (EURATOM) by Treaty of Rome. Hence, with these three founding treaties, the European Community was established. The Treaty of Rome gave all European States the right to be a member of the EC.¹⁵

¹⁴ 'A More Democratic European Union', Human Rights, Democracy and Fundamental Freedoms,' (<http://europa.eu.int>).

¹⁵ Rome Treaty, Article 237(1)

In 1973, the EU expanded towards the North-West. Britain, Ireland and Denmark became members. In 1981 Greece, and in 1986 Spain and Portugal, enlarged the EU to the south. Once more enlargement *de facto* occurred with the unification of West- and East Germany, lastly, in 1995, with the inclusion of Austria, Sweden and Finland, the EU enlarged to the north and the total number of member states reached fifteen.¹⁶ Each enlargement in the EU influenced the decision mechanism and common policy determination. In accordance with needs of the Community, the policies and intentions were revised. 1993 was an important year for the new candidate members. At the Copenhagen Summit in June significant decisions were taken regarding future expansion. The criteria for candidate members were determined. These criteria were broadened and revised in the Luxembourg, Cardiff and Vienna summits. Turkey's candidate membership has been screened in this framework (12-13 December 1997). The European Council, which is composed of the Heads of the State of the fifteen member states, met in Luxembourg to discuss the enlargement of the European Union, more specifically the applications for membership to the EU made by ten countries from Central and Eastern Europe. The countries were Bulgaria, the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Romania, Slovakia and Slovenia.

The European Council decided to commence the enlargement process, thus finally bringing an end to past divisions and prevention of conflicts between those countries. They were assigned the task of approximating their legislation to the EU standards. The other candidate states would have the right to launch accession negotiations as soon as they reached the right level of readiness. On the other hand the EU promised to help all the applicant states in the process of preparing for membership in the EU by a series of practical measures.¹⁷

The important issue to point out is that all applicant states are on an equal footing in the enlargement process but each of them will proceed at its own pace, depending on its

¹⁶ Turkey-EU Relations-Profile 2001, European Consultancy Center.

¹⁷ Turkey-EU Relations, European Economic Consultancy Center Ankara 2001)

degree of readiness. However, the EU, in progress reports, details applicant states' progress on the path towards acceptance.

CHAPTER 3

TURKEY-EU RELATIONS

Nineteen months after the Treaty of Rome (1957), the Turkey-EU government, with reference to Article 238 of the Treaty, applied for associate membership. There are two dimensions in Turkey-EU Relations. First is the dimension of 'classical associate membership'. Second is the 'exceptional dimension' which is Turkey's application for full membership in 1987 as a 'political decision'. Associate membership application was agreed by the EU on 11 September 1959.¹⁸

Associate membership is entirely different from full membership. Associate membership is limited with the treaties signed. Those kinds of cooperation may mean a limited accession to EU. On the other hand full membership requires having equal economic competency with other member states and also having the capacity to compete with other member states' economies. Hence, the Ankara Agreement (1963) is an association agreement. In terms of Article 238 of the Treaty, it has been negotiated by the Community, signed by the parties and ratified by Turkey and the member states.¹⁹

According to Article 211, the aim of the Ankara Agreement is to 'promote the continuous and balanced strengthening of trade and economic relations between the parties while taking full account of the need to ensure an accelerated development of the Turkey-EU economy and to improve the level of employment and living standards of Turkey-EU citizens.

A timetable was given in the agreement scheduling the stages in the relationship: Preparatory Stage, Transitional Stage and Final Stage. Each stage comprises certain

¹⁸ Veysel Bozkurt, *Avrupa Birliği ve Türkiye*, Alfa yayınları, İstanbul.

¹⁹ Prof.Dr.Dominik LASOK-Marmara University European Community Institute year.

rights and obligations.²⁰ During the preparatory stage, Turkey shall, with aid from the Community, strengthen its economy so as to enable it to fulfill the obligations that will devolve upon it during transitional and final stages.²¹ The transition from preparatory stage to transitional stage shall be realised in accordance with Article 1 of the Provisional Protocol which provides that 'four years after the entry into force of the Agreement, the Association Council will examine the economic situation of Turkey and may decide by means of an additional protocol, how to proceed to the next stage.'²²

The transitional stage Article 4 entails mutual and balanced obligations to establish, progressively, a customs union between Turkey and the Community and to align the economic policies of Turkey and Community more closely, in order to ensure proper functioning of the Association, and the progress of joint measures which this requires. This stage should last no more than twelve years.²³ Though exceptions may be made by mutual agreements.

Article 6 and 7 were two specific provisions. Article 6 envisages the formation of an Association Council which is central to the working of the Agreement and its function is to take decisions to ensure the progressive implementation of its objectives whereas Article 7 mentions the 'Solidarity Principle' which in identical terms to Article 5 of the EEC Treaty, imposes two duties upon parties, to take appropriate measures to ensure fulfillment of the obligations arising from the Agreement and to refrain from taking any measures liable to jeopardise the attainment of the objectives of the Agreement.

Article 10 envisaged the elements of the Customs Union in the agreement and also mentioned external trade issues. There is no direct, automatic device to progress from the status of an associated state to full Community membership. A Political decision is needed and each status is governed by separate rules laid down in the founding treaties.

²⁰ Article 2 (3).

²¹ Article 3(1).

²² Article 1 of Provisional Protocol

²³ Article 4(2)

On the other hand, the Accession Agreement can be used as a step to accession. This intention is expressed in the terms of Article 28 that gives no guarantee but a chance for admission. It provides that 'as soon as the operation has progressed far enough to justify envisaging full acceptance by Turkey of the obligations arising out of the Treaty establishing the Community, the contracting parties shall examine the possibility of the accession of Turkey to the Community'. The obligations arising out of Treaties involve not only the founding treaties but also the criteria that was laid down with the recent summit meetings. It is also important to point out that association agreements are non-self-executing in other words, they do not come into operation automatically. They should be implemented and only then they may generate rights enforceable by individuals. Unless the Council realises the Agreement by transforming its provisions into the binding rules of law, it will remain as if only an expression of expectations or a scheduled action programme.

The report produced at the Luxembourg Summit caused suspension of Turkey-EU relations. Statements in the report (paragraph 35) causing this period of freeze are listed as follows:

- Reaching the standards of EU Human Rights
- Protecting and Respecting Minorities
- Resolution of Turkey-EU-Greek Dispute
- Political Resolution (in the sense of an UN decision) of the Cyprus issue.

Luxembourg decisions created tension and the Turkey-EU government decided not to have political dialogue with the EU. (14 December 1997 decisions). Two years after that political crisis, there was a positive turning point in the bilateral relationship. At the 11-12 December 1999 Helsinki Summit, a candidate partnership strategy for Turkey was agreed. Recognition of 'partnership status' brought a new dimension with the approval

of 'Accession Partnership Document'.²⁴ It was a proposal for a Council Decision that contained the priorities, boundaries and conditions in the Accession Partnership with the Republic of Turkey. The Copenhagen criteria was repeated once more in the 'principles' section:

- The candidate state has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities,
- The existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union,
- The ability to take on the obligation of membership, including adherence to the aims of political, economic and monetary union.²⁵

Incorporation of the *acquis* into legislation is emphasised. The Accession Partnership Document was a road map that would be approved at the Nice Summit by the EU, and be approved by creation of the National Programme by Turkey. Two timeframes were identified: Short term and medium term. Short term meant the end of 2001. The priorities listed under the medium term are expected to take more than one year to complete. Work should, wherever possible, also begin during 2001.²⁶

Certain freedoms directly related with human rights should be maintained in the short term, such as freedom of expression, freedom of association, necessary measures to reinforce the fight against torture practice to ensure compliance with the European Convention for the Prevention of Torture, alignment of legal procedures concerning pre-trial detention with the provisions of the European Convention on Human Rights, prevention of all violations of human rights, intensification of training on human rights issues for law enforcement officials, and, in mutual cooperation with individual countries and international organisations, maintain the *de facto* moratorium on capital punishment. There were also requirements for alignment in areas such as, economic criteria, internal market, taxation, fisheries, transport and statistics, employment and

²⁴ APD dated 8 November 2000 was approved in Nice Summit on 7-9 December 2000

²⁵ Accession Partnership Document 'principles' section.

social affairs, energy, telecommunications, regional policy and coordination of structural instruments, culture and audio-visual police, justice and home affairs, customs, reinforcement of administrative and judicial capacity.

For the medium term important provisions include:

- Review of the Turkey-EU Constitution
- Guaranteed full employment without discrimination
- Review of Turkey-EU Constitution and approximate as set forth in the European Convention for the Protection of Human Rights
- Abolition of death penalty, sign and ratify Protocol No.6 of the European Convention of Human Rights
- Adjust detention conditions in prisons to bring them in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners and other international norms.

In the 'Justice and Home Affairs' section the medium term expectations were:

- Adoption and implementation of the *acquis* of the EU in the field of corruption, the fight against drugs, organised crime and money laundering, and judicial cooperation in criminal and civil matters.

According to the Helsinki decisions, European Council re-affirms the content of accession process including 13 candidate members and re-affirms their equal participation. The enlargement process embraces all the applicant countries and places them equally, although each of them will proceed at its own pace.²⁷

According to the decisions taken, candidate members should share the values and objectives expressed in the EU Treaties. In this respect the European Council stressed the principle of peaceful settlement of disputes in accordance with the UN Charter and

²⁶ Accession Partnership Document Page 97

²⁷ Başbakanlık Sonuçları, Helsinki AB Konseyi 10-11 Aralık 1999 <http://www.eure.ptr.org.tr/>

urged the candidate states to make every effort to resolve any outstanding border disputes and other related issues.²⁸

If they fail to agree, they should within a reasonable time, bring the dispute to the International Court of Justice.²⁹ In addition to these, the Copenhagen criteria and their significance was once more emphasised. In short, it is not important how well Turkey meets the requirements, it mostly depends on the willingness of EU to accept Turkey.

The Copenhagen criteria were approved on 22 June 1993 at the Copenhagen Summit by EU Council of Ministers for the EU enlargement of Central and Eastern European countries and the requirements set out for full membership. Moreover, even if those candidate members met all the criteria, the capacity of EU to accept new members should separately be scrutinised.³⁰

The last article of Copenhagen criteria reveals the power of EU to approve or disapprove the candidate's membership. Thus, it can be concluded that the Copenhagen Criteria are a one-sided instrument which is effective for only EU members and not the other parties. Candidate members are urged to approximate their laws to EU legislation.

The EU has taken the decision on the accession process. Turkey-EU relations accelerated after the Helsinki Summit. Three years later, on 11 April 2000 in Luxembourg, the Association Council meeting was held and important decisions were taken.

Turkey's Responsibilities after Helsinki Summit:

The Luxembourg Summit (12-13 December 1997) did not include Turkey in the 'accession strategy' that was set out with the new enlargement movement, and conditioned Turkey's membership with specific political criteria.

²⁸ Başbakanlık Sonuçları Helsinki AB Konseyi 10-11 Aralık 1999

²⁹ Başbakanlık Sonuçları Helsinki AB Konseyi 10-11 Aralık 1999

³⁰ <http://www.eureptr.org.tr/kriterler.html>

The Cardiff Summit (15-16 June 1998) was an important step for Turkey's accession. According to the results of this Summit, the European Commission assigned Turkey to give regular reports to the EU and decided to monitor Turkey on the way to accession. The European Commission submitted its first report about Turkey at the 1998 Vienna Summit. The second report about Turkey's performances, in terms of the Copenhagen criteria was published on 13 October 1999. In this report it was stated that Turkey had made improvements to realise Customs Union.

As a result on 10-11 December in Helsinki, the Council of Ministers unanimously agreed to accord Turkey the status of candidate membership having the same rights with other candidates. However, accession negotiations did not begin on the ground that Turkey was not able to carry out the Copenhagen criteria. This was a significant development for Turkey.

Helsinki became an achievement and turning point regarding Turkey-EU relations. The text prepared after the Summit announced Turkey's candidate membership and stated the Council's decision to prepare a 'Pre-accession Strategy ' for Turkey to carry out the reforms required for full membership.

Moreover, Turkey was also given the opportunity, like all other candidates, to benefit from Community Programmes and to attend all meetings of other candidate countries. In addition to Copenhagen criteria, the economic and political criteria arising from Council Summits must also be taken into consideration. The EU expected Turkey to prepare a 'National Programme' indicating its plan to approximate the EU legislation *acqui communautaire*.

In the National Programme, the changes, adjustments, regulations and required institutions for *acqui* harmonisation, and also the financial need required to actualise those changes and preparations, were to be stated. In that context, the European Commission would also prepare an 'Accession Partnership Document' concerning the

tasks to be carried out by Turkey for the EU legislation harmonisation which will complement the 'National Programme'. The most crucial step to be taken is 'the adoption of *acquis communautaire*'. Adoption involves the processes of incorporation, implementation and execution. The steps taken in accordance with Customs Union and integration to the new world order together with the developments in Turkey-EU relations bring the necessity to make necessary adaptations, changes.

The collapse of the USSR urged the EU to revise and strengthen its status in the new world order. Some politicians could not perceive EU integration and perceived the EU as being part of Christian culture, and they viewed Customs Union as the final step of relations, and were hiding behind the Greek veto. When Turkey was not given a membership perspective, Cyprus negotiations were initiated in violation of international agreements. However, the EU realised the mistake they made after the Luxembourg Summit. The EU's announcement for Turkey's candidacy had other factors, too. The German government at that period also had a positive effect on this. The change of the government in Germany warmed the attitudes that resulted from the Helsinki Summit.

The Post- Helsinki Summit period was a time of acceleration in mutual relations. Turkey, now, is aware that she will have to fulfill the membership criteria and live up to the values that she shares as being part of the western world, such as pluralistic democracy, secularism and rule of law.

One of the presidency conclusions of the Nice European Council Meeting was the approval of Accession Partnership Document. As mentioned before, all details were scheduled and the road map was drawn in the Document for launching the partnership negotiations. To ensure thorough examination, eight sub-committees bound to the 'Partnership Committee' were formed.

On 11 April 2000, the decision to start negotiations to privatise public and service procurements between the parties were taken in the Turkey-EU Partnership Council.

First round was held on 17-18 October 2000 in Ankara. The Accession Partnership Document contains the provisions of the annual progress reports in the short and medium term.

The European Commission proposed a regulation on 26 July 2000 regarding the coordination of financial aid for the pre-accession and accession requirements, to be realised in a single framework with all other candidate members. This framework law is a legal document which determines the validity of the Accession Partnership Document, and the way to implement the Accession Partnership Document and set forth on what conditions the EU shall give financial aid in connection with the progress of Turkey towards accession.

The Accession Partnership is the core of the pre-accession strategy. The Commission decision stated that the Accession Partnership Document was prepared based upon the analysis made by the 'Turkey – 2000 Progress Report.' The same methods and gradual steps with the other candidates were applied. Hence, the Commission expected Turkey to prepare a 'National Report' by the end of 2000 that should be a promise to show in detail how the *acquis* would be adopted. Community assistance for financing the projects, through the pre-accession instruments for Turkey, is conditional on Turkey's compliance with its commitments.

The ground of Accession Partnership Document was laid upon the decisions taken to prepare an 'Accession Partnership Document' in the Helsinki Summit, with reference to conclusions of previous Council Meeting.

According to the decision, the document shall accompany with National Report to adopt *acquis*, to carry out the duties assigned for all candidate states and also to meet the requirements of economic and political criteria. Furthermore, regarding financial cooperation, the EU Council, in accordance with the decision taken in the 1997 Luxembourg Summit, prepared a framework law – modelled on the framework laws for

Eastern and Central European candidates, on 20 July 2000. This framework law aimed to support Turkey financially to overcome the difficulties experienced during her accession period.

The Accession Partnership Document, including short-term and medium-term objectives mentioned political, economic and social dimensions. Particularly, political criteria created disputes in Turkey-EU public opinion such as the Cyprus issue, Aegean problem, human rights, death penalty, South-East issue, broadcasting in mother-tongue, the status of the National Security Board ³¹ and the EU funds.

The EU, considering Turkey's proposals, made the amendments and revised the statements about the Cyprus and Aegean issues. However, the other topics to be revised were returned unchanged. The reason why some parts remained unchanged was that the EU, at the Nice Summit, had other internal issues to be discussed.

Presidency Conclusions of Nice European Council Meeting

Part II. Enlargement, Article 9 stated that;

'The European Council welcomes the progress made in implementing the pre-accession strategy for Turkey and is very pleased at the agreement reached on the framework law and on the Accession Partnership at the Council meeting on 4 December 2000.'

It highlights the importance of the Accession Partnership Document for closing relations between the European Union and Turkey, along the lines bounded by the Helsinki European Council conclusions. Turkey is asked to submit its National Programme for the Adoption of the Acquis, basing it on the Accession Partnership Document. Article 1 of the Conclusions clearly showed that the EU needed institutional reforms as well as enlargement process. In other words the more the EU enlarges, the

³¹ It is not only interested in internal security problems, but also in a wide range of problems, including issues on economy, education and health which is not up to the standards of the democratic regimes)

more they need to deepen because, starting as it did in 1957, the legislation and political structure were designed for developed countries. They now need some adjustments and modifications to meet the needs of the 'developing countries (candidate members)' and to make the mechanism work after the enlargement.

In order to discuss the 'National Programme', the important provisions of the Accession Partnership Document must be referenced. In the short-term (2001):

- Developing programmes to intensify training on human rights issues for law enforcement officials
- Strengthening opportunities for legal redress against all violation of human rights
- Aligning legal procedures concerning pre-trial detention
- Maintain the *de facto* moratorium on capital punishment
- Develop information and awareness programmes on the legislation and practice in the EU in the field of Justice and Home Affairs
- Enhance the fight against organised crimes, drug trafficking and corruption, and strengthen capacities to deal with money laundering.

In the medium term;

- Abolishing the death penalty (signing and ratifying Protocol No.6 of the European Convention on Human Rights)
- Adjustment of detention conditions in prisons to bring them in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners, and similar international norms
- Lifting the current state of emergency in the south-eastern Turkey
- Further development of Justice and Home Affairs institutions with a view in particular to ensuring the accountability of the police.
- Developing training programmes on Community Law and for implementation of the Justice and Home Affairs

- Lifting the geographical reservation to the 1951 Geneva Convention in the field of asylum and develop accommodation facilities and social support for refugees
- Continuing and strengthening of border management and prepare for full-implementation of the Schengen Convention
- Adoption and implementation of the *acquis* of the EU in the field of corruption, fight against drugs, organised crime, money laundering and judicial cooperation in criminal and civil matters and intensification of international cooperation in those fields.

It is important to point out the significance of adoption of the EU *acquis* on Justice and Home Affairs.

Acquis Communautaire is the consolidation of all legal instruments, policies, legal framework, institutional structure of the EU. The EU Commission prioritised the cooperation on the fight against organised crimes, drug addiction and drug trafficking, corruption and money laundering, immigration and customs issues. The EU *acquis* in the field of Justice and Home Affairs is different from other fields. There are many tasks to carry out in the EU *acquis* in this field during the pre-accession period. The EU committed to constitute a scope-wide and clear framework immediately. Hence, all candidate members in 'an enlarged EU' should contribute to the establishment of an 'Area of Security, Freedom and Justice'. The only way for candidate members to contribute is to harmonise national legislation in the field of justice and home affairs. At the Nice Summit, in the context of 'deepening', institutional reforms, the number of commissioners and their distribution among the countries, the 'qualified majority' system, the distribution of Parliamentary seats, the transition from 'unanimity vote' to 'absolute majority' were all discussed.

In the Summit, the more developed and larger countries, France, England and Germany, had conflicts with the smaller countries of Europe, such as Holland, Belgium and Portugal, on three key issues: EU Commission, re-determination of votes (blocking

minorities) and restriction of the right to veto. Another conclusion of the Nice Summit was the EU's decision to hold another conference in 2004 about institutional reforms. Nice was the longest Summit ever held.

In the draft prepared, entitled the 'Declaration of EU's Future', the topics to be raised in the 2004 conference shall be: 'the delegation of powers between the member states and EU commission, Convention of Basic Rights ratified in Nice Summit, the role of national parliaments in EU issues, revision of all treaties'.

In the draft prepared by Germany, Italy, Sweden, Belgium and submitted by French president of Council of Ministers, the transparency of the EU institutions, development and monitoring of democratic legitimacy were emphasised. In the declaration, it was stressed that the envisaged conference would not create any problems and the candidate members whose partnership negotiations will have been completed shall have the opportunity to participate in the conference. It will be a useful framework for dialogue.

At the end of the Nice European Council Meeting, conclusions were approved:

- The size of the Commission should be limited by the bigger countries leaving their second seats by 2005.
- The transition from the system of unanimity vote to absolute majority in some of the commercial fields and continuity of the decision making mechanism by unanimity vote in certain issues such as immigration, social security, indirect taxation.
- The necessary preparations to be made for cooperation on defence and a number of 60.000 person capacity, European Emergent Intervention Power to be set up.

For the last part declared in the Summit, 'Turkey's role' in the EU Common Security Policy should be well-defined. European Security Defence Policy (ESDP) means different things from different perspectives. For the post-cold-war period, Europe should be examined both from western and eastern perspectives. Western Europe transformed

to the EU in 1992 and the western part had no external or internal security threats. By contrast, eastern and south-eastern Europe was faced with ethnic conflicts and violations of minority and human rights. These forms of insecurity and instability accelerated EU's search for an autonomous defence mechanism.

The ultimate goal of the EEC when formed in 1957 was economic integration with no need for autonomous political components. However, by Maastricht Treaty, the priorities changed and political cooperation was put forward. Construction of a united and stable Europe with the enlargement to the east and south-east required autonomous security defence policy and institutions.

NATO also changed. As a cold-war institution it needed to restructure itself when its counterpart in the cold-war period, the Warsaw Pact disappeared. EU and NATO cooperation seemed beneficial for both parties. Europeans agreed that NATO should continue to be the pioneer institution in European Security, but that the EU also needed to develop 'the capacity for autonomous action'.

As a result of the conciliation, a 'Common Foreign and Security Policy' was mentioned in the Maastricht Treaty. The CFSP should be considered as the European pillar of the Atlantic Alliances. However, it is not easy to position ESDP in relation with NATO member states because there are countries in NATO that are not members of the EU. The status of non-member states, including Turkey, should be carefully determined in the collaborative decision making between NATO and ESDP. The European Union is one of the leading beneficiaries in the Post-Cold-War era, as the EU has faced no major threat. The EU is now more powerful and feels the necessity to have its own autonomous units to solve the local conflicts in its periphery. On the other hand, the United States will lose nothing – it will be able to channel its energy to different fields if ESDP actualises. Turkey, by contrast, has many potential threats. The ESDP's accelerating power may let NATO lose its significance and leading role.

As a result, Turkey, seeming to have a long way to EU accession, is in danger of losing its one significant decision making role, which it exercises through NATO, if the ESDP takes the role of European pillar in NATO. Turkey, as a non-member of the ESDP, and in a geo-politically threatening area, may be face with many challenges in the new century.

The EU's final report in the Nice Summit, concerning institutional reforms, evaluated the progress of the twelve candidates, but excluded Turkey from the expansion to be realised in 2010. In reply to criticisms, Prodi, President of the EU Commission, stated that Turkey had been a different case from all other candidates because Turkey's candidacy was announced in 1999, and the partnership negotiations were not launched. For this reason, this is a period of great importance. This is an era that would affect Turkey's foreign and home affairs. The pre-accession process requires Turkey to look over every topic in a multidimensional perspective and watch the EU's internal developments closely.

Turkey's National Programme

Turkey, like all other candidate members launched preparation for the harmonisation to EU *acquis* after the approval of the Accession Partnership Document. This task was assigned to the General Secretariat. The National Programme was approved by the Council of Ministers and was submitted to the Representation of the European Commission to Turkey. This programme is very important following its approval by EU. The next step should be the realisation of all promises given in the short and medium term in National Programme. The EU, after Maastricht, is a political union rather than an economic union. Thus the political criteria in the National Programme are more important than the other requirements. During the EU enlargement process, when the Portuguese and Greek cases were examined, it was clear that the political factors were of particular importance.

CHAPTER 4

INTERNAL SECURITY IN THE EUROPEAN UNION

Regarding the contemporary democratic values and the understanding of human rights, for those countries at a peak of civilisation level, there are still two big potential threats.

The first is external. The potential for conflict with each other due to high competition and the channeling of technology and surplus resources into weapons. These were contributing causes of World Wars I and II. For this reason, attempts to establish a community to abolish such competition was accelerated in the post world war era. These attempts tend toward eventual creation of an United States of Europe.

The second threat is internal, the problems of terrorism, organised crime and drug abuse which are threatening the security and peace of all states. Hence, in a chronological order, the attempts to prevent these problematic issues are enumerated as follows:

1976 TREVI (Terrorism, Radicalism, Extremism, Violence, International): As understood from the name, it envisages the cooperation and joint action of the ministers in each state responsible for the protection of public order and security, and other competent bodies assigned for the preservation of security and order. Through collaborated action the aim is to cooperation in finding and applying effective remedies in the fight against all forms of action threatening public order and security. Moreover, the first procedural developments toward the establishment of EUROPOL were initiated through TREVI.³²

1985 SCHENGEN TREATY: The objective of the Treaty was gradual removal of the customs tariffs between the member states and provision of free movement of goods and

persons. In order to prevent the problems that could arise from the Treaty, a common information system was designed to be set up that would help prevent international organised crimes, smuggling and other actions threatening public order and security.

1992 MAASTRICHT TREATY: It is also called as 'Treaty on European Union'. It envisages the 'Cooperation on Justice and Home Affairs'³³

In addition, the Treaty envisages the cooperative, joint action to prevent terrorism, drug addiction, production, trafficking and other serious international crimes and also for police cooperation including the related parts of the customs issues and for the exchange of information, it is planned to establish EUROPOL.

EUROPOL CONVENTION (Brussels – 26 July 1995)

EUROPOL's objectives at the Convention were: the prevention of terrorism, drug trafficking and organised crimes involving two or more countries, and; increasing the effectiveness of the personnel who are responsible for preserving public order and security. In order to actualise these objectives, EUROPOL planned to create a computerised data base through contact with personnel at the National Crime Intelligence Service (NCIS) in every member state. The exchange of information between the related units of the member states shall be done by the NCIS's of each member state and the INTERPOL bureau should also be linked to NCIS.

Developmental Process of Police Cooperation:

The first step was in the field of security cooperation, upon the invitation of English Prime Minister at the EU Council in Rome. As a result of that invitation, the related ministers responsible for the maintenance of public order came together and formed the TREVI working group. In the June 1976 Luxembourg meeting, the member states all agreed to gather twice a year, to form a working group that would provide exchange of

³² Emniyet Genel Müdürlüğü, Avrupa Ülkelerinin Polis ve Adli Sistemleri, Ankara: 1992

³³ Article K1, paragraph 9.

information and collective action to fight against organised crimes, especially terrorism. On 14 June 1984, in Schengen, an agreement was signed to remove the borders and provide free movement of goods and persons gradually.³⁴

However, some of the member states requested to be excluded from the applications on the ground that they were not ready for such a radical change. They agreed to form a common information system (SIS – Schengen Information System).

At the June -1991 Council Meeting in Luxembourg, upon Germany's proposal, the idea of constituting 'European Police Cooperation' (EUROPOL) was foreseen. In December, 1991 by absolute majority, the Council once more agreed to establish EUROPOL but, initially, the name of the organisation was EUROPOL Drug Unit (EDU) which would later transform into EUROPOL after going into action. In the same meeting, a call-up was made.

The TREVI Group of Ministers launched an initiative in fight against drug trafficking by forming a Common Police Office to exchange information. The Council wanted the legal regulations to be completed before the Lisbon Summit Meeting that would be held in June, 1992. The Maastricht Treaty (1992) was a turning point for the EU history. The ultimate goal, trends even the name of the Community changed. Cooperation on Justice and Home Affairs was adopted and working areas were determined.³⁵ Also EUROPOL went into action with a separate provision.³⁶ However, it was envisaged that until the member states finished their preparations, the name of the organisation would remain as EDU.

In September 1992 the TREVI Group of Ministers agreed to launch EDU to function against illicit drug use, organised crimes and money laundering by 1 January 1993.

³⁴ www.europol.eu.int

³⁵ www.europol.eu.int

³⁶ Article K19).

However, EDU/EUROPOL did not become active until January 1996, in Haag, and a German, Jürgen Starbeck, was temporarily assigned as the 'General Coordinator'. And not until 1999 EDU was finally renamed as EUROPOL.

Current Turkey-EU relations with regard to 'Police Cooperation' issues:

Police cooperation is an important part of the harmonisation process in the EU *acquis*. In that context, the second part of the EU *acquis*, which is composed of 111 articles (Free Movement of Persons), and the twenty-fourth part composed of 159 articles (Justice and Home Affairs) are directly related with the National Police Organisation.

As mentioned before, the 1992 Maastricht Treaty was a turning point in EU history. In addition to economic and monetary union, new regulations in the field of political union were prioritised. Article K of the Maastricht Treaty mentions the cooperation on Justice and Home Affairs, and Article K1.9 mentions EUROPOL in the field of political cooperation. Since Turkey is not a member of the EU, it is impossible to participate the working groups of EUROPOL. The workings are followed and pursued by the contacts of INTERPOL and European Contact (Liaison) Officers. EUROPOL's authorised unit in the fight against drug trafficking is the EUROPOL Drug Unit. This unit works for the prevention of drug addiction and trafficking.

The Turkey-EU National Police Organisation has not established direct connections with EDU but the relationship is being carried on by the agreements signed with EU member states.³⁷ With the functioning of EUROPOL, the organisation's cooperation also with non-member states, and having the authorisation to sign the agreement and making negotiations, were stipulated. For the cooperation to be more effective, Turkey-EU Contact (Liaison) Officers work in Germany, Austria, Denmark, Holland, Italy and France. And in Turkey there are contact officers from France, England, Belgium, Spain, Denmark, Italy and Holland.

ELEC – EUROPEAN LAW ENFORCEMENT COLLEGE:

ELEC was set up as a non-governmental organisation and the Gendarmerie headquarters are in Brussels. The organisation has the support of high ranking officials of the European Council. The organisation fights against organised crime, human trafficking, smuggling of nuclear substances and money laundering. The organisation initiates and develops cooperation in the field of justice and police affairs. Another objective of ELEC is to set up a single operational contact network.

EUROPE 2000

Europe 2000 is an autonomous body that is independent from political, cultural and economic aspects. It was established on 17 August 1989 in Belgium by a Royal proclamation. The association holds conferences and meetings for the future of European Society. It helps to inform European citizens about the Single Market. The other topics covered by Europe 2000 are customs control, internal security, integration, data protection etc.

PNUCID Commission: (Programme of United Nations for the control of International Drug)

It is the only programme developed in 1991. The role of the Commission is to coordinate the relations between the EU and PNUCID.³⁷

ILEA – (International Law Enforcement Academy)

The Academy was set up in 1995 with the initiative of United States. The objective of the Academy is to train Central and Eastern European Police Officers with contemporary methods. Five times each year, fifty police officers attend an 8-week training based on FBI programmes. The Presidency of ILEA is held by Virginia

³⁷ Esra Çayhan, Türkiye-AB İlişkileri, İstanbul, Boyut Yayınları, 1997.

³⁸ www.europol.eu.int

University. The members of the Board of Executive are Russia, Ukraine, Hungary, Bulgaria, Poland and Belarus and the European and American academicians.

Schengen:

This agreement was signed on 14 June 1985. It is for the free movement of persons and goods. As a precaution, Schengen Intercommunication System, which is a common communication network, will be at the service of all European member state Countries. In Schengen (Luxembourg) on 14 June 1985, Belgium, Germany, France, Luxembourg and Holland signed the agreement for the gradual removal of internal border controls.³⁹

The Convention on Schengen Implementation (19 June 1985) actualises the goal of the Schengen Agreement. The implementation agreement, with some reservations was accepted by Italy, Spain, Portugal, Greece and Austria. The objectives and goals of Schengen Convention are directly related with the structure of Europe. An inter-governmental cooperation is envisaged among ten European states. The cooperation is based upon two important factors. First is the gradual removal of controls for the common borders with Schengen Agreement and second is the Convention, dated 19 June 1990, which puts the agreement into force.

Schengen Agreement in cooperation with Police focuses on five main points:⁴⁰

- 1) Observing border crossings
- 2) The right to pursue across borders
- 3) Intelligence networks
- 4) Sharing information
- 5) Assignment of liaison officers to other countries

³⁹ Bundesministerium des Innern, Schengen Erfahrung sbericht 1996, Bonn: 1997

⁴⁰ Emniyet Genel Müdürlüğü, Avrupa Ülkelerinin Polis ve Adli Sistemleri, Ankara, 1992

1) Observing border crossings:

Schengen states put only exceptions for very serious crimes. The right to execute observation of border crossing is defined clearly in Article 40 of the 1990 Schengen Convention.

Special rules are applied to law enforcement officials pursuing a case in the country. The orders of the local competent authorities should be obeyed. Except in case of emergency, the permission to be assigned for an 'official post' is required from relevant authorities. The law enforcement official should prove that he/she is there due to an 'official post' assigned to him/her. Unless it is forbidden, the law enforcement officials assigned to certain tasks in other countries can carry their official arms. Furthermore, the arms may only be used in case of self-defence and provided that it is not forbidden,. Law enforcement officials in another country can not have private ownership and hence can not ask for identification and can not arrest. In addition they should submit a report to the related authorities in the foreign country about the operation they undertake.

2) The right to pursue across borders:

Since the issue is directly related with national independence, it is hard to apply the rules of another Schengen member state when pursuing across borders.. In fact, problems have already occurred and will continue to happen.

Schengen member states do not share a common concept of independence and autonomy, particularly in the field of cooperation in police and justice affairs. Hence, there are no common procedures and views of human rights and protections, and national legislation differs from one country to another, with only minimum standards of International Conventions. Thus, there should be some common rules for the pursuit across borders that will be based upon the principle of 'reciprocity'.

These are;

- Pursuit should be justified by an emergency condition in which there is no opportunity to provide warning beforehand.
- Pursuit should be at the time a crime is committed, or at the time of a criminal escape, when the criminal is under detention.
- Pursuit is permitted for listed crimes. Only the officers pursuing can cross borders. The officers should be clearly recognised and can not have private ownership.

3) Intelligence:

In order to strengthen customs union and police cooperation, Article 44 of the 1990 Convention deals with all kinds of communication networks. These communication networks are also useful for controlling illegal immigration. However, there are some technical problems impeding the effective communication of the network. Thus a new intelligence network was set up for Schengen member states in July 1989.

4) Sharing Information:

Article 46 of the Convention deals with information sharing.

First paragraph permits sending information from one Schengen member state to another provided that the information to be transmitted shall prevent the risks threatening the public security and order or to prevent to commit a crime. In that context information sharing is not compulsory but voluntary.(to protect national independence to a certain degree)

5) Liaison officers:

The ultimate stage of police cooperation involves the employment of a liaison officer from one Schengen member state to another. (Assignment and exchange of liaison officers). The aim of this assignment is to intensify the cooperation between Schengen member states and particularly the support to be given in border operations and cross-border pursuits.

Schengen Information System (S.I.S):

The aim of S.I.S is to give entry permission for use of automatic search procedures, to the authorities determined by Schengen states. Schengen Information File is set up to provide fast and continuous exchange of information, to meet the demands for police and justice cooperation, and to cope with the innovations on the control of the internal and external borders. S.I.S consolidates all the national networks together. This kind of a network;

- makes the control of the identification and data easier
- exchanges are made in a more transparent medium
- preserves the independence of the nation states
- gives permission to each Schengen state in compliance with the legislation of their own state regarding the personal data protection.

Access to the information file and protection of information are guaranteed by the joint control authorities. Two members from each country, for the purpose of operational and technical controls, participate in the process by which S.I.S helps to maintain contacts with police and administrative departments and some relevant ministries.

The information given to S.I.S should be in detail. Similar to the INTERPOL's National Central Bureaus (NCBs), Schengen has established SIRENE. SIRENE is responsible for the exchange of information by entering data to S.I.S.

EUROPOL:

EUROPOL is a central police organisation that analyses the crimes and exchanges information and experience among the EU member states. It is an organisation that helps in the fight against crime in the EU member states and provides coordination at the national and international level. EUROPOL attempts to provide cooperation between

member states and increase the effectiveness of activities in the fight against organised crimes, terrorism, illicit drug use and, drug trafficking.⁴¹

The meeting of TREVI Ministers in Copenhagen (1987) decided to set up a network for information between the Units of the Fight Against National Drug Addiction and agreed upon a TREVI Intelligence Network to prevent drug smuggling crimes. First TREVI-III working groups then since 1990 EDIU as a sub-group of TREVI did the necessary work. With the recommendation of these two groups, TREVI Ministers in Luxembourg decided to establish the European Drug Information Unit (EDIU) in 1991. Parallel to that decision, and also with the proposal of Kohl (Germany) and Mitterand (France), a central police unit named EUROPOL was established. With that decision, it was also envisaged that EUROPOL would start operation in 1993 in the field of the fight against organised crimes.

In the first stage, EUROPOL was established as an information and coordination unit in support of the national police units. At the 1991 Maastricht Summit Meeting, EUROPOL was designed as a working unit for intergovernmental cooperation. Germany's proposal to recognise EUROPOL as one of the official institutions of EU was not adopted.

The European Council at the Luxembourg Summit (28-29 June 1991) evaluated Germany's proposal on the establishment of EUROPOL and the details of the proposal. It was sent to the TREVI 'EDIU' sub-group. The work of that group was the subject of the Maastricht Treaty. Particularly, part VI, dealing with the cooperation in Justice and Home Affairs, emphasises the police cooperation to fight against organised crimes, terrorism and drug smuggling and exchange of information on common policies. The establishment of EUROPOL was approved as an improvement of cooperation in the

⁴¹ www.europol.eu.int

field of prevention of terrorism, drug trafficking and other internationally organised crimes. EUROPOL Agreement was signed and entered into force on 1 July 1999.

A Declaration of Police Cooperation was attached to the Maastricht Treaty related with the tasks to be carried out by EUROPOL. The tasks to be carried out are listed as follows:⁴²

- Give support to National Crime Investigation and Security Authorities of member states
- Establish a common data bank
- Analysis and consolidation of member states programmes on prevention of crime
- Give aid to member states in the field of education, research and laboratory work and criminal records

Amsterdam Treaty:

Article 30 of Amsterdam Treaty deals with the future operational role of EUROPOL. According to the Treaty, EU Council assigned EUROPOL to support and facilitate interrogation made by member states' competants. Moreover, EU Council initiates the development of coöperation in these fields with the help of EUROPOL.⁴³

Tampere Summit:

The Council Meeting in Tampere, Finland (1999) held a special meeting on the establishment of a field of Freedom, Security and Justice in EU. In this meeting, EUROPOL's key role in fighting against international organised crimes was emphasised.⁴⁴

EUROPOL is financed by the membership fees of the EU member states in proportion with the GNPs of the countries.⁴⁵ The year 2000 EUROPOL Budget was 27.5 Million

⁴² Europol Annual Report for 1999, The Hague, April 2000.

⁴³ A new Treaty for Europe, Second edition, Citizens' guide: Amsterdam 17 June 1997

⁴⁴ www.eureptr.org.tr

⁴⁵ EUROPOL Convention Article 35

EURO. The annual balance sheets are monitored by EU Court of Auditors – Joint Monitoring Committee. EUROPOL has approximately 230 personnel. 44 of those 230, work in the administrative organisations of the member states (Police, Customs, Gendarmerie, Migration Units etc.) as EUROPOL Liaison Officers (ELOs). ELOs guarantee to provide a multilingual, inter-disciplinary, effective, quick and reliable service. The number of EUROPOL personnel is speculated to become 380 by 2003.⁴⁶

Organs, Administration and Control of EUROPOL:

A. Central Organs:

These organs are found in the headquarter in Den Haag:

- Administrative Board
- Coordinator
- Financial Coordinator
- Financial Committee⁴⁷

The highest rank officer is the 'Coordinator'. He is responsible for the activities of the organisation. He is accountable to related ministers of the member states. He plays a key role in the selection of personnel except Deputy-Coordinators.

Deputy-Coordinator: (Gathering information analysis)

Their procedure of appointment is same as the Coordinator.

- 1) Exchange of Information
 - a) EUROPOL Liaison Officers
- 2) Analysis and Evaluation
 - a) Specialists

In addition, support services are given by Deputy-Coordinators such as information technology department (education and documentation system / management) and

⁴⁶ Europol Annual Report for 1999, The Hague, April 2000.

⁴⁷ EUROPOL Convention Article 27

administrative support (sales, personnel and economic purchase department, secretariat, vehicles, security personnel), planning and development department (Treaties – data processing – relations, customs, consultant relations with the member states, other fields concerning the crimes and criminals, coordination and archives).

B. National Organs:

According to the Convention, the member states should form a national unit to carry out the tasks envisaged in the Convention. This unit is the sales organ to provide coordination between member states⁴⁸ It is designated in conformity with the national legislation. The unit also provides access to the relevant national database. Each national unit appoints an ELO for EUROPOL and the number of ELO from each country shall be determined with unanimous vote of EUROPOL Administrative Board.

1) National Illicit Drug Unit: (NDIU)

This unit is the composition of all staff working in national police, gendarmerie and customs organisations.

NDIU shall be in contact with EDU.

2) NCIS – National Crime Intelligence Service:

NDIU's responsibility is limited to drug abuse whereas NCIS aims at consolidating the establishments in an enlarged scope not only related with drugs but also with all other crimes.

3) ENU – (EUROPOL National Unit)

EUROPOL's activities get enlarged under an umbrella to fight against crimes. It is composed of Police, Gendarmerie, Customs, Terrorism ELOs, liaison officers in the third countries and other attached data processing units.

⁴⁸ EUROPOL Convention Article 4

4) EUROPOL Liaison Officers (ELOs)

They are the representatives of each member states who work in the central office of EUROPOL.

Responsibility and Monitoring:

EUROPOL is accountable to the Justice and Home Affairs Ministries of Council. The EU Council is responsible for the main control and managerial functions of EUROPOL. Moreover, the EU Council ratifies the EUROPOL Budget⁴⁹ The composition of the EU Council of Ministers, from member states, and the requirement for an unanimous vote in decision-making mechanisms, provides the democratic control over EUROPOL. Enlargement of EUROPOL is being planned. With the EU Council's decision dated 27 March 2000, the Coordinator of EUROPOL also plans to have contacts with the non-member states. Negotiations have begun.

A seminar (in Lahey) was organised on 26-27 April 2000 to negotiate on the 'Model Cooperation Treaty' to be made with the non-member states including Turkey. U.S.A, Bulgaria, Bolivia, Czech Republic, Estonia, Morocco, Switzerland, Cyprus, Canada, Colombia, Hungary, Malta, Latvia, Lithuania, Norway, Poland, Romania, Russia, Slovakia, Slovenia and Turkey also attended the seminar. In addition, international organisations such as the International Criminal Police Organisation (INTERPOL), UN Drug Control Programme (UNDCP) and World Customs Organisation (WCO) were invited to the seminar.⁵⁰

The aim of the seminar was the administrative and technical structuring of EUROPOL, articles of EUROPOL Convention, the implementation of the articles of EUROPOL Convention, EUROPOL enlargement plan and Model Agreement to be finalised with non-member states. EUROPOL gives priority to the EU candidate member states such

⁴⁹ EUROPOL Convention, Article 29

⁵⁰ www.europol.eu.int

as Schengen partners together with Iceland, Norway and Switzerland and INTERPOL. In the seminar, all participants were informed about EUROPOL organisational scheme, duties and responsibilities, year 2000 Action Plan, the procedure to make agreements with third countries, the level of cooperation, fixing the national contact points, exchange of ELOs.⁵¹ Moreover, EUROPOL's intelligence and information system was introduced and protection of data, confidentiality and reliability were mentioned. The member states were requested to make their necessary arrangements at the national level.

In the EUROPOL enlargement process, the agreement, which shall be made with third parties, is planned to be implemented at 3 levels:

- a) Technical
- b) Strategic
- c) Operational

Technical level is limited to the new synthetic narcotics, analysis methods and cooperation in special training. Strategic level is limited to exchange of information about simulations (model practice), general modes of crime and the growth in organised crime. Operational level shall involve the exchange of personal knowledge, data analysis about the criminalistics and operational cooperation. The ultimate goal is to bring the agreement up to the operational level. However, in order to achieve this, the necessary infrastructure preparations should be done. A press release was published at the end of the seminar and EUROPOL was considered to take a further step in the field of the fight against international organised crime, within the framework of enlargement. In the press release, it was stated that this seminar contributed significantly to the creation of a just, reliable and liberal Europe.⁵²

The conclusions may be summarised as follows:

⁵¹ Press Release of EUROPOL, 27 April 2000, Hague

⁵² 27 April 2000 Lahey (Press Release of EUROPOL, The Hague)

- EUROPOL's aid and coordination can only be actualised in the framework of EUROPOL Agreement
- EUROPOL may coordinate merely on condition that the member state requests a joint operation

The EU Summit Meeting, held in 15-16 October 1999, in Tampere (Finland) decided to reinforce the duties of EUROPOL with reference to the Amsterdam Treaty. The targets put for the future were as follows:

- The competency of EUROPOL should be enlarged in the field of money laundering
- Significant data should be communicated from the member states to EUROPOL
- EUROPOL should be authorised to request the implementation and coordination of interrogations from the member states
- EUROPOL deputy coordinators should be authorised for the transfer and coordination of joint operations.

Current Situation:

The EU Council of Ministers on Justice and Interior Affairs, meeting on 27 March 2000, recommended EUROPOL to sign the agreement with INTERPOL and the Schengen Cooperating States, Iceland, Norway and Switzerland. A seminar (26-28, April 2000) was organised on the related issue. The seminar was actualised with the participation of 21 states and international organisations. With this seminar, it is envisaged to have three levels of cooperation for the cooperation with third countries: strategic, technical and operational. The cooperation with INTERPOL should also extend to all three levels.

EUROPOL's Relation with Community and Non-Community Institutions:

EUROPOL principally functions through its liaison officers. In other words, if there is a need for a liaison officer to collect some information in the appointed locality, the liaison officer, in conformity with the limits set by national legislation, enters the national information bank and records information through NCIS and communicates the

requested information to the relevant institution. Liaison officers can not have contacts with non-EUROPOL members.⁵³

EUROPOL activity does not prevent the work of other organisations active in the same field. As an illustrative example, S.I.S, which was set up with Schengen, shall be the part of EIS that will be established to give support to EUROPOL. Hence, the organisations should work simultaneously on the same issues shall and complement each other. Another example is that EUROPOL takes the necessary precautions to harmonise with the institutions such as European Drug Observation Committee, European Information Centre, CIREFI- Discussion and exchange on crossing borders and immigration and UCLA F-Unite Communautaire de laranti fraude.⁵⁴

The harmonisation with non-member organisations is still one of the biggest problems of EUROPOL. Arrangements to regulate relations with INTERPOL are the primary issue on the agenda. In addition, the arrangements to improve cooperation with the international organisations such as UNDCP, EURATOM, WCD (World Customs Organisation) are still in progress.

Currently, INTERPOL is the largest Police Cooperation network with 176 members. EUROPOL has a narrower scope. It has 15 members and will become the Federal Police of Europe in the future. Hence, EUROPOL does not want to share the gathered information with non-member states. However, EUROPOL can reach all the data of INTERPOL peripheries through the INTERPOL National Bureaus. INTERPOL at first stated that there was no need for EUROPOL because it already offered the same information services. But INTERPOL could not prevent the establishment of EUROPOL because, in spite of the fact that EUROPOL was established as an organisation for exchange of information, actually an FBI-like organisation is being planned to be established behind the scene.

⁵³ www.europol.eu.int

⁵⁴ Draft Model Agreement Cooperation with Third Countries

The Relationship Between EUROPOL and INTERPOL:

Treaty of EU Council of Ministers prohibits personal information being communicated to non-member states and international organisations. Nevertheless, EUROPOL has official relations with non-member states and international organisations. EUROPOL should evaluate the information gathered from INTERPOL within the framework of the article and of INTERPOL Regulation (International Cooperation and Central Rules for INTERPOL Archives).

Having similar goals and activities, INTERPOL and EUROPOL established a good cooperation. Since then, there have been many bilateral relations between INTERPOL & EUROPOL that are not official relations. The framework of the relationship between INTERPOL & EUROPOL was discussed in 1999 by a sub-commission, and a packet of recommendations was prepared and submitted to the EUROPOL Administrative Assembly. These recommendations, together with the preparation of a strategy plan, are envisaged to be discussed. Pre-negotiations have started. Determination of basic principles were foreseen. Pre-negotiations were planned to be evaluated as a draft for an agreement.⁵⁵

In the introduction part of the agreement, in conformity with the EUROPOL Agreement and Treaty on European Union, EUROPOL was defined as the Central Police Organisation to help the Security Units of the member nation states whereas INTERPOL was defined as the global organisation to cooperate for fighting against international crimes. Data and information sharing between INTERPOL and EUROPOL can be established with 3 alternative networks.

- Indirect
- Through liaison officers
- By a liaison officer appointed jointly by INTERPOL and EUROPOL

⁵⁵ Alfred Schmitt, Europol-Interpol Not wendige Ergänzung sinnlose

Turkey-EU-EUROPOL Relations:

Turkey's relations with EUROPOL were set up through the INTERPOL Secretariat General, at the INTERPOL Executive Board meeting held in Antalya (1996). The EUROPOL Coordinator also attended the meeting and stated that if Turkey applies for membership to EUROPOL he will do everything for the benefit of Turkey. In 1997, through the Ministry of Foreign Affairs, Turkey applied for participation in EUROPOL meetings as an observer, but was refused. Provided that European Convention entered into force, Turkey would be accepted as an observer.

Turkey has contributed greatly to various operations in the fight against organised crimes. The April 2000 meeting held in Holland envisaged Iceland, Norway and INTERPOL as the first candidates for EUROPOL. The goals, scope, tasks and duties have not been finalised yet. EUROPOL should improve its effectiveness by cooperating with third countries in its fight against organised crimes.⁵⁶

Finally, the EUROPOL establishment is similar to other institutions set up by the EU. Turkey should also be a part of cooperation in Justice and Home Affairs. NCIS Turkey should be set up. These and similar organisations help the structuring of not only international cooperation but also the internal cooperation efforts which will increase the service quality.

⁵⁶ Avrupa Birliđi ve Trkiye, Ankara, DTM Yayınları 1999

CHAPTER 5

FOLLOW-UP OF TURKEY-EU NATIONAL PROGRAMME FOR ADOPTION OF THE ACQUIS

The Secretariat General for EU Affairs, in accordance with the adoption of the National Programme, have made a situation analysis and the assignments that Turkey has fulfilled and that remain to be fulfilled are given below.

Political Criteria

For the adoption of NPAA regarding the political criteria, 2.1.1 deals with freedom of thought and expression.

In the short term, strengthening of legal and constitutional guarantees for the right to freedom of expression in line with Article 10 of the European Convention of Human Rights, addressing in that context the situation of those persons in prison sentenced for expressing non-violent opinions. In the medium-term, review of the Turkey-EU constitution and other relevant legislation with a view to guarantee rights and freedoms of all Turkey-EU citizens as set forth in the ECHR, ensure the implementation of such legal reforms and conformity with practice in the EU member states.

Part 1 of 2.1.1 deals with the review of the relevant provisions of the Constitution.

Currently, the related articles of the Constitution are amended and entered into force following its publication in the Official Gazette.⁵⁷

Part 2 of 2.1.1 deals with the review of Article 312 of the Turkey-EU Penal Code.

⁵⁷ No 24556, dated 17 October 2001.

Currently the draft proposal (prepared by the Commission set up to review the Turkey-EU Penal Code), and covering the amendment of Article 312 of the Code related to criminal offences and sanctions, has been conveyed to the ministries and relevant government institutions and organisations to receive their comments.

Part 3 of 2.1.1 deals with the review of Article 7 and 8 of the Anti-terrorism Act.

Currently, the Ministry of Interior and the Ministry of Justice are working in cooperation to amend the Act undertaken by the Ministry of the Interior/. This work will be completed by the Ministry of Justice.

Part 4 deals with the review of the Act on the Establishment of Radio and Television Enterprises and Their Broadcasts. The responsible institutions are the Ministry of the Interior, Supreme Board of Radio and Television (RTÜK) and Directorate General of Press and Information. Part 8 deals with the review of the relevant regulation on Duties and Competences of the Police. Currently, necessary arrangements envisaged to be actualised in conformity with the Act are being initiated. Part 9 deals with the review of the Act on the Organisation, Duties and Competences of the Gendarmerie. Currently, nothing has yet been done. Part 10 deals with the review of the relevant regulation on Organisation, Duties and Competences of the Gendarmerie. Part 11 deals with the review of the Act on Coast Guard Command. Part 14 deals with the review of the new Turkey-EU Penal Code. Currently, first text of the draft law has been sent to relevant government institutions for comment. Part 15 deals with the reimbursement of payments of reparations from public officials who are found at fault, in the light of decisions taken by the European Court of Human Rights.

2.1.2 deals with freedom of association and peaceful assembly, and the civil society.

2.1.3 deals with fight against Torture. In the short-term enhance legal provisions and take all necessary measures to reinforce the fight against torture practice and ensure

compliance with the European Convention for Prevention of Torture. Align legal procedures concerning pre-trial detention with the provisions of European Convention on Human Rights will be made with recommendations of the Committee for the Prevention of Torture, strengthening opportunities for legal redress against all violations of human rights.

Part 1 of 2.1.3 deals with review of the Act on Duties and Competences of the Police. Currently the reviewing and redrafting are underway. Part 2 deals with the review of the relevant Regulation on Duties and Competences of the Police. Currently necessary arrangements are being made which is parallel to the amendments in the Act by the Ministry of Interior. Part 3 of 2.1.3 'Fight Against Torture' section deals with the review of the Act on the Organisation, Duties and Competences of the Gendarmerie.

Part 8 deals with the necessary arrangements to modernise the Forensic Medicine Institution. Currently the Ministry of Justice has prepared the draft act on the amendment of some articles of the Forensic Medicine Article. Legal, administrative and also institutional methods are required to adopt in 'Short Term'. There have been many initiatives launched. In Kartal, Edirne, Istanbul and Antalya, Group Departments of Forensic Medicine have been formed. Capital cities of provinces, divisions of Forensic Medicine have been established. A commission of experts was set up. Seminars are being held in Trabzon, Adana, İzmir and Kütahya within the framework of national activities programme of the Forensic Medicine Institute and protocols have been signed for cooperation with universities. Marmara and Uludağ universities are the selected cooperating universities. Initiatives are launched for the establishment of a toxicology reference laboratory at Ankara Group Department for judicial affairs and for the modernisation of equipment in laboratories at other units. Part 10 of 2.1.3 of political criteria of NPAA deals with the enactment of the new Turkey-EU Penal Code. Currently, the draft act has been conveyed to the relevant ministries for their views and comments. Part 12 deals with the allocation of financial resources in order to increase the use of technology to monitor places where incidents of human rights violation

continue to occur. The responsible institutions are the Ministry of Justice, the Ministry of Interior, the Ministry of Finance, the Ministry of Health and State Planning Organisation. These records are stored on tapes, and each prison has a specially equipped control room. Part 13 deals with review and follow-up on human rights violations.⁵⁸ Currently by-laws on the establishment, duties and working principles and procedures of Boards for Human Rights, Advisory Board for Human Rights and Violation Allegations Review Board entered into force dated 15.08.2001. Circular No.39, dated 25 June 1999 issued by the Prime Ministry states that the by-law on Apprehension, Detention and Taking Statements is to be implemented fully and allegations of maltreatment are to be steadily processed. Circular No.1829 (dated 24 July 2001) issued by the Ministry of Interior, requests that practice forming the basis of the ECHR rulings against Turkey are to be remedied. Circular No.176, dated 26 September 2001, issued by the State Minister responsible for Human Rights, states that internal inspections and monitoring mechanisms related to human rights practice are put fully into effect without exception. Many project proposals were prepared by the Human Rights Presidency such as; modernisation of communication equipment (faxes, telephones, computers) for the 100 Citizens' Bureau of the Provincial and District Human Rights Boards, establishment of human rights libraries, organising human rights regional seminars at ten provinces, implementation of the project on Human Rights Training for Media Employees in an additional five provinces for five days, production and distribution of audio-visual material, vcd's, posters, brochures etc., production and broadcasting of the programme entitled 'Your rights, too', a short TV advertisement to publicise public education extended as a part of the project entitled 'Individual : All Rights Legally Guaranteed', one week study visits to the EU member states for public employees and representatives of NGO's working at the Provincial and District Human Rights Boards. Part 14 deals with legal provisions on the joint and several liability of perpetrators of torture. The responsible institutions are the Ministry of Justice, the Ministry of Interior, the Ministry of Finance, the Ministry of Health and Human Rights Presidency. Currently legislation has been screened and the data collection to

⁵⁸ The responsible institution is The Human Rights Presidency.

protect the rights of the victims is being monitored. Detailed provisions on victims of crime have been incorporated into the Draft Code of Penal Procedure, on which work is also currently underway.

Part 2.1.4 of NPAA on Political Criteria is about 'Pre-trial Detention'. As a possible measure, in the short term, harmonisation of legal procedures concerning pre-trial detention with the provisions of the European Convention on Human Rights and with recommendations of the Committee for the Prevention of Torture will be made. In medium term, adjustment of detention conditions in prisons to bring them in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners and other international norms will be made. Detention without trial is an important issue resolved for the realisation of human rights. Proclamation of Universal Declaration of Human Rights by General Assembly of the United Nations set a common standard of achievements for the people and nations to the end that every individual has the right to life, liberty and security of person. Article 9 mandates that no one shall be subjected to arbitrary arrest, detention or exile. Moreover, Article 11 also mandates that everyone charged with a penal offence has right to be presumed innocent until proved guilty. Paragraph 5 of Article 9 further provides that anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation. It is clearly defined and identified in the Universal Declaration and the covenants that there should be no scope for a person to be detained or arrested without the matter being tried before the normal judicial tribunals. Turkey-EU legislation should be adopted in accordance with the Universal Declaration of Human Rights.

First part of 2.1.4 deals with the review of Article 19/6 of the Constitution. Article 19 of the Constitution has been amended.⁵⁹ Part 3 deals with the amendment of the Act on the Establishment and Procedures of the State Security Courts.⁶⁰

⁵⁹ Act No.4709 Amending some Articles of the Constitution dated 03.10.2001 entered into force following its publication in the Official Gazette No.24556, dated 17 October 2001.

⁶⁰ Act No.4388 Amending Article 143 of the Constitution regarding the structure of State Security Courts, was published in the Official Gazette No.23729, dated 18.06.1999.

2.1.5 strengthens opportunities to re-address the consequences of human rights violations. Part 3 deals with the enactment of the Draft Act on the identification of losses resulting from Terrorism and the fight against Terrorism. Currently, the draft act is at the Prime Ministry .

Section 2.1.6 of NPAA mentions 'Training of Law Enforcement Personnel and other civil servants on Human Rights Issues'. In short term, it is planned to reinforce training on Human Rights issues for law enforcement officials in mutual cooperation with individual countries and international organisations. Currently, the training are underway. 2001 Education plan and evaluation reveals that the scopes and the variety of training both in Pre-service training and In-service training have considerably changed and by 2002, the standards of European Police Office shall be caught. First part of 2.1.6 deals with the legal arrangements to extend education at Police Academies to 2 years. Currently The Police Higher Education Act was adopted by the Turkey-EU Grand National Assembly on 25.04.2001 and entered into force as Act No.4562 dated 25 April 2001 following its publication in the Official Gazette No 24397, dated 9.05.2001. The applicable method for the actualisation of the promise envisaged in the National Programme was both legal and administrative. The Police Higher Education Act is worth mentioning in detail to understand the developments made regarding the adoption of the acquis. The Act defines the objective, scope and definitions. Article 4 of the Act enumerates the organs, duties , rights and responsibilities of the Academy. Assignment of the head of the academy, dean and head of the institute and head of the police high school. Article 7 of the Act defines the duties, rights and responsibilities of the Executive Board of the Academy, which can be listed as follows:

- Ensuring the implementation of activity plans and programmes,
- Preparing the proposals for the cadres and budget of the Academy,
- Evaluating the teaching and prepare proposals about the precautions to be taken,
- Concluding the proposals made and submitted by the head of the academy to the Executive Board,

- Carrying out the other duties envisaged in that Act.

Article 9 of the Act mentions the 'Scientific Monitoring Board'. The Board monitors the instructors and academicians in the sense of their training, publications, seminars and practical activities and checks how much they are scientific in their studies. Article 10 of the Act defines the establishment, resources and education term of the Police High Schools. Article 11 of the Act mentions the duties, rights and responsibilities of the Dean of the Academy. Article 12 of the Act enumerates the establishment, operation and duties of the Faculty Board of Education and Executive Board of the Faculty.

Article 13 of the Police Higher Education Act states that other institutions and units at the academic level upon the request and recommendation of the Head of the Academy and with the approval of the General Director may be established. Part 14 of the Act clarifies the Teaching Organs and duties of the Academy. Part 15 of the Act mentions the students of the Faculty. Article 15 of the act states that the real resource of the Academy is the Police College students. Depending on the needs, students from other technical vocational schools and high schools may be admitted to the Academy. On the other hand, foreign students may apply for the academy on condition that they prove their proficiency in Turkey-EU language. Compulsory services are also the duties of the students who educate in the faculty, institute and police high school at graduate, undergraduate and post-graduate level. The students can not get married until the end of their education and married ones are not be admitted to the school. Part 6 of the Act deals with the Disciplinary and Punishment tasks.

Article 17 defines the Disciplinary Boards. Article 18 defines the right of Investigation and direct punishment. Part 7 of the Act deals with the duration of the training at the bachelor's degree. Article 19 introduces the details of the academy curriculum: the first three years of the faculty is organised to teach all necessary information for the police and the fourth year is engaged for the specialty training determined by the General Directorate. Part 20 mentions the compulsory attendance for the courses. Part 8 deals with the essences and duties of the Instructors and Academicians. Article 23 mentions

the foreign instructors and the framework of the legislation for the foreigners. Article 24 deals with the scientific activities and the scope and rules of the scientific activities. Article 25 of the Act lists the rights and duties of the Instructors. Article 26 states that in accordance with the Higher Education Act no.2547, Academy has the right to educate instructors in Turkey or abroad. Article 30 mentions the regulations Article 32 of the Higher Education Act lists the legal provisions which were cancelled.28.11.1984 dated and no.3087 Police Higher Education Act has been cancelled and the title of Province Security Director was replaced with the Head of the Academy.

Returning to the political criteria, Part 2 of 2.1.6 deals with the Human Rights project of the Ministry of the Interior and its Affiliated Agencies within the framework of the UN Decade of Education for Human Rights. It is financed by the Budget and the methods applicable were administrative and institutional. Currently, the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Health, Board of Human Rights, National Committee of the Decade of Human Rights Education are the responsible institutions. Currently it has been launched.

A National Committee is set up to implement the project. Professor Dr. Ioanna KUÇURADI is the President of the Committee.⁶¹

The Human Rights Education Project of Turkey 1998-2007 has been prepared by the Turkey-EU National Committee. The Committee has been set up by the Coordination Board for Human Rights to function as an advisory body during the United Nations Decade for Human Rights Education. Its task is to tailor the United Nations Action Plan for Turkey, implement and monitor and evaluate the work carried out under the programme . The Committee started functioning on Sep 3, 1998. The priorities and mass targets, prerequisites of the programme have been well defined.

⁶¹ There are government officials from Prime Ministry, Ministry of Justice, Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Education, Ministry of Health and Ministry of Culture. In addition, there are university staff members from Ankara University, Institution of Public Administration for Turkey and the Middle East and members from non-governmental organisations from UN Association of Turkey, Women for Women's Human Rights, Anatolian Foundation for Modern Education, Helsinki Citizens Association.

The Committee was founded to make the mass target aware of the fact that training on Human Rights is one of the crucial prerequisites for the protection of Human Rights. In the training programme, case studies from actual, existing problems, theoretical information, group discussions shall be the methods in analysing the trends. The scope and content of the training programme (1998-2007) of National Committee on the Decade for Human Rights Education should be analysed in detail for clarification purposes. Outline of the programme can be given as follows:

Human Rights Education in International Instruments:

The importance of Human Rights in the 21st century and the need for public awareness and knowledge on 'Human Rights' are obvious. Not only the human rights education but also changing the attitudes causing human rights violations should be changed. Thus, protection and implementation of human rights depend on educating persons who are capable of protecting and implementing them and even application of law and sanction mechanisms. The sources of Human Rights in the international context must be identified. There are conventions and other instruments which have been adopted and signed by various international organisations especially by the UN, the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE) which impose legal obligations for the participating parties.

Sources of Human Rights:

The primary source is 'Universal Declaration of Human Rights' adopted by the UN General Assembly on Dec 10, 1948. Second source is the Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education relating Human Rights and Fundamental Freedoms, adopted by the General Conference of UNESCO in 1974. Moreover, European Council's annual programmes mention education and information on human rights since 1976.

The Resolution on the Teaching of Human Rights, adopted in 1978, and the Recommendation of the Committee of Ministers to member states on Teaching and Learning about Human Rights in schools adopted in 1983. Also Helsinki Final Act, in 1975, includes proposals relating to education within the framework of the Organisation for Security and Co-operation in Europe (OSCE), particularly in the documents of the Copenhagen and Moscow meetings of the OSCE conferences on Human Dimension.

The most important Human Rights conferences were the World Conference on Human Rights organised in Vienna (1993). The Vienna Declaration emphasised human rights education and raise of public awareness of human rights. The conference ended with the decision to fight against ignorance and to direct national efforts and education towards the full development of human personality and the promotion of respect for human rights and fundamental freedoms. The Conference also imposed obligations upon all participant countries to include human rights, humanitarian law, democracy and the rule of law in curricula of all public and private schools.

As a further step, United Nations General Assembly (Dec 23, 1994) adopted Resolution no.491184, proclaiming the years 1995-2004 as the 'Decade for Human Rights Education' and give emphasis on the topics below:

- a) The respect of human rights and fundamental freedoms
- b) The full development of the human personality and the sense of human dignity
- c) The promotion of understanding, tolerance, gender equality and friendship between nations
- d) Right of participation in a free society
- e) The maintenance of 'universal peace' and UN's role in achieving this.

UN prepared an Action Plan in accordance with the five main objectives:

- a) Taking the needs into consideration and creating the strategies

- b) Emphasising human rights education at international, regional, local and national levels
- c) Developing educational equipment
- d) Defining the role of mass media and use it as an effective instrument
- e) Disseminating the values of Universal Declaration of Human Rights.

It is important that UN underlined the minimum acceptable standards, common understanding of the content of human rights. For Turkey the promotion of Human Rights at the national level should be mentioned. Arrangements have been made to incorporate the rules of international organisations into the national level.⁶²

Thus, human rights education is an important constitutional obligation. Apart from the 'right and obligation to educate' as defined in Article 42 of the Constitution, Article 2/2 of the Basic Law on Education no.1739, enforced in 1973, stipulates that the goal of this law is to bring up 'constructive, creative and efficient individuals who have the capacity to think freely and scientifically, who possess a broad vision and respect for human rights, and who value personality and initiate individuals, who feel responsible to society. Improvements have been recorded in the last 10 years in Turkey. In respect for and education in human rights.

The Human Rights Inquiry Commission of the Turkey-EU Grand National Assembly was set up by Law no.3686 on Dec 5, 1990 and the development was the establishment with the Prime the Ministry 's Decree No. 1994/34 of August 26,1994 of the High Advisory Council for Human Rights attached to the Human Rights Advisor's Office and abolished in March 1996 and the establishment of Coordination Board of Human Rights on April 9, 1997 with Prime the Ministry 's Decree No. 1997/17. In 1995, concerning the teaching of Human Rights in schools was signed between the Ministry of State responsible for Human Rights and the Ministry of Education

⁶² In Turkey's legal system, the basis of human rights education is found in the Constitution. Article 2 of the Constitution includes the principle of 'respect for human rights'.

'Civics and Human Rights' are planned to be compulsory courses in primary schools and 'Democracy and Human Rights' as an elective course in the curriculum. The programme of the 'High School Democracy and Human Rights Course' included as an elective subject in the high school curriculum.⁶³

The National Committee on the Decade for Human Rights Education

The National Committee on the Decade for Human Rights Education, in order to implement the UN Decade Action Plan in Turkey, was established as a final but comprehensive step. The Committee has the ultimate goal of preventing human rights violations, and implementation of these rights 'human-centred' rather than being 'law-centred' and 'culture-centred'. The Committee gives emphasis on the democratic legal system that would be realised by human rights education. Human Rights violations of children due to their age and those of women due to their sex are worth mentioning and protection of women and children should be an integral part of national action plans. The National Committee aims at increasing sensitivity to the human rights of women and children and the social gender roles.

For the human rights education in Turkey, the government institutions, ministries and non-governmental organisations should collaborate. The main objectives of those programmes are, to revise the curriculum of human rights courses in high schools and primary schools, to revise the human rights courses provided by law enforcement officers to primary schools, to aid the preparation of written and visual materials for human rights education, to make a plan for training instructors (T3 training – training the trainers) and to ensure the production of regular human rights programmes to be broadcast in media.⁶⁴ Main target groups of those programmes are teachers, law enforcement officials, (judges, public prosecutors, police officers, public officers and

⁶³ prepared in the meanwhile and was approved by the Ministry's Board of Education on May 10, 1999.

⁶⁴ İçişleri Bakanlığı Emniyet Genel Müdürlüğü 2000yılı Eğitim Planı

gendarmerie), members of mass media, members of non-governmental organisations who carry out activities regarding human rights, social workers and personnel at Community centres.

There are some impediments in the implementation of these training programmes. The inadequacy of teachers who will teach human rights. A 'Human Rights Education Certificate Programme' in the Philosophy Departments and/or MA and Ph.D. programmes in the social sciences. Institutes were initiated without delay – in the academic year of 1999-2000.

Another problem is the publications for this training. The textbooks for these courses should be prepared by and submitted to the Ministry of National Education in coordination with the Committee to fulfill the goals of human rights education. The Committee has monitored the human rights education programme by the Ministry of National Education for the in-service teachers' training courses organised in 1997, revised it in the new form of human rights curriculum. It is important to update and improve the knowledge of teachers.

In-service training should firstly be given to teachers who are graduates of Philosophy, Psychology and Sociology Departments and also of the Faculties of Law and Political Sciences. This training should to be realised in collaboration with the Committee, University, Human Rights Centres or the Institute of Public Administration for Turkey and the Middle East and the Ministry of Education. Also at the university level, human right education is important. Qualified university teachers are needed to teach Human Rights in various professional fields. The Council for Higher Education promotes projects in some universities of Turkey.

Human Rights Education of Law Enforcement Officials Attached to the Ministry of Justice

- a) Education of Candidate Judges and Public Prosecutors attached to the Ministry of Justice: The Committee has reviewed the two-year probationary programmes for judges and public prosecutors.
- b) In-Service Training for Judges and Public Prosecutors: Currently, no human rights education is given to the public prosecutors and judges who start their professions after a probationary period. However, the Committee in cooperation with the Ministry of Justice and Human Rights Centres, plan a project to provide human rights education for all judges and prosecutors during the in-service training. It will have been completed by the end of 2004.
- c) Training for Candidate Civil Servants: Civil Servants Law No. 657. Personnel in the central units of the Ministry of Justice, penal institutions and courts receive no education in human rights. A series of training should be planned for different categories of civil servants
 - i) Education for Prison Superintendents. Prospective superintendents should complete an intensive training programme including Human Rights courses.
 - ii) Human Rights Training for Health and Education personnel in Penal Institutions: Teachers, social workers, sociologists, psychologists, physicians employed in penal institutions should be given general and specific pre-service human rights education.
 - iii) Candidate Training for Internal security personnel: Prison guards and security officers of penal institutions, known as Internal Security Personnel, should also receive candidate. training conveys professional subjects and human rights.

- iv) Candidate training for The the Ministry 's Central Organisation and Court Personnel :Court personnel and personnel for the Ministry 's Central Organisation should also receive intense training about human rights.
- d) In-service training for personnel subject to Law 657: All personnel subject to Law 657 should develop their capacity to find out and apply the implications of human rights.
- e) Education in vocational high schools of Justice: Vocational high schools which train assistant personnel for the central organisation of the Ministry of Justice, judiciary organs and their departments should provide education with a specific emphasis on human rights.
- f) Education of senior personnel: Chiefs, directors, law enforcement chief officers and accountants employed in the central organisation of the Ministry also should be given human rights training. This professional type of Human Rights education shall be prepared by the Ministry of Justice in cooperation with the National Committee before the end of the year 2000.
- g) Establishment of a school for the personnel of penal enforcement institutions: The establishment of a vocational school, which will train personnel to be employed at penitentiaries, follows a two-year education. A collaborated work of the representatives of the Directorate General of Penitentiaries and Detention Centres of the Ministry of Justice and the National Committee and/or non-governmental organisations should prepare a curriculum giving priority to human rights education.

Human Rights Education of Law Enforcement Officers Attached to the Ministry of Foreign Affairs

Briefings were held for provincial governors and security superintendents who have the responsibility for the protection of human rights. In each year, starting from 1996, Human Rights programmes were developed. A total 1840 persons were trained on Human Rights. Officers of both the Directorate General of Security and the Gendarmerie General Command (one from each province) attended workshops on human rights held by the Training Department of the Ministry of Internal Affairs. The personnel of the Ministry of Interior were also initiated to obtain M.A and Ph.D. degrees in the field of human rights. District governors should also receive education in human rights during their probationary period.⁶⁵

Human Rights Training for Police

a) Pre-service training:

There are three different police education institutions namely the Police College and the Police Academy (attached to the Directorate General of Security) and 26 Police Schools attached to the Department of National Education.⁶⁶

Police Schools train the candidate police officers who are high school graduates. Every week one hour is devoted to Human Rights Training. (law courses, public relations, courses in interpersonal communicative skills are also given) Moreover another cooperative programme in cooperation with Cirquest Company of the Netherlands under the coordination of the European Council to develop 'Interactive and Mult-media supported education programmes with specimen case solutions' with a view to connecting practice and theory in police training was initiated in 1997. In October 1998 and April 1999 the first attempts to revise all education programmes was launched. Textbooks and curricula have not been updated yet. The subjects taught in Police

⁶⁵ A. Şafak: Emniyet Teşkilatı, Ankara 1990

⁶⁶ Turkey-EU Police, The Directorate of Press and Education)

Schools are only at the introductory level and not sufficient to acquire skills and attitudes. There are some impediments stemming from the unwillingness of the instructors which creates demotivation. Police Colleges are the second type of training institutions which may be considered as a source for Police Academy which trains medium and higher level supervisors and for various departments of universities in accordance with the requirements of the Directorate General of Security. It is a four-year training programme including preparatory class. Its curriculum is prepared by the Ministry of the Interior. Police Academy is the higher learning four-year undergraduate institution. It is a boarding school and the students wear an official uniform. Passing a special exam is required in order to be admitted by the Academy. There are several different subjects taught in the Academy of which legal subjects are one third of the whole training. There are also professional courses and topics such as foreign language, Turkey-EU language, Computer Science, Economics, Political History, Sociology, Psychology, Atatürk's Principles, Human Rights etc.

Recommendations of the National Committee

In the decade for Human Rights Education for the police to achieve their objectives:

- The Committee suggests to give more place to the subjects of psychology, ethics, sociology, economics and anthropology and to cultural themes in addition to law which will constitute a basis for human rights education and contribute to the development of a modern approach to policing.
- The Committee suggests a special emphasis should be given to specialisation and each police officer should work in his or her respective discipline.
- The Committee suggests to teach professional subjects in connection with human rights.
- The Committee suggests for the participants to be subjected to regular control and get feedback of their performances.
- The Committee suggests that everyone will be admitted to Police Schools only upon passing required exams.

- Other suggestion of the Committee related to police schools, are as follows:
- With the recommendation of the National Committee, for the police schools to be converted into vocational schools, with a programme of minimum two years, a bill has already been prepared, discussed and approved by the Council of Ministers. The bill is submitted to the Grand National Assembly. In addition, it is also recommended that the curriculum of these schools shall be revised.
- The National Committee suggests to give professional course which are directly related to human rights, especially on interrogation methods, interactively. The views and comments of the teachers on those subjects are asked for and they will be submitted to the National Committee.
- Trained personnel are also required to complete a probationary period in their respective fields in connection with human rights, and only those who complete the courses successfully should be assigned to related units.
- The National Committee also suggested to give special training to the people assigned to detention and interrogation units.
- Another suggestion of the National Committee was to take psychological texts in accordance with the feedback given about the students from the Directorate General of Security during the education period.
- The curriculum of the Police Academy is also suggested to be modified to help individuals to improve analytical thinking and problem solving by analysing the trends and current global problems. Also Human Rights courses should be given interactively with actual case studies. Police Academy graduates should complete a probationary period prior to their appointment. This period should be based on their success in the protection of human rights. Moreover the specialisation on certain topics should be initiated by M.A and PhD programmes on human rights and those who receive a PhD degree should be also employed as instructors.

Education of Police Chiefs is also important. A two-year complementary education programme should be instituted for police officers who will be appointed as police chiefs and it should be put into effect in 2005. Completion of this education programme

successfully (or PhD in human rights) must be one of the conditions for being appointed as police chief as of the year 2010. There were other training programmes organised by the Ministry of the Interior. A total number of 300 senior police officers attended five-day workshops for becoming senior provincial administrators. From the feedback received, these workshops were appreciated both for the motivation of the personnel and for the creation of 'belongingness'. They were also appreciated for the welfare of the organisation.

Also T3 (Training the Trainers) training was organised for a group of a hundred instructors. Another prospective training programme for the instructors is planned to be held by the coordination of the National Committee, The Human Rights Section and the Education Department of the Directorate General of Security. The education programme for the instructors has been completed and all police officers below the age of 50 shall attend in-service training courses beginning in the year 2002.

The National Committee also suggested police officers who are assigned to interrogative units should receive applied and systematic in-service training with a duration of not less than three months and that 30% of police officers attending this programme should consist of female officers. This training should consist of the concepts of body language, emotional intelligence (EI or EQ), empathy, intuition, creative thinking, assertiveness training, problem solving skills, communicative skills, managerial skills and persuasive skills. The programme has been initiated since the beginning of 2001.

Another group of people are to be trained as the 'Gendarmerie'. Gendarmerie is a part of security force consisting of professional officers and petty officers. The curriculum of the Gendarmerie training also has been reviewed by the National Committee and a textbook was prepared by the Gendarmerie General Commanderie Command and a 'Human Rights Booklet' was published in 1998. The results of the implementation of the programme shall be monitored and evaluated until the end of 2007. The booklet prepared will be distributed to gendarmerie stations as a guidance during the pre-service

and in-service training. In 80 provinces all law enforcement officials, such as police chiefs and gendarmerie commanders, are responsible for maintaining the police's and gendarmerie's respect of human rights. Thus, these officers should receive a high level training in human rights by the end of 2002.

For the Senior Security Officers, the National Committee, the Directorate General of Security in collaboration with the Gendarmerie General Command must establish a working group for the preparation of a curriculum. During those training seminars, 'mass media' is one of the primary tools to ensure the protection and to increase awareness of human rights, education of members of mass media, especially ethically based education in human rights.

Press is also an important instrument to ensure the protection and increase awareness of human rights. A seminar was organised by the National Committee in Istanbul in cooperation with Journalists' Association of Turkey in June-July 1999. These kinds of seminars are considered to be helpful for dissemination of the priorities and basic values of 'Human Rights'. Private radios and TV Stations as well as Turkey-EU Radio and Television Corporation (TRT) were also planned to be used as instruments for the dissemination of human rights as part of the human rights education programme.⁶⁷

Non-governmental organisations(NGO's) were sent a questionnaire by the National Committee to identify the needs of NGOs regarding the human rights education and also searching for collaboration with those 150 non-governmental organisations in the implementation of the national programme.

A meeting of twenty-one NGOs (who had responded the questionnaire) was held on Feb 22, 1999. The meeting was for the exchange of information on various issues. An action

⁶⁷ 'Halkla İlişkiler Yönetimi Geliştirme ve Oryantasyon Eğitimi', Emniyet Genel Müdürlüğü Eğitim Dairesi Başkanlığı)

plan was outlined in accordance with the priorities defined in the meeting. The decisions taken are as follows:

- For all instructors of NGOs, a general human rights programme shall be organised.
- For training instructors, seminars should be held.
- Monitoring the implementation of Education Programmes in 2000 by Institute of Public Administration for Turkey and the Middle East in Ankara, Helsinki Citizens Association in Istanbul and by the Union of Turkey-EU Physicians in İzmir and if necessary, using other resources provided by the NGOs and other professional organisations.

The National Committee on the Decade for Human Rights Education declares years 1998-2007 as the Decade for Human Rights Education in Turkey. The transparency of which programme should be respected in all stages. Close cooperation between public institutions, non-governmental organisation and professional associations is the prerequisite for the success of the programme . Personnel who have received education on human rights in the framework of the Decade for Human Rights Education should be assigned to human rights units of the Directorate General of Security and the Gendarmerie General Commanderie Command without being transferred to other units. Some additional benefits should be provided for the personnel who will receive special human rights training. ⁶⁸

Human rights education is an important issue, but by itself not enough for the protection of human rights. UN recommended that member states with the human rights education plans, should establish independent national institutions in accordance with the principles of the Status of National Institutions adopted by the UN General Assembly in 1993 by Resolution No.48/134 to protect and reinforce human rights.

Justice and Home Affairs Section of NPAA

The Justice and Home Affairs Section of NPAA should be well examined concerning Human Rights and Police Cooperation. It is targeted to:

- Develop information and awareness programme on the legislation and practice in the European Union in the field of justice and home affairs. (JHA)
- Enhance the fight against organised crimes, drugs trafficking and corruption
- Strengthen capacities to deal with money laundering.

For the short-term objectives to be realised, the envisaged solution for the reinforcement of administrative and judicial capacity are:

- Improving the capacity of public administration to adopt, to implement and to manage the acquis particularly through training and appropriate co-ordination between ministries, including the development of effective border control to prevent illegal immigration and illegal trafficking in human beings and drugs.
- Accelerating the modernisation of public administration including strengthening the relevant administrative institutions,
- Improve the efficiency of the customs and increasing anti-fraud capacity, reinforcing effective controls at borders, improving operation of the judicial system and further promoting training the judiciary in Community Law and its application.

As mentioned before, 'medium term' means, extended up to the year 2004.

There were promises to be realised for the adoption of the acquis in the medium term. These were stated in the National Programme enumerated as follows:

- Developing training programmes on Community Law and on the implementation of the justice and home affairs acquis,
- Further development and strengthening of justice and home affairs (JHA) institutions with a view in particular to ensuring the 'accountability' of the police,

⁶⁸ '21.yy'da Polisin Eğitim Sempozyumu (25-27 Ekim 2000', Emniyet Genel Müdürlüğü Eğitim Dairesi Başkanlığı

- Adoption of the EU acquis in the field of data protection so as to be able to fully participate in the Schengen Information System and in EUROPOL,
- Starting alignment of visa legislation and practice with those of the EU countries,
- Adoption and implementation of the EU acquis and practice of migration (admission, readmission, expulsion) so as to prevent illegal migrations,
- Continuous strengthening of border management and preparation for full implementation of the Schengen Convention,
- Lifting the geographical reservation to the 1951 Geneva Convention in the field of asylum and develop accommodation facilities and social support for refugees,
- Adoption and implementation of the EU acquis in the field of corruption, fight against drugs, organised crime, money laundering and judicial cooperation in criminal and civil matters and further intensification of international co-operation in those fields.

For the reinforcement of administrative and judicial capacity, completion of public administration modernisation reform to ensure efficient and effective management of EC policies, including strengthening of border management and preparation of full implementation of the Schengen Convention are required.

Legal (Acts and Decree laws), administrative (by-laws and regulations) and institutional (institutional structuring, infrastructure etc.) methods should be used in order to implement the measures envisaged in NPAA. The measures are financed sometimes by the Budget and sometimes by the EU funds.

The second measure envisaged by the National Programme regarding item 4.25.1, programmes will be prepared to inform and acquaint the public with the EU acquis and practice in the EU member states in the field of justice and home affairs. It is intended to draw upon TAIEX facilities for this purpose.

Its timetable for implementation is 2001+ (Year 2001 and onwards). The responsible institutions for implementation are the Ministry of Justice, the Ministry of the Interior and other competent ministries and government institutions and organisations referred to in the NPAA.

Currently, within the context of TAIEX assistance, experts have been called from the member states for preparing the Draft Act on the Protection of Personal Data on Electronic Trade. It is funded by the EU and institutional methods for the implementation of the measures are required.

The third part of 4.25.1 of the National Programme on the justice and home affairs cooperation part states that, 'Fraud, corruption, the illicit use, production of and trafficking in drugs, organised crime, money laundering and judicial cooperation in civil and criminal matters in the EU acquis will be adopted and international cooperation in these areas will be intensified. The timetable for implementation is 2001+ and the responsible institutions are again the Ministry of Justice, the Ministry of the Interior, the Ministry of Finance and other authorised ministries referred to in the National Programme for the Adoption of Acquis, NPAA. Currently, the Ministry of Justice undertook the responsibility and became a member of GRECO, the Group of States against Corruption. Moreover the Ministry of Interior through the Gendarmerie General Commanderie Commanderie participates in GRECO meetings. Legal, administrative and institutional methods are needed to implement the measures. It is funded by the budget.

Fourth part of 4.25.1 'general of NPAA' envisaged to benefit to the greatest extent possible from existing cooperation schemes within the framework of MEDA, and with the assistance of the EU member states, from specific programmes Falcone, Odysseus, Grotius, Daphne, Oisin and Stop. The Action plan Against Organised Crime, the Action Plan on the Fight Against Drugs, and the European Refugee Fund, in the field of justice and home affairs. The timetable for implementation is 2001+. The responsible institution

is the Ministry of Foreign Affairs. Currently, non-member states have no right to get benefit of the programmes mentioned. Candidate states may only participate in the project of a member state, only if they cover the expenses. Turkey informed the Commission of its interest in participating in Daphne, along with other programmes. Turkey-EU participation requires the conclusion of a framework agreement between Turkey and the Commission. The Commission has requested the authorisation of the Council to conclude the agreement. The applicable method for implementation is institutional.

Fifth part envisaged to cooperate with the European Information Network on Racism and Xenophobia of the Vienna-based European Monitoring Centre on Racism and Xenophobia (EUMC). The timetable for implementation is 2001+. The responsible institutions are the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Labour and Social Security Board of Human Rights. Currently it is at the Prime the Ministry . The applicable method should be institutional.

Referring to 4.25.2 ASYLUM part in NPAA, the short-term promise was to develop information and awareness programme on the legislation and practice in the EU in the field of JHA. Again reinforcement of administrative and racial capacity by adopting, implementing and managing the *acquis* in particular through training and appropriate co-ordination between the ministries, strengthening the relevant administrative institutions, accelerating the modernisation of public administration, improving the efficiency of the customs and modernising the tax administration, increasing the anti-fraud capacity, reinforcing the border controls, improving the operation of the judicial system and signifying training for the judiciary

In Community Law and its application, in medium term, developing training programmes on Community Law and on the implementation of the JHA *acquis* alignment of visa legislation and practice with those of the EU, further development of JHA institutions lifting the geographical reservation to the 1951 Geneva Convention in

the field of asylum and develop accommodation facilities and social support for refugees. For these promises to be realised, public administration modernisation reform should be completed to make sure that EC policies shall be managed effectively.

Regarding item 4.25.2, training seminars initiated by the Directorate General for Public Security in co-operation with the UNHCR will continue. Timetable for implementation is 2001. The responsible institution is the Ministry of the Interior. The method to implement is institutional. The project is covering the term 1 January 2001 – 31 December 2003. Secondly seminars on refugee law by the Gendarmerie General Commanderie Command and the UNHCR will continue to be held. The project is currently underway. Thirdly, review of Act. No.5683 on the Residence and Travel of the Foreigners in Turkey. The Ministry of Interior screened the EU acquis relevant to this Act and worked on the new legislation. The proposals are intended to be submitted to Prime Ministry by the end of 2001. Legal methods are required for implementation. Fourthly, review of Act No.4360 amending Act No. 5683 on the Residence and Travel of Foreigner in Turkey is being undertaken. Timetable for implementation is 2001+. Responsible institution is the Ministry of the Interior. Currently, work is underway at the Commission set up at the Ministry of the Interior. The method for implementation is legal. Fifthly, review the by-law (No.94/6169) on the Procedures and Principles applicable to Possible Population Movements and to Foreigners Reaching Turkey-EU Borders with the Purpose of Seeking Asylum from Turkey or Requesting Residence Permits with a View to Seeking Asylum from a third country, either as individuals or in groups. Timetable for implementation is 2001+. The responsible institution is the Ministry of Interior. Currently, a draft text is underway. A commission was formed at the Ministry of the Interior. It is intended to be completed by the end of 2001. The method used is administrative.

Part 6 of 4.25.2 (Asylum section) of NPAA states that Turkey intends to undertake new and more comprehensive arrangements governing the duties and activities of authorities responsible for determining the status of individual applicants, and to review the

possibility of formally determining the roles that may be undertaken in practice by the UNHCR and Turkey-EU NGOs in this context. The timetable for implementation is 2001+ and the responsible institutions are the Ministry of National Defence, the Ministry of the Interior and the Ministry of Foreign Affairs. The methods applicable are administrative and institutional. The timetable for implementation is 2001+ and the responsible institutions are the Ministry of National Defence, the Ministry of the Interior and the Ministry of Foreign Affairs. The methods applicable are administrative and institutional.

Part seven, eight and nine are related with the development of the reception facilities at the Yozgat and Kırıkkale Refugee Guesthouse. the Ministry of the Interior is responsible for implementation. Timetable for implementation is 2001+. Currently it is underway for the development of facilities at this guesthouse and the establishment of admission and expulsion centres in various other regions. The method to be used is institutional.

The last part of 4.25.2 (Asylum) deals with lifting the geographical reservation on the 1951 UN Convention Relating to the Status of Refugees will be considered. The timetable for implementation is 2001+ and the responsible institutions are the Ministry of the Interior and the Ministry of Foreign Affairs. Legal methods are required for implementation. Moreover enactment of an Asylum Law is targeted. Currently work is underway.

4.25.3 of NPAA deals with External Borders.

In the short-term, development of information and awareness programmes on the legislation and practice in the EU in the field of JHA are planned.

Like in other parts of the NPAA, accelerating the modernisation of public administration, coordination between the ministries, including the development of

effective border control to prevent illegal immigration and illegal trafficking of people and drugs are needed to reinforce administrative and judicial capacity. In the medium term, again developing training programmes on Community Law and on the implementation of the JHA Acquis, further development of JHA institutions, full participation in Schengen Information System, alignment of visa legislation and practice with those of the EU, adopting the EU Acquis on migration so as to prevent illegal migrations, strengthening border management and full implementation of Schengen Convention are planned.

First promise given as a development regarding 4.25.3 (External Borders) is co-operation and coordination between the competent ministries and other public institutions which should be strengthened. Timetable for implementation is 2001. The responsible institutions are Turkey-EU General Staff, the Ministry of National Defence, the Ministry of the Interior. Currently, coordination meeting was held and the contact officers from the state institutions were assigned and an early warning system was established between the ministries on 15 May, 2001. Second part is related with the seminars on the identification of fraudulent travel documents will be held with the participation of experts from Germany. The timetable for implementation is 2001. The responsible institutions are the Ministry of the Interior and the Ministry of Foreign Affairs. Currently, the request was made to German authorities. The method to be applied is institutional. Third part deals with the preparatory work for the alignment with the EU Visa Negative List and the Negative List will gradually put into effect. The timetable for implementation is 2001+. The responsible institutions are the Ministry of the Interior and the Ministry of Foreign Affairs. The EU Regulation on visas, dated 15.03.2001, No.539/2001 was worked on. The method to be applied is legal. Forth part is related with 'Border Controls'. Timetable for implementation is 2001 and the responsible institutions are Turkey-EU General Staff, the Ministry of Interior, the Ministry of National Defence and the Ministry of Foreign Affairs.

Currently, some precautions, a large number of personnel of Directorate General for Public Security between November 2000 – May 2001 on the topic ‘illegal border crossings with forged documents’ and again currently first stage of the ‘Border Observation and Control System Project’ was completed. It was related with the central instruments which will help in the identification, recognition and observation of targets and the transfer of intervening forces as well as the command and control of these forces. For the second stage, ASELSAN undertook the pilot work and it is underway. Fifth part of 4.25.3 is related with border management. The timetable for implementation is 2001+. The responsible institutions are the Ministry of the Interior and other relevant government institutions. Nothing has been done yet. Sixth part deals with the preparations for full implementation of the Schengen Convention. The timetable for it is 2001+. The responsible institutions are the Ministry of the Interior, the Ministry of Foreign Affairs. The methods to be used are legal, administrative and institutional. Currently, the preparations have started. Schengen Acquis has been accomplished and screened and work has been initiated. This preliminary work to study acquis is intended to be completed by November 2001.

Part 7 of 4.25.3 deals with the alignment of Turkey-EU visa legislation with the EU acquis. The timetable for implementation is 2001+. The responsible institutions are 2001+. Currently, work has been initiated to complete the technical infrastructure of online real time visa issuance and control procedure between consular and diplomatic missions, the Ministry of Foreign Affairs and the Ministry of the Interior and border customs offices. The principles and procedures in the Common Consular Instructions are to be incorporated into the Turkey-EU legislation by the end of 2002. The method to be applied is legal.

Regarding part 7, agreements with Kazakhstan, Bosnia and Herzegovina were signed to enable Turkey to revoke the visa exemption. It is also intended to revoke visa exemptions for Kyrgyzstan, Tunisia, Bahrain, United Arab Emirates, Morocco, Qatar, Oman, Saudi Arabia, Macedonia, Iran, Maldives, Kenya, Barbados, Grenada,

Seychelles, Jamaica, South Africa, Trinidad and Tobago, Mauritius and Indonesia by the end of 2002.

Part 8 of 4.25.3 regarding the external borders, states that the precautions that have already been taken, shall be reinforced to decrease more the number of people trying to reach Western European Countries illegally. The timetable for implementation is 2001+. The responsible institutions are the Ministry of the Interior and the Ministry of Foreign Affairs. The administrative method is applicable. Currently, three kinds of measures have been taken:

Legally, a draft act has been prepared to add an article that provides for sanctions in the Turkey-EU Penal Code, with a view of deterring those persons arranging illegal border crossings. Internationally, a number of European countries were contacted and were collaborated with illegal border crossings. At the national level, new checkpoints have been established. Additional patrols have been assigned to help prevention of illegal immigration by sea. Suspected ships at harbours are identified and looked over and deterred from criminal action. The applicable method is 'administrative'

Part 9 reviews the Act No.5683 on the Residence and Travel of Foreigners in Turkey. The timetable for implementation is 2001+. The responsible institutions are the Ministry of the Interior and the Ministry of Foreign Affairs. The applicable method is legal. Currently, a Commission which was set up by the Ministry of the Interior is initiating the work.

Part 10 reviews the Act No.4360, amending Act No.5683 on the Residence and Travel of Foreigners in Turkey. The timetable for implementation is 2001+. The responsible institutions are the Ministry of the Interior and the Ministry of Foreign Affairs. A Commission set up by the Ministry of the Interior is undertaking the responsibility and is initiating the work. The applicable method is 'legal'.

Part 11 reviews the Act No.5682 on passports. The timetable for implementation is 2001+, The responsible institutions are the Ministry of the Interior and the Ministry of Foreign Affairs.⁶⁹

Part 12 deals with the review of the Act No. 3497 on the Protection and Security of Land Borders. The timetable for implementation is 2001+ and the responsible institutions are the Ministry of National Defence and the Ministry of the Interior. Currently, work has been initiated at the Ministry of National Defence which has recently assumed responsibility in this area. The applicable method is 'legal'. The officials assigned to the units of protection and security of territorial borders will receive five weeks training in a course named as 'Border Services Course'/ 'Border Reinforcement Course'.

Part 13 of 4.25.3 deals with a work on the Draft Act amending relevant articles Act No.2692 on the Coast Guard Command. The timetable for implementation is 2001+. The responsible institutions are the Ministry of National Defence and the Ministry of the Interior. The applicable method is 'legal'. Currently, the draft has been submitted to the Turkey-EU Grand National Assembly

Part 14 deals with a work on the draft act, amending the act on Turkey-EU Armed Forces Internal Service. Timetable for implementation is 2001+ and the responsible institution is the Ministry of National Defence. The legal method is applicable. Currently, work is stated for preparing the Draft Act. Part 15 deals with a work on the Draft Act amending Act on the Turkey-EU Armed Forces Personnel. The timetable for implementation is 2001+ and the responsible institution is the Ministry of National Defence. Currently the preparation of the Act has been initiated. The method to be applied is 'legal'. Part 16 deals with attempts to increase the mobile capacity of border units of the Gendarmerie General Commanderie Command by 100%. The timetable for implementation is 2001+ and the responsible institution is the Ministry of the Interior.

⁶⁹ It is envisaged to initiate the 'Airport Transit Visa' and the Commission set up by Ministry of the Interior is initiating the project.

The method to be applied is 'institutional'. Currently, no initiative has launched yet. Part 17 deals with the watermarked visa label which will be put into practice. The timetable for implementation is 2001+. The responsible institutions are the Ministry of the Interior and the Ministry of Foreign Affairs. Currently, an initiative was launched to introduce a new type of visa sticker with the security features and technical specifications of the Schengen uniform Visa Sticker by the end of 2002. It is envisaged to complete the administrative work on the watermarked visa labels by November 2001. The applicable method is 'institutional'. Part 18 deals with the training of relevant government personnel in the context of the adoption of the Schengen acquis. The timetable for implementation is 2001+ and the responsible institutions are the Ministry of the Interior and the Ministry of Foreign Affairs. It is funded by the EU.

Currently, it is envisaged to provide training in 2001, with the co-operation of the KMPD, through separate seminars in the areas of 1) illegal immigration, 2) asylum, 3) external borders.

Part 19 deals with the operation of a project for issuing passports and installing optical readers at entry and exit points. The timetable for implementation is 2001+ and the responsible institutions are the Ministry of the Interior and the Ministry of Foreign Affairs. The applicable method is 'institutional'. Currently, the project is in operation but an amount of 4.000.000 Euro is needed to finalise the project. The last part deals with a project called 'JEMUS' (Gendarmerie Integrated Communication and Information System Project) which shall provide the speedy transmission of messages and information even to the smallest Gendarmerie units. The timetable for implementation is 2001+ and the responsible institution is the Ministry of the Interior. The applicable method is 'institutional'. In 2001, the project has been financed by the budget at an amount of 17 trillion TL and a total amount of 300 Million Euro is needed for a period of eight years. Currently, the preparations for specifications or technical and administrative aspects are initiated. Once the procurement phase is

finished, transmission will begin from the national main service. The applicable method is 'institutional'.

4.25.4 of NPAA is the section proposing remedies for the adoption of Acquis regarding 'Migration'. In the short term, development of information and awareness programme on the legislation and practice in the EU in the field of JHA. For the reinforcement of administrative and judicial capacity, improving the capacity of public administration to adopt, to implement and to manage the acquis, in particular through training and appropriate coordination between the ministries, including the development of effective border control to prevent illegal migration and accelerating the modernisation of public administration including strengthening of the relevant administrative institutions.

In medium term, it is envisaged to develop training programmes on Community Law and on the implementation of the JHA Acquis and strengthen JHA Institutions, adopt the EU acquis in the field of data protection, start alignment of visa legislation, adopt and implement the EU acquis and practice on migration so as to prevent illegal migrations and strengthen of border management.

The first part of 4.25.4 on 'Migration' deals with cooperation and coordination between the authorised ministries and other public institutions. The timetable for implementation is 2001. The responsible institutions are all competent ministries and government institutions referred to in the NPAA. The applicable method is 'institutional'. Currently, an early warning system was set up and liaison officers were elected at the coordination meeting on 15 May, 2001.

Part 2 of 4.25.4 of NPAA is related with the enactment of the Draft Law on Work Permits for Foreigners. The time for implementation is the year 2001. The responsible institutions are the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Labour and Social Security. The applicable method is 'legal'. Currently it is

at the Prime the Ministry . Part 3 deals with the alignment of Turkey-EU visa legislation and practice in the EU acquis. The timetable for implementation is 2001. The responsible institutions are the Ministry of the Interior and the Ministry of Foreign Affairs. The applicable method is 'legal'. Currently, necessary studies to incorporate Common Consular Instructors and provisions of the handbook into Turkey-EU legislation have been done.

Part 4 deals with training programmes prepared for the staff of the related ministries. The timetable for implementation is 2001. The responsible institutions are authorised ministries, government institutions referred to in NPAA. The applicable method is 'legal'. Currently, the personnel of the Ministry of the Interior were trained. The training seminar was organised by experts from the EU on external borders, migration and asylum between 13-16 March 2001. Another seminar, which shall be financed from the Administrative Cooperation Fund was to be organised in September, 2001.

Part 5 deals with the alignment with the Schengen Information System. Currently work is underway on the Draft Act on the Protection of the Personal Data. the Ministry of the Interior and the Ministry of Foreign Affairs are the responsible institutions.

Part 6 of 4.25.4 of NPAA deals with negotiations on readmission agreements with countries of destination and origin. the Ministry of the Interior and the Ministry of Foreign Affairs are the responsible institutions. The timetable for implementation is 2001. The applicable method is 'legal'. The first meeting on a readmission agreement with Greece was held in Athens on 22 June 2001. The second round of negotiations will be held in Ankara in the first half of September and draft protocols have been proposed to Iran, Syria, Pakistan, Bangladesh, and India. It is intended to set up five reception centres, each with a capacity of 1000 persons, for illegal immigrations until their return to their country of origin. In May 2001, Turkey proposed negotiations on readmission agreements with China and Romania and Turkey proposed a draft to Bulgaria in June

2001 depending on agreement with these parties, negotiations are envisaged to begin in the year 2001.

Part 7 deals with prevention of illegal immigration and adoption of relevant the EU acquis. The timetable for implementation is 2001+. the Ministry of the Interior and the Ministry of Foreign Affairs are the responsible institutions. The applicable method is 'legal'. Currently, Turkey has started a process of bilateral negotiations with priority, countries in line with the EU acquis on readmission. Readmission agreements are envisaged to be concluded with priority countries by the end of the year 2002, in light of principles identified in the Council Recommendations dated 31.11.1994 and 24.07.1995. The applicable method is legal. The timetable for implementation is 2001+. The responsible institutions are the Ministry of the Interior and the Ministry of Foreign Affairs.

Part 8 of 4.25.4, 'Migration' section deals with the ratification of the UN Convention Against Trans-national Organised Crime. The timetable for implementation is 2001+. The responsible institution is the Ministry of Foreign Affairs. The applicable method is 'legal'. Currently, Turkey has signed the Protocol on 15.12.2000..

Part 9 deals with the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the UN Convention Against Trans-National Organised Crime. The timetable for implementation is 2001+ and the responsible institution is the Ministry of Foreign Affairs. The applicable method is 'legal'. Currently, Turkey has signed the Protocol on 15.12.2000.

Part 10 deals with the ratification of the Protocol Against the Smuggling of Migrants by Land, Sea and Air. The timetable for implementation is 2001. The responsible institution is the Ministry of the Interior. The applicable method is 'legal'. Currently, work is underway and initiated by a Commission which was set up by the Ministry of the Interior. Part 11, 12 are the reviews of the Act No. 5683, 4360 on the Residence and

Travel of Foreigners in Turkey. The timetable for implementation is 2001+. The responsible institution is the Ministry of the Interior.

Part 13 reviews the Act No.5682 on Passports. The timetable for implementation is 2001+. Currently, it is at the Ministry. Part 14 reviews the Act on Permitting Foreign Nationals of Turkey-EU Origin to Freely Practice Their Professions and Trades or to be Employed in Public or Private Organisations and Enterprises in Turkey. The timetable for implementation is 2001+. The responsible institutions are the Ministry of Labour and Social Security, the Ministry of Foreign Affairs and the Ministry of the Interior. The applicable method is 'legal'.

Part 15 reviews the Act on the Promotion of Tourism. The timetable for implementation is 2001+. the Ministry of the Interior and the Ministry of Tourism are the responsible institutions. Currently, the work is underway to harmonise with the EU acquis, the provision of the Act on the Promotion of Tourism related to the employment of foreign personnel, and the right to establish enterprises and the freedom to offer services in the tourism sector. the Ministry of Tourism has undertaken joint work with the officials of the State Planning Organisation and has identified the procedures to be undertaken for the harmonisation process. The applicable method is 'legal'.

Part 16 reviews the By-law No.94/6169 on the Procedures and Principles applicable to Possible Population Movements and to Foreigners Reaching Turkey-EU Borders with the purpose of Seeking Asylum from Turkey or Requesting Permits with a View to Seeking Asylum from a third Country, either as individuals or in groups. The timetable for implementation is 2001+ and the responsible institution is the Ministry of the Interior. The applicable method is 'administrative'. Currently, the Commission set up by the Ministry of the Interior initiates the review.

The next section 4.25.5 is related with organised crime, fraud and corruption. In short term, development of information and unawareness programme or the legislation and

practice in the EU in the field of JHA and enhancement of the fight against organised crimes, drugs trafficking and corruption and strengthening capacities to deal with money laundering. Reinforcement of administrative and judicial capacity shall be provided by improving the capacity shall be provided by improving the capacity of public administration to adopt, to implement and to manage the acquis in particular through training and appropriate coordination between ministries, to prevent illegal trafficking in human beings and drugs, accelerating the modernisation of public administration and improving the efficiency of the customs, modernisation of tax administration and increasing anti-fraud capacity. In medium term, training programmes, implementation of JHA acquis, effective border management, full implementation of the Schengen Convention, adoption of the EU in the field of corruption, fight against drugs, organised crime, money laundering, co-operation in these fields are prerequisites.

Part 1 of 4.25.5 deals with cooperation and coordination between the authorised ministries and other public institutions. The applicable method is 'institutional'. The timetable for implementation is 2001. The responsible institutions are authorised ministries referred to in the NPAA. Currently, nothing has been initiated yet.

Part 2 deals with the legislation on the prevention of money-laundering.⁷⁰ The applicable method is 'legal'. The responsible institutions are the Ministry of Finance, the Ministry of the Interior and the Ministry of Justice. Part 3 of the 4.25.5 deals with the adoption of the EU acquis on organised crime, fraud and corruption and the illicit use, production of and trafficking in drugs.. The timetable for implementation is 2001. The responsible institutions are the Ministry of Justice, the Ministry of Interior and other competent ministries and government institutions referred to in the NPAA. The applicable methods are 'legal and institutional'. It is funded by state budget. Currently, it's underway. the Ministry of Justice has undertaken the duty to become a party to the monitoring mechanism, GRECO.

⁷⁰ Related article No.4208 dated 13.11.1996. The timetable for implementation is 2001.

Part 5 of 4.25.5 deals with in-service training on the introduction of drugs for prison staff. The timetable for implementation is 2001 and the responsible institution is the Ministry of Justice. It is funded by budget and the applicable method is 'institutional'. Currently, as part of the in-service training, at the Keçiören Training Centre, prison staff are being trained on drugs. This project shall be enlarged in the 2001 Annual Training Programmes as well as in future annual programmes. Relevant By-laws on in-service training at the Ministry of Justice should be changed.

Part 6 deals with the adoption of the EU acquis and international co-operation. The timetable for implementation is 2001. The responsible institutions are the Ministry of Justice, the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Finance and other authorised ministries and government institutions referred to in NPAA. The applicable methods are 'legal, administrative and institutional'. Currently, no development has been recorded yet. Part 7 reviews the Act No.2886 on Public Procurement. The timetable for implementation is 2001. The responsible institutions are the Ministry of Finance, the Ministry of Reconstruction and Settlement. The applicable method is legal. Currently, work is at the final stage.

Part 8 reviews the cooperation between the judicial, financial, police and gendarmerie units in the fight against crime, fraud and corruption, the illicit use, production of and trafficking in drugs and money laundering. The timetable for implementation is 2001+. It is funded by the Budget. The responsible institutions are the Ministry of Justice, the Ministry of the Interior, the Ministry of Finance and other authorised ministries and government institutions and organisations referred to in the NPAA.

The relevant provisions are Article 6 titled 'Projects and Working Groups' and Article 7 titled 'Coordination' of the by-law.⁷¹

Part 10 deals with joint projects with the EU member states and organisations affiliated with the EU to strengthen the legal, administrative and technical capacities of the Drug

⁷¹ No 24299 dated 26.01.2001.

Addiction Prevention, Monitoring and Control Board and its sub-committee, and to increase the effectiveness of the protective and preventive measures undertaken in this area. The timetable for implementation is 2001+ and the responsible institutions are the Ministry of the Interior, the Ministry of Foreign Affairs and Family Research Institution. The applicable method is 'institutional'. The programme has not started yet.

Part 11 deals with the search for co-operation with the Lisbon-based European Monitoring Centre for Drugs and Drug Addiction, EMCDDA. The timetable for implementation is 2001+. The responsible institutions are the Ministry of Interior, the Ministry of Foreign Affairs, Family Research Institution, Drug Addiction Prevention, Monitoring and Control Board and sub-committee. The applicable method is 'institutional'. Preparations are underway for full participation in the activities of the EMCDDA.

Part 14 deals with the Accession to the Council of Europe Convention on laundering, Search, Seizure and Confiscation of the Proceeds from Crime. The timetable for implementation is 2001+. The responsible institution is the Ministry of Foreign Affairs. The applicable method is 'legal'.

Currently, Turkey signed the Convention on September 27, 2001.

Part 15 deals with the accession to the Council of Europe Criminal Law Convention on Corruption. The timetable for accession is 2001+. The responsible institution is the Ministry of Foreign Affairs.

Turkey has recently signed the Convention on September 27, 2001.

Part 16 deals with the Accession to the Council of Europe Civil Law Convention on Corruption. The timetable for implementation is 2001+. The responsible institution is the Ministry of Foreign Affairs. The applicable method is 'legal'.

Part 17 deals with the Accession to the Convention Against Trans-national Organised Crime. The timetable for implementation is 2001+. The responsible institution is the Ministry of Foreign Affairs. The applicable method is 'legal'. Turkey signed the Convention on 15.12.2000.

Part 18 deals with the accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons. Especially Women and Children, Supplementing the UN Convention Against Trans-national Organised Crime. The timetable for implementation is 2001+. The responsible institution is the Ministry of Foreign Affairs. The applicable method is 'legal'. Turkey has recently signed the Protocol on 15.12.2000.

Part 19 deals with the accession to the Protocol Against the Smuggling of Migrants by Land, Sea and Air supplementing the UN Convention Against Trans-national Organised Crime. The timetable for implementation is 2001+. The responsible institution is the Ministry of Foreign Affairs. The applicable method is 'legal'. Turkey has signed the Protocol on 15.12.2000.

Part 20 deals with the accession to the 1972 Protocol Amending the 1961 Single Convention on Narcotic Drugs. The applicable method is 'legal'. The responsible institution is the Ministry of Foreign Affairs. The timetable for implementation is 2001+.

Turkish Grand National Assembly approved the Act approving the 1972 Protocol amending the 1961 Single Convention on Narcotic Drugs dated 26.4.2001. This was published in the Official Gazette No.24397, dated 9.05.2001 and entered into force as Act No.4659, dated 26.4.2001.

Part 21 deals with the accession to the 1995 Agreement on Illicit Traffic by Sea, Implementing Article 17 of the 1995 UN Vienna Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The timetable for implementation is

2001+. The responsible institution is the Ministry of Foreign Affairs. The applicable method is 'legal'. No initiative has been started yet.

Part 22 deals with the review of the Turkey-EU Penal Code. The timetable for implementation is 2001+. The responsible institution is the Ministry of Justice. The method to be applied is 'legal'. Currently, the Draft Act of the Penal Code has been submitted to the relevant institutions for their views and comments. It is funded by the budget.

Part 23 deals with the review of the Anti-terrorism Act. The timetable for implementation is 2001+. The applicable method is 'legal'. The responsible institutions are the Ministry of Justice and the Ministry of the Interior. It is funded by the budget. Currently, nothing has been done yet.

Part 24 deals with the review of the Code of Penal Procedure. The timetable for implementation is 2001+. The responsible institution is the Ministry of Justice. The applicable method is 'legal'. Currently, the draft Code of Penal Procedure has been prepared by a Commission.

Part 25 deals with the review of the Act on the Protection of the Value of Turkey-EU Currency. The timetable for implementation is 2001+. The applicable method is 'legal'. The responsible institutions are the Ministry of Finance and Under-Secretariat of Treasury. Currently, nothing has been changed.

Part 26 deals with the review of the foreign exchange legislation. The timetable for implementation is 2001+. The responsible institutions are the Ministry of Finance, Under-Secretariat of Treasury. The applicable method is 'legal'. Currently, no improvement has been observed yet.

Part 27 of 4.25.5 of NPAA deals with the enactment of the Draft Act Amending the Relevant Acts to Prevent the Bribery of Foreign Public Officials. The timetable for implementation is 2001+. The responsible institutions are the Ministry of Justice, the Ministry of Interior, the Ministry of Foreign Affairs and the Ministry of Finance. It is funded by the Budget and 'legal' methods are applicable to take necessary measures. Currently the draft act is at the Turkey-EU Grand National Assembly Justice Commission.

Part 28 deals with the Enactment of the Draft Act on the Organisation and Duties of the Directorate General for Family and Social Research. The timetable for implementation is 2001+. The responsible institution is Family Research Institution. Currently, it is at the Turkey-EU Grand National Assembly.

Part 29 deals with the integration of the records, maintained at the Directorate General for Public Security, the Gendarmerie General Commanderie Command and the Coast Guard Command and the extension of the Scope of these projects to meet additional requirements in the technical infrastructure. The timetable for implementation is 2001+ and the responsible institution is the Ministry of the Interior. The applicable method is 'institutional'. Currently the work is underway.

Part 30 of 4.25.5 of NPAA deals with the changes to be made in the organisational structure in the Financial Crimes Investigation Board. The timetable for implementation is 2001 and the responsible institution is the Ministry of Finance. The applicable method is 'institutional'. No measures have been applied yet.

Part 31 deals with the establishment of a database at the Ministry of the Interior. The timetable for implementation is 2001+. The responsible is the Ministry of the Interior and applicable method is 'institutional'.⁷²

⁷² It is funded by the EU in the amount of 20.000.000 Euro.

Part 32 of 4.25.5 deals with the supervisory capacities of the Directorate General for Title Deeds and Cadastre which will be improved. The timetable for implementation is 2001+ and the responsible institution is Directorate General of Title Deeds and Cadastre. The applicable method is 'institutional'. Currently, a Commission was set up to re-draft the Act on the Establishment of the Directorate General of Title Deeds and Cadastre.

Part 33 of 4.25.5 'Organised Crime, Fraud and Corruption' deals with the monitoring in the combat against bribery, fraud, corruption and money laundering. The timetable for implementation is 2001+ and the responsible institutions are the Ministry of the Interior, the Ministry of Finance (money laundering) and other authorised ministries and government institutions. The applicable method is 'institutional'.

Currently, significant steps have been taken to combat against smuggling and organised crime, Divisions for Anti-Smuggling and Organized Crime have been set up at 81 provincial Gendarmerie Commands and personnel have been appointed to these Divisions.

Part 34 deals with the realisation of the Title Deeds and Cadastre Information System Project. The timetable for implementation is 2001+. The responsible institution is Directorate General of Title Deeds and Cadastre. Currently, this project will be completed in ten years' time. Information will be transferred to electronic media in two years' time, provided that the necessary funding is provided. The land registry records of those who have completed procedures for the Cadastre of premises will soon be transferred to electronic media provided that the necessary funds are secured. The applicable method is 'institutional'. It is funded by the EU at an amount of 160.000.000 Euro is needed for the project to operate. The completion of the TAILBIS Project is currently following the conclusion of a protocol with HAVELSAN.

Part 37 deals with the activities at the Turkey-EU International Academy against Drugs and Organised Crime (TADOC). The timetable for implementation is 2001+. The responsible institution is the Ministry of the Interior. The applicable method is 'institutional'.⁷³

Currently, TADOC has already been set up and training programmes are ongoing at TADOC since September 2000.

Part 38 deals with the realisation of projects within the context of TADOC. The timetable for implementation is 2001+ and the responsible institution is the Ministry of the Interior. The applicable method is 'institutional'.⁷⁴ Currently, the Scientific Advisory Commission, and advisory body to the Drug Addiction Prevention, Monitoring and Control Board gives training services.

Part 39 of 4.25.5 of NPAA deals with a training center to be established at the Gendarmerie for a Sniffer Dog. The timetable for implementation is 2001+ and the responsible institution is the Ministry of the Interior. The applicable method is 'institutional'. No funds have been allocated for 2001 and an additional fund of 1.500.000 Euros is needed. Currently, the feasibility task on the project and the personnel appointment for 2001 has been completed. The training centre for Sniffer Dog training at the Gendarmerie Schools Command will become operational in Ankara upon the provision of the necessary finance.

Part 40 deals with the need for additional staff for the Financial Crimes Investigation Board. Timetable for implementation is 2001 and the responsible institution is the Ministry of Finance and the applicable method is 'institutional'. Currently, no improvement has been observed yet. Part 38 deals with the training of the staff of the Ministry of the Interior on the EU acquis. The timetable for implementation is 2001+

⁷³ It is funded by the EU at an amount of 700.000 Euro.

⁷⁴ It is funded by the EU at an amount of 300.000 Euro.

and the responsible institution is the Ministry of the Interior and the applicable method is 'institutional'

Part 42 deals with the Procurement of Police Observation Vehicles Project. The timetable for implementation is 2001+ and the responsible institution is the Ministry of the Interior. The applicable method is 'institutional' and it is funded by the EU at an amount of 16.250.000 Euro. Currently, no improvement has been recorded.

Part 43 deals with the development of a project to study the EU activities against organised crime which shall be initiated by Directorate General for Public Security. The responsible institution is the Ministry of the Interior and timetable for implementation is 2001+ and the applicable method is 'institutional'. Currently, visits to the EU countries are being made.

Part 44 deals with the harmonisation of the criminal records maintained by the Gendarmerie General Commanderie Command with identification numbers issued in the context of the Central Population Management System (MERNIS) and with the database at the Directorate General for Population and Citizenship. The timetable for implementation is 2001+ and the responsible institution is 'the Ministry of the Interior'. The applicable method is 'institutional'. Currently, after the approval of the annexes that will amend the Act on Census, the communication line will be set up. The draft annexes have been approved by the Turkey-EU Grand National Assembly Commission for Interior Affairs and submitted to the General Assembly. The applicable method is 'institutional'.⁷⁵

Part 45 deals with the realisation of the Procurement of Police Observation Vehicles Project. The timetable for implementation is 2001+. The responsible institution is the Ministry of the Interior. The applicable method is 'institutional'. An amount of 13.000.000 Euro is needed.

⁷⁵ For 2001, US \$ 14000 has been allocated and an additional amount of 5.000.000 Euro is needed.

Part 46 deals with the establishment of a database for Financial Crimes Investigation Board and links with other databases. The timetable for implementation is 2001+ and the applicable method is 'institutional'. The responsible institution is the Ministry of Finance.⁷⁶

Part 47 deals with the Banking Regulatory and Supervisory Authority, which will develop training, programmes within the context of the fight against corruption and money laundering. The timetable for implementation is 2001+. The applicable method is 'institutional' and the responsible institution is Banking Regulatory and Supervisory Authority. Currently, the Act amending the Act on Banks was approved by Turkey-EU Grand National Assembly on 12.05.2001 and entered into force as Act No.4672, dated 12 May 2001, following its publication in the Official Gazette, No. 24416, dated 29 May 2001. Part 48 deals with the enhancement of administrative and judicial capacities. The timetable for implementation is 2001+. The responsible institutions are the Ministry of Justice, the Ministry of the Interior, the Ministry of Finance and other authorised ministries and government institutions referred to in the NPAA. The applicable method is 'institutional'.

The next section 4.25.6 is about 'Police Cooperation'. It is again divided into two, in terms of the implemented timetables. Police Cooperation is a very significant issue as to the EU accession and Human Rights criteria and worth mentioning in detail. Copenhagen criteria requires the review of the Law of Duties and Authorities of Police as it is out of fashion and the terminology and the language of the law is not suitable for the needs of the modern world. Thus to align with the international standards, review of the Act and updating the article and redrafting a new act appropriate for the needs of the modern society is required. The Act should help the law enforcement officials to implement the principles of Universal principles of Human Rights. When the Act was reviewed, it was observed that there were many unnecessary articles and some articles

⁷⁶ It is funded by the EU at an amount of 20.000.000 Euro.

should have been replaced with the appropriate new articles. Currently, the subcommittees are on the way to studies and making the reviews and submitting the draft to the comments and opinions of the competent organisations and institutions.

As mentioned above, concerning the freedom of expression and thought, the review of the Act related with the fight against terrorism, Article 7 and 8 and Article 312 of the Turkey-EU Penal Code were to be reviewed in the short term. Regarding those to be reviewed, a draft act is being prepared by the Commission with the participation of the competent institutions referred to in the NPAA.

In the medium term, the review of the Act No.2559, on the Duties and Competences of the Police, and the Regulation for the Implementation of Act No. 2559 are envisaged to be realised and a draft act has been prepared to change the Act on the Duties and Competences of the Police.

According to the Draft Act, the employment age was dropped to 18 and the requirement of getting permission of the women from the related authority to work was abolished. Article 1 of International Labour Organisation (ILO) was agreed to be complied with. The parties should act in accordance with the principles of eliminating inequalities between man and woman. The draft act is at the Ministry of the Interior, currently. The draft act shall enter into force immediately after the review of the legislation of the EU member states on the same topic.

The Act No. 2559, on the Duties and Competences of the Police, was decided to be changed completely. As a result of the initiated works, the language of the Act was found old and out of fashion and found to have provisions contrary to freedom of work and equality of man and woman in the sense of working conditions. The Act was also criticised because of its lack of systematic act preparation and having unnecessary attachments. Moreover, the Act was considered unsuitable for the needs of today's

modern society and needed to be re-evaluated within the framework of the principles of Human Rights envisaged in the National Programme.

The titles of the Articles were determined by the Commission in May, 2001. Moreover the texts and acts related with the duties and competences of the police in the EU member states were obtained from the Ministry of Foreign Affairs. The translations of the Acts on the Duties and Competences of Police of Denmark, Holland and Spain are underway.

The regulations and by-laws are being worked on by the relevant committees set up with the coordination of the competent institutions referred to in the NPAA. The draft regulation on fight against venereal diseases caused by the prostitution and the provisions related with the brothels and prostitutes are being worked on with the coordination of the Ministry of Health.

The provisions related with the persons' working in the brothels and their labour conditions and the financial responsibility were shaped and the requirement for the employees to inform the Social Insurance Institution about the personnel working in that place was envisaged. In addition, the prostitutes having venereal diseases are agreed to be given aid by the Foundation of Social Aid and Solidarity with the decision of the Commission. Also the injured prostitutes who want to give up are also guaranteed for psychological guidance and employment opportunities. The most important decision taken by the Draft regulation was that a new Commission to fight against prostitution was established.⁷⁷

Article 5 of The Act on Duties and Competences of police was amended. Possible amendments to the legislation were envisaged. The article about fingerprints and personal records was re-arranged. Basing on this article, the 08.12.1988-dated bylaw on

⁷⁷ The Commission was assigned to coordinate with other competent institutions and non-governmental organisations to preserve public order and public health and work to fight against the dissemination of prostitution.

Fingerprinting Technical Services was amended. Additional paragraphs on the protection of rights of the child and the protection of personal data were added to Article 26 of the Bylaw on Fingerprinting Technical Services of the Directorate General for Public Security on 05.02.2001 with the approval of the Minister. The Bylaw on the Directorate General for the establishment, responsibilities and working scope of child head of section entered into force on the Official Gazette (dated 13.04.2001 and No.24372.) In the so-called bylaw, all the regulations and arrangements shall be executed both administratively and judicially by the Child head of section in accordance with all the International Conventions regarding the rights of the Child .

Part 2.1.2 of NPAA on the 'Political Criteria' section deals with the 'Freedom of Association and Peaceful Assembly, And the Civil Society. This section envisages to strengthen legal and constitutional guarantees of the right to freedom of association and peaceful assembly and encourage development of civil society. The Draft Act regarding the amendment of the Associations Act is at the Board of Research and Planning of the Ministry of the Interior. According to the Draft Act,

- With an amendment of Article 4, all citizens above 18 years old who are competent to use the civil rights have the right to establish Association. Children who complete the age of 15 with the permission of their legal representatives, can establish association provided that the Association is to improve and protect the spiritual, moral, physical and cultural existence and the parental structure and private lives of the other children.
- The third paragraph of the same article envisages the abolishing of the provisions regarding the prohibition of associations for the ones who have imprisonment except heavy imprisonment and amends the article by giving right to found association to the ones who have committed crime.

- -The second paragraph of the same article envisages to make additions regarding the gap occurred because of the reason that the Act on fight against terrorism, No.3713 entered into force just after the Act of Association, No.2908. Thus, to prevent the terror organisations to penetrate into the Associations and to control the administration of the associations and to fill the legal gap, the criminals mentioned in the Act on fight against terrorism were added to the list of the criminals who are exceptions for the right to found association.

According to the current provisions of the Law, the requirement of 'public interest' is looked for to found federations. In order to get the public interest, a long and tiring procedure should be realised. According to the 59th article of the Law of Association, No.2908, first of all, the opinion of the relevant ministries, then the recommendation of the Ministry of the Interior and then the decision of the Council of State and the ratification of the Council of Ministers are required. After that long procedure, many associations can not get that public interest approval. In this way, they can not be members of the federation. However, federations play a significant role in making effective and efficient works internationally in a more coordinated manner. Federations also help to guide the public opinions. Moreover, for the associations having international activities, it is an important impediment not being able to be the member of the federations. As this fact affects the associations in a negative way, the requirement of public interest is not looked for, for the membership of the federations.

The envisaged amendment to Article 43 of the Act be made is that, the exchange of visitors for the activities of the associations (visits of the members of the foreign associations and the visits of Turkey-EU members of the associations to foreign countries) require red tape which creates problems for the visits. The approval of the visits take a long time sometimes even four or five days just before the visit. Thus the amendment shortens that approval process. The preparations for the amendment started on 09.05.2001 by a Commission of the Ministry of the Interior. Also the review of the legislation on holding meetings and demonstration marches have already been launched.

The Research and Planning Board of the Ministry of the Interior is working on the topic. When it is completed, this work will be submitted to other ministries and government institutions for comments. The review of 37 articles of the Constitution, including amendments on this issue, is envisaged. Regarding the freedom of association and peaceful assembly, and the civil society, enactment of the Draft Law on Job Security which the related draft prepared has been submitted to Prime Ministry was the duty of the Ministry of Labour and Social Security. Again review of the restrictions there may be on trade union rights, regulation of the relevant articles of the Constitution regarding to go on strike on justifiable grounds, review of trade union rights on the basis of ILO Conventions and of the European Social Charter are the other works which are underway.

Another section of Political Criteria is related with the 'Training of Law Enforcement Personnel and Other Civil Servants on Human Rights'

In the short term, the legal arrangements should be undertaken to extend education at Police Academies from 9 months to 2 years. The related Act was adopted. The Police Higher Education Act was adopted by the Turkey-EU Grand National Assembly on 25.04.2001.⁷⁸

163 personnel were trained on the Criminal Technical Training and Research Department. Many training were held within the framework of 2001 education plan and 818 trainees were educated on several topics. The names of the courses given are listed as follows: Fingerprinting, technical photograph and investigation of the places of the crimes, Training the Trainers (T3 training), Laboratory Basic Training, Laboratory Maturation, Public order and security policing, Human rights etc.

⁷⁸ Entered into force as Act No.4652, dated 25 April 2001, following its publication in the Official Gazette No.24397, dated 9.05.2001.

In the sense of training, the Human Rights Project of the Ministry of the Interior and its Affiliated Agencies was put into action within the framework of the UN Decade of Education for Human Rights. In connection with this, implementation of the project developed under the 1997-2000 Police and Human Rights Programme of the Council of Europe. This project is being implemented with a joint work of the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Health, Board of Human Rights and National Committee for the Decade of Human Rights Education. The draft project is available, currently. The appointment of an official by the European Council is awaited for the programme to be actualised.

At the same time with the bylaw of the establishment of the child head section of the Directorate General of the Security, the in-service training began to be held about the rights and regulations concerning the children.

- The courses of 'Child Policing' were given to 39 persons at the Adana Provincial Directorate of Security on 10-27 April 2001-08-09
- Istanbul Provincial Directorate of Security in coordination with the Directorate General trained 40 officials on 'Child Policing'. The main logic behind it is not the child's understanding the police but the Police's understanding the child. The programme was completed successfully on 18 May 2001.
- Directorate General of Security in coordination with the British Council organised a training session on 'Child-Police Education at international standards'. The mass target of the training was 40 officials from Gaziantep Provincial Directorate of Security. The main objective of the training was to improve the child justice system in accordance with the global needs and to restructure police in that context.
- The training on 'Child-Police Education at the International Standards' was held in İzmir on 24-29 June 2001.

Other improvements made are as follows:

The students of Police High Schools are being given compulsorily 'Democracy and Human Rights' courses since September 2000. The entrance exams for the Police Colleges since 2001, have changed. The exam is composed of two stages. The applications of those candidate students are taken by the heads of the schools they are educating in and the first stage of the entrance exam is done by The the Ministry of National Education and then the second stage which is composed of three parts (interview, physical education, written exam) is held at Police College. With that amendment in the prerequisites in the entrance exam provided equality in opportunities for all the candidates.

The Police Higher Education Act shall reinforce the respect and tolerance for Human Rights and help the adoption of the effective and efficient services to be given in the framework of educational sciences. The new education model shall aim at combining the theoretical framework with the applications in other words interactive training which is the education of the modernised, contemporary countries shall be adapted.

In Police High Schools, 15 weeks in each semester and 28 hours in every week totally 1680 hours, the training shall be organised. The courses will be done both theoretically and practically. Also branch courses shall be organised such as Traffic courses and Basic Public Order and Security courses.

The personnel to acquire certain skills and behaviours, in accordance with the needs determined, many kinds of training were planned and executed during the year 2000. The reorganisation brought the need for the planning of the new education and intensification of the training. 4889 senior officials and 1371 petty officials have been trained.

In the Provincial Directorates of the Security, 105300 personnel of Security Services and 3836 local guards and total number of 109209 personnel were trained on certain topics

such as The legislation related with the Police, First Aid, Social Events and Police Intervention, Information on Weapons, Human Rights, State Security and Intelligence, Stress Management and Problem Solving. In in-service training, the training on Human Rights, Public Relations and Occupational ethics became compulsory.⁷⁹

In 2000 with the tendency towards harmonisation attempts, practical courses were given. Many seminars, conferences were held on the topics, 'Public Relations, Human Rights and Education-Management relationship'. For the training programmes organised for the managers, many professors, associate professors, academicians with a Ph.D. and instructors from different universities were invited. Moreover, seven provincial directors were appointed as the instructors.

The Project of Training the Trainers (T3) is also worth mentioning. The coordination envisaged between Turkey-EU National Police Organisation and Council of Europe concluded a training programme on Training the Trainers. The Project designed by the General Directorate of Security and Council of Europe on T3 training were too close to each other so they are combined on a single project. The negotiations were finalised by a single, combined programme and conveyed to Council of Europe. The project shall start being implemented just after the training of the instructors of Police High Schools by the instructors selected from the Directorate General of the Security staff at the determined 12 branches. The chain of training shall start with the topics of 'Human Rights and the affiliated topics'.

Another project is related with the development of information and awareness programmes and training materials. Within the framework of the 'Police and Human Rights beyond 2000 Programme', the training materials obtained from the Council of Europe were translated into Turkey-EU and with the support of visual aids, they were all computerised and distributed to the Provincial Directorates of Security to be used in training.

⁷⁹ Evaluation of the Training, General Directorate of National Security, Police Training Programmes, 2000

'Modular Training Project' is also another improvement made by the Directorate General of Security. The Project was designed in cooperation with the Council of Europe. The feasibility work has been completed. As envisaged by the Council of Europe, a consultant for the leading of the project shall be demanded from the Council of Europe. Modular Training Project will help the transition from Police Schools to Police High Schools and change the curriculum. The consultancy of the professors and associate professors from the universities will accelerate the process.

The system envisaged shall replace the teaching process with the learning process. The project aims at not giving all general knowledge but the specific technical knowledge for the candidate polices which will be helpful in the actual life situations. Moreover, the topics are designed to follow the developments of the changing world and updating the information. In learning process within the framework of the Modular Project, the visual aids helping the effectiveness of learning such as PowerPoint presentations, flipcharts, OHPs are used. Also the methodology is the methodology of the modernised world. Group discussions, presentations, role-plays and case studies are used.

Psychological and Personality Tests:

Since 1988, all the students in police schools are applied multidimensional Personal Inventory. Moreover, the students are monitored with the follow-up forms prepared by the instructors. As a result of those tests, the students who were found to have psychological problems were led to the Head of the Health Affairs department and given psychological guidance and therapy. Those students are applied a series of tests such as Beier Completion of the Sentence tests, T.A.T, Bender and Benton Tests. In 1999 all police schools were visited and the students were applied Personality Tests in groups. In 2000, the total number of 9971 students were evaluated with the fulfillment of the student follow-up forms. 265 of those students were taken to psychiatric therapy and the ones deemed necessary were driven to the hospitals.

- In 2000-2001, Human Rights courses that are related with the occupational courses were given.
- In 2000, local training was organised. The police organisation more closer to the public with those local training developed personnel training at the police stations. The subjects covered in this training were Communication skill, Public Relations and Human Rights. The courses were given by the experienced professors. For example, Human Rights Training seminar was given by Prof. Dr. Feridun YENISEY.
- The developed police education systems were searched for and the visual aids and curricula of the Police training in United States, Britain and France were provided and all were translated into Turkey-EU and distributed to the departments of the Police Organisation. Article 2.1.11 of Political Criteria of NPAA deals with the full employment by all individuals without any discrimination and irrespective of their language, race, colour, sex, political opinion, philosophical belief or religion of all Human Rights and fundamental freedoms, freedom of thought and conscience and religion.

It is important to take further practical measures in medium term, within the framework of the legislation on the protection of the public order, to facilitate religious nationals residing in Turkey and practice in other areas pertaining to these persons. On this issue, the preliminary work has been completed and the relevant Governors are to be briefed by Directorates of Public Security.

The institutional and administrative structuring should also be mentioned within the framework of 4.25. Justice and Home Affairs.

- A technical bureau was established at 65 provinces and 72 districts. The technical bureaux were set up on 15.01.2001 in Hakkari / Yüksekova an on 09.10.2000 in Balıkesir / Ayvalık.

- Crime scene investigations units will be increased in number throughout the country and these units will be equipped adequate technical facilities and trained staff to the maximum extent. 16 divisions for Identification and Crime Scene Investigation exist throughout the country. Two more divisions were formed on 02.02.2001 and 26.03.2001.
- 27 fingerprint laboratories exist in Turkey and one more was established in Kars on 01.11.2000.
- AFIS Centres and bureaux were planned to be institutionalised in 7 regions and 9 provinces. However, in 2001, upon the decision of the Commission and approval of the Council of State, the number was extended to 81 provinces. Works are underway and the reconstruction started in 9 provinces.
- Antalya Criminal Police Laboratory was located at a temporary building and the laboratory will put into service between 26 June-November 2001.
- The Laboratory Work Flow (LIAS) is currently in operation at the central unit. Work is ongoing at other laboratories and the system is scheduled to be made operational by the year 2001. This project will be put into operation between 26 June-November 2001. The works and preparations are ongoing.
- Work will be initiated on the adoption of the EU acquis to fully participate in EUROPOL. Work undertaken by the 'Working Group on Harmonisation with the acquis on EUROPOL' created under the coordination of the Office of the Legal Advisor at The the Ministry of the Interior. Another topic related with the EU adoption is worth mentioning. In order to fully participate in the Schengen Information System (SIS), work will be initiated on the adoption of the EU acquis on the protection of individuals in the processing of personal data. On the related issue, work has been initiated on the Draft Act on the protection of Personal Data.

- For the set up of the Ankara Central Criminal Police Laboratory, a great deal of work has been done.
- Trial applications and work on transferring data to the Integrated Ballistic Identification System (IBIS) at the Department of Police Criminal Laboratories, Directorate General for Public Security and the Diyarbakır Police Criminal Laboratory are scheduled to be completed in the short term and a third system will also be set up at the Istanbul Police Criminal Laboratory. Work on transferring data at the central unit has been completed. Half of the work at Diyarbakır has been completed. Work is ongoing in Istanbul.
- With many properties in it, the passports with ICAO standards are being prepared and the work is underway. The draft act was submitted to the Prime the Ministry and with the allocation of financial resources, the project shall be in operation.
- In cooperation with the Middle East Technical University, a research centre was planned to be established. It was designed to improve services at police criminal laboratories and basic sciences education for the staff of the Department of Police Criminal Laboratories has been initiated at the Middle East Technical University and this education will continue to be provided in the coming years as well. The project will be put into operation between 26 June-November 2001. The project is funded by the EU at an amount of 150.000 Euro and no funds have been allocated in the 2001 budget.
- With the participation of the EU consultants, the training for 30 senior officials at administrative level were given on the topics 'migration, asylum and external borders'.

- Starting with November 2000 until May 2001, the 553 personnel responsible in the area of migration received training on forgery at The the Ministry of the Interior (Directorate General for Public Security). A training seminar was organised by experts from the EU on the external borders, migration, asylum, and fight against human trafficking, border controls and identification of fraudulent travel documents between 13-16 March 2001. Another seminar, which will be financed from the Administrative fund, will be organised in September 2001.
- Another seminar was organised in Bursa on the asylum practice and the EU adoption related with the procedure of asylum on 17-20 April 2001.
- Regarding the part of NPAA on 'Organized Crime, fraud and corruption', in the 2000 Progress Report,
- No improvement was observed on the fight against illicit drug use.

The statements below were expressed in the Progress Report:

'Enhancement of fight against organised crimes, drugs trafficking and corruption, customs co-operation and cooperation on justice affairs and the approximation of the EU acquis are required. Moreover, attempts to improve the capacity to implement and to manage the acquis should be increased.

Concerning the improvements made within the framework of effective combat against drug production and illicit use are as follows:

- The measures to prevent the use of ascetic anhidrit? which is necessary for the heroin and for the control of potassium permanganate, an international conference was held in Antalya on 16-19 November, 2000 to initiate a new project that is similar to 'Operation Purple'. In addition a steering committee was planned to be set up for the details and standards of the project.

- Department of the Fight against smuggling and organised crime organised a meeting on 8-9 May 2001 in Istanbul that was named as 'Southeast Working Group'. The trafficking of drug on the route to Balkans in 2000 were discussed. It was observed that 5.3 tons of 11 tons of heroin were caught in Turkey. Turkey's success in the fight against drug trafficking was agreed by all the participant countries.
- The two operations cooperatively organised should be mentioned on the fight against illicit use of drug and drug trafficking:

Valise Project:

By combining two sides of two valises to make a single valise and hiding the drug in a cache, illicit drug trafficking from Turkey to other European countries was being realised. The suspected organisations were investigated with the cooperation of Germany and Belgium and 'Valise Project' was created.⁸⁰

Matador Operation:

It is related with the project organised to prevent the route starting from Southwest Asia above Turkey to Spain and Holland and regarding the network set up, an operation between the Directorate General of Public Security and Spain, Holland and Portugal narcotic units was initiated. As a result of the 'Matador Operation' started on April, 1998 and finalised on 14.08.2000,

- 39 persons in Spain with 774 kg heroin, 75 kg cocaine, 18.352.000 DM, 1 3.000.000 Escudo, 44.000 Frank, 1 automatic weapon, 1 calibre astra pistol and 10 tractors and 1 vehicle were caught.

⁸⁰ The investigations done with German competent organisations found 18 kg of heroin at Antalya Airport on 08.03.2001. and arrested a person who worked as a courier. Another work done under the framework of Valise Project was realised on 04.04.2001 – 07.04.2001 in Istanbul and caught 28200 grams of heroin. 11 persons who had contacts with the organisations working internationally on illicit drug trafficking. The work achieved in the context of Valise Project are ongoing and helping to find out the connections of the network established between the countries including Turkey.

- in Germany, 317 kg heroin, 492.000 DM and 3 persons,
- in Holland, 385 kg. heroin, 11 persons,
- in Portuguese, 132 kg. heroin and 7 persons
- and in Turkey, 39 persons who are the leaders of the operation, 1077 kg. heroin and 1.000.000 DM were caught.

Measures to be taken in accordance with the provisions envisaged in the 2001 Progress Report are as follows:

- a) The By-law No.4422 was published in the Official Gazette and entered into force at the same date concerning the organised crimes. Protection of the witness, the use of confidential informer, the new methods to be used for the confidential followings and listening of the communications are the details given in the Act.

The principles listed of this by-law can also be applied for illegal drug trafficking, terrorism, illicit use of drugs and smuggling of historic work of art.

An active participation from the affiliated departments of The the Ministry of the Interior was provided for the adoption of the acquis and for the review of the Acts to be approximated. The Act No. 4208 on the fight against money laundering should be reviewed for harmonisation with the EU acquis . The Act No.4422 on fight against organised crimes was also found harmonious with the EU acquis whereas the Act No. 4208 needs review and amendments. However, necessary revisions should be made by the responsible institution which is The the Ministry of Finance.

A recent development is that, the enactment of the Draft Act Amending the relevant Acts to prevent the bribery of foreign public officials. Draft Act is currently at the Turkey-EU National Assembly. It is being examined by the Justice Commission of TGNA.

Police Cooperation part of NPAA on the cooperation on Justice and Home Affairs may be summarised as follows:

- Cooperation between the authorised ministries is envisaged to be reinforced. the Ministry of Justice, the Ministry of the Interior and other competent organisations referred to in the NPAA are the responsible institutions for the measures.
- Operational cooperation with police, gendarmerie, customs and other specialised law enforcement agencies of member states will be looked for in the context of the prevention, detection and investigation of criminal offences. The responsible institutions are the Ministry of Justice, the Ministry of the Interior, the Ministry of Foreign Affairs, Under-Secretariat for Customs and other competent institutions.
- International cooperation and joint initiatives will be looked for on the exchange, training of expert staff, and the use of equipment and forensic research. the Ministry of Justice, the Ministry of the Interior and other competent organisations referred to in the NPAA are the responsible institutions for the measures to be taken.
- Common evaluation of particular investigative techniques in the context of the detection of serious forms of organised crime will be looked for at the international level and also co-operation is envisaged to be improved in the area of gathering evidence. Again the responsible institutions are the Ministry of Justice, the Ministry of the Interior and other competent organisations.
- The authorities of law enforcement agencies was reviewed to extend their competences with respect to the gathering evidence. Articles 79 and 80 of The Code of Penal Procedure should be incorporated into the Act on the Duties and Competences of the Police.
- The preparation of programmes to inform the public with the EU acquis and practice in the EU member states in the field of justice and home affairs, drawing upon TAIEX facilities for these purposes. Here TAIEX should be well-understood.

- TAIEX is a Commission Office supported by a PHARE multi-country programme and is part of the Directorate General 'Enlargement' of the European Commission. It is a kind of technical assistance on approximation and implementation of the EU legislation.

As justice and home affairs service is new comparing the other fields which is the result of Maastricht Treaty, starting in April 1998, TAIEX has organised seminars for the training of judges in European Community law. After the mid of 1999, TAIEX started to deal with justice and home affairs in general. The service is tailor-made and flexible aiming at providing crucial, practical information on specific, important areas of Community law in the area of Justice and Home Affairs to the staff of the ministries of Internal Affairs of the Associated Countries. Concerning 'Justice and Home Affairs' in general, TAIEX organises a series of workshops on various issues. The delivery of the TAIEX services is funded out of a PHARE Multi-Country Programme at the disposal of the TAIEX office. The Commission officials in the office decide on the most cost-efficient and appropriate way of providing service in the light of the priorities defined in relevant documents such as the Accession Partnerships, NPAA's etc., after consulting with relevant service in the Commission and the other sources of assistance.⁸¹

On the way to co-operation on judicial and home affairs, another measure to be taken was the ratification on the European Convention for the Protection of Individuals with Regard to the Automatic Processing Data which was signed in 28.01.1981.

Conclusion of a cooperation agreement with EUROPOL is also required. The work for full membership to EUROPOL is yet at the preparatory stage. A department at The the Ministry of Interior has been designated to serve as the National Liaison Centre. The establishment of a 'Directorate General of Foreign Relations and the EU' as a unit of main service in The the Ministry of the Interior which was submitted to the Prime the the Ministry .

The enactment of the Draft Act on the Protection of Personal Data is another important issue. For the measures to be taken, a commission was set up on 18.09.2000 to draft the Act. Most of the work was undertaken by the Commission. The EC Directive No.95/46/EC, should be adopted.

Further alignment with the EU acquis on confidentiality of personal data such as fingerprints and personal records. Some amendments have been made to the Article 26 of the Bylaw on fingerprinting Technical Services of the Directorate General of Public Security on 05.02.2001 with the approval of the Minister.

The re-organisation of the responsible units of international police co-operation is also envisaged. The Directorate General of Public Security is to be reorganised for the related issue. Establishment of the Gendarmerie Regional Criminal Laboratory in Antalya and in Rize. The Criminal Laboratory in Antalya is envisaged to be in operation in 2004.⁸¹ The crime scene investigation units at Gendarmerie District Commands should be increased to 274. Whereas crime scene investigation units have been established in a total of 120 districts, currently. It is funded by the budget for 2001 at an amount of 100 billionTL:

It is envisaged to increase the number of staff at the Divisions for Identification and Crime Scene Investigation from 1500 to 5000 and to train this staff. Currently, personnel who have completed the training referred to are appointed at the related Divisions. Moreover, 163 personnel received training in 2001 at the Division for Criminal Technical Training and Research (Department for Public Order). Within the framework of the 2001 education programme, a total of 818 people will be trained in the 60 courses offered.

⁸¹ <http://cadmos.carlbro.be>

⁸² A financial aid, 3.250.000 Euro is needed.

The EU member states are expected to give assistance for regular participation of the Turkey-EU law enforcement agencies in the annual meetings of working groups of European Network of Forensic Science Institutes on narcotic drugs (ENFSI), DNA analysis, document analysis, handwriting analysis, fibre analysis, fire and explosion analysis, firearms, information technologies, voice analysis, marks analysis, image analysis, paint analysis, quality assessment, traffic accidents analysis, crime scene investigations and fingerprint analysis. Within the context of the programme, the experts, chemical engineers, forensic medicine specialists, biologists, electrical engineers are planned to be sent to European countries for training in toxicology, ballistic analysis, narcotic drugs, fires, in the collection of biological stains as evidence during crime scene investigations.

Joint programmes are envisaged to be held with the European Gendarmeries' Union (FIEP). Whereas, The Gendarmerie General Commanderie Command participated in the meetings of the subcommittees on 'Personnel Recruitment, Training and Education', 'In-service Organisation', 'New Technologies and Logistics', and 'European Affairs' which were held in March, April and May, 2001. As an immediate measure, The Gendarmerie General Commanderie Command has prepared software on the 'Detention Follow-up Procedures' and has started to operate this software at Provincial Gendarmerie Commands in the context of integrating computer-based investigations system accessible by the Police and Gendarmerie units.⁸³

Another article concerning the justice and home affairs is related with the completion of the project to improve facilities at detention houses in Gendarmerie districts. The project is underway and funded by the EU at an amount of 8.000.000 Euro. Another modernisation attempt towards the EU accession is related with the co-operation with the Faculty of Dentistry (Ankara University) which the work is underway, currently on

⁸³ Preparatory work for the project of modernisation of the International Communication Centre at the Directorate General for Public Security is underway. It is funded by the EU at an amount of 3.000.000 Euro.

the Forensic Odontology Project. However no funds have been allocated in the 2001 budget.

The next section 4.25.7 of NPAA on Justice and Home Affairs deals with 'Customs Cooperation'. The following section 4.25.8 deals with the judicial co-operation in civil and criminal matters.

First part of the section deals with the cooperation and coordination between competent ministries and other public institutions. The timetable for implementation is 2001. The responsible institutions are the Ministry of Justice and other competent organisations referred to in the NPAA.

In-service training courses to public prosecutors and judges of civil proceedings at the Court of Cassation and to judges of administrative proceedings at the Council of State. Currently, since 1997, 30 judges and 12 public prosecutors have attended training courses at the Court of Cassation. Another training within the framework of NPAA, cooperation on justice and home affairs, training on constitutional, administrative, civil and commercial law and the execution of civil judgements and bankruptcy law for its staff and on penal procedures law, criminology, general psychology and psychology of justice, civil enforcement law and human rights for prison staff and staff at detention houses promised to be provided through courses, seminars, conferences and interactive training and various publications. Moreover, training programmes on intellectual property rights and industrial rights will be held in Turkey for judges and prosecutors. It is financed by the World Bank. Currently, the proposals on the basic principles and rules of the training project undertaken by both the World Bank and the Turkey-EU Patent Act. Another measure to be taken in the field of justice and home affairs is the plan to increase the number of E-type and special type prisons. Currently, work is underway.

Part 6 of 4.25.8, on judicial cooperation in civil and criminal matters, deals with taking evidence in the extra-judicial cases and determining the authority of the law enforcement

agencies in this area, in the evaluation of evidence at courts, and in the recognition and enforcement of court judgements. Currently, proceedings are undertaken through bilateral agreements as Turkey is not a party to any of the multilateral agreements on the recognition and enforcement in the fields of civil law.

Part 7 of 4.25.8 deals with the maintenance of the compatibility of rules on the conflict of laws and jurisdiction with those practised in the EU member states which has to be promoted.⁸⁴

Part 8 of 4.25.8 deals with the need for coordination and support from the EU member states for the alignment of Turkey-EU legislation and practice with rules applicable to civil proceedings in member states, and any potential obstacles there may be to the proper functioning of civil proceedings which will be eliminated. Currently, a comparative approach has been adopted for the preparatory work undertaken for the Draft Act to amend the Code of Civil Proceedings, allowing for developments in this area to be taken into consideration. Draft Act has been conveyed to the relevant ministries and other public institutions for their comments.

Part 9 of 4.25.8 deals with cooperation of the authorised ministries and other judicial authorities of the member states in relation to proceedings and the enforcement of court judgements. Currently the Directorate General for International Law and Foreign Relations provides for the recognition and enforcement of court judgements through bilateral agreements.

Part 10 of 4.25.8 deals with the acceleration of the extradition with member states. Currently The the Ministry of Justice has recommended the spring of the Addition Protocol to the European Convention on Extradition. Part 11 of 4.25.8 deals with measures to be taken to prevent judicial conflicts of member states. Part 12 of 4.25.8, 'Judicial Cooperation in Civil and Criminal Matters' deals with cooperation to ensure

⁸⁴ The area is covered by the Act No.2675 on Private International Law and Civil Procedure.

compatibility in rules with member states. Currently, expert commissions are working with a comparative approach on amendments and new legislation in areas that fall in the competence of The the Ministry of Justice.

Part 13 of 4.25.8 deals with measures undertaken to meet the minimum rules related to the constituent element of criminal acts and penalties in the fields of organised crime, terrorism and drug trafficking. Currently, the draft of Turkey-EU Penal Code addressing organised crime and drug trafficking. This code has been prepared by Commissions set up at the Ministry of Justice. It is conveyed to relevant government institutions for their comments. Part 15 of 4.25.8 deals with cooperation for the mutual enforcement of decisions on the search, seizure and confiscation and on the cancellation of driving licenses.

Other measures were the ratification of some agreements such as convention on the taking of evidence abroad in civil and commercial matters, agreement on illicit traffic by sea, implementing Article 17 of the UN Vienna convention, against illicit traffic in narcotic drugs and psychotropic substances. However, no initiative has been taken on the related issues. Ratification of the Conventions on International Access to Justice and the Additional Protocol to the European Convention on Extradition and the Additional Protocol to the European Convention on Information on foreign law.⁸⁵

Part 22 of 4.25.8, deals with the ratification on the Protection of Individuals with regard to the Automatic Processing of Personal Data. The related convention was signed on 28 January 1981. Preparation of a Draft Act in coordination with the Ministry of Justice in order to make arrangements related to the Convention. The approval of the Convention is envisaged following the enactment of the draft act. Part 23 deals with the enactment of the Draft Act, amending the act on the Enforcement of Criminal Judgement given by Foreign Courts on Turkey-EU Nationals and by Turkey-EU Courts on Foreign Nationals. Currently, it is at the Turkey-EU Grand National Assembly.

⁸⁵ The latter was signed on 1 September 1980.

Part 24 deals with the enactment of the Draft Turkey-EU Civil Code. Currently it is at the Turkey-EU Grand National Assembly. Part 26 deals with the enactment of the Draft Act amending relevant articles of the Act on the Regulation of Payments by Cheque and Protection of Cheque Holders. Currently, it is at the Turkey-EU Grand National Assembly. Part 27 deals with the enactment of the Draft Act amending relevant articles of the Advocacy Act, and the Draft Act Supplementing Certain Articles of the Advocacy Act.⁸⁶

Part 28 of 4.25.8 deals with the enactment of the draft act on the Turkey-EU Justice Academy. It is at the Turkey-EU Grand National Assembly (Planning and Budget Commission). Turkey-EU Justice Academy shall improve the quality of education with branches and specialty training. The academic cadres will be given to the instructors.

Part 29 deals with the enactment of the Draft Act Amending Relevant Articles of the Act Regarding the Adoption of the Amended Statutory Decree on the Establishment and Duties of the Ministry of Justice.⁸⁷

Part 30 deals with the Draft Act on Training Centres for the Personnel of Prisons and Detention Houses. The curricula are being prepared. Prospective trainers are currently trained in T3 training. Currently, it is at the Turkey-EU Grand National Assembly.

Part 31 deals with the enactment of Draft act on the Establishment and Duties of the Directorate General for Prisons and Detention Houses. The draft proposal is currently being prepared.

⁸⁶ Currently, the Act amending the Advocacy Act was approved by the Turkey-EU Grand National Assembly on 02.05.2001 entered into force as Act No.4667, dated 2 May 2001, after being published in the Official Gazette, No. 243978 dated 10.05.2001.

⁸⁷ The Act was approved by the Turkey-EU Grand National Assembly on 15.05.2001 and entered into force as Act No. 4674, dated 15 May 2001, after being published in the Official Gazette No.24409, dated 22.05.2001

Part 34 of 4.25.8 deals with the enactment of the Draft Act on the Institution of the Judge of Execution (Enforcement).⁸⁸

Part 40 deals with the enactment of the Draft Code of Obligations. Currently, the Ministry of Justice created a Commission which was set up to prepare the draft.

to the relevant government institutions and agencies for their comments. Part 41 deals with the enactment of the Draft Code amending the Code on Execution and Bankruptcy. Currently, a Commission has been set up at the Ministry of Justice for the purpose of drafting the law and a first draft has been prepared and conveyed

Part 42 deals with the enactment of the draft of Turkey-EU Code of Commerce. The responsible institutions are the Ministry of Justice, the Ministry of Commerce and Industry, Under-Secretariat of Treasury, Central Bank, Capital Market Board, Turkey-EU Union of Self-Employed Advisors, Financial Advisors and sworn-in Financial Advisors. Currently, the drafting Commission (set up at the Ministry of Justice) has begun to revise the current Turkey-EU Code of Commerce, which consists of 1475 articles. So far, 475 articles have been revised.

Part 43 deals with the enactment of the Act on International Arbitration.⁸⁹ Part 39 deals with the enactment of the draft act on the Establishment, Duties and Competences of Conciliation Boards. Currently, work on the draft has been initiated. Part 40 deals with the enactment of the Draft Act on the Establishment, Duties and Competences of the General Courts of First Instance and Regional General Courts. Currently, the first version of the draft has been prepared and conveyed to the relevant institutions and agencies for their comments.

⁸⁸ Act on the Institution of the Judge of Enforcement was approved by the Turkey-EU Grand National Assembly on 15.05.2001 and entered into force as Act No. 4675, dated 15.5.2001, after being published in the Official Gazette No.24410, dated 23.05.2001.

⁸⁹ The Act on International Arbitration was approved by the TGNA on 21.06.2001 and entered into force as Act No.4686, dated 21 June 2001, after being published in the Official Gazette No.24453 dated 05.07.2001.

Part 48 deals with the enactment of the Draft Act on Turkey-EU Union of Chambers of Arbitrators and Expert Witnesses. Currently, the first version of the draft proposal has been conveyed to the relevant institutions. Part 42 deals with the enactment of the Draft Act on the Enforcement of Criminal Judgements. Currently, work on the draft law has been initiated.

Part 50 deals with the enactment of the Draft Act on the Establishment and Duties of the Directorate General for Prisons and Detention Houses. Currently, the act amending the act on the Establishment and Administration of Prisons and of the Institution for Workshops at Detention Houses, and the Act on Duties to be Charged for the Construction of Prison and Court Buildings and Meal Expenses to be Charged from Prisoners which was approved by the Turkey-EU Grand National Assembly (TGNA) on 09.05.2001.⁹⁰

Part 62 deals with establishment of specialised court for the effective enforcement of Intellectual and Industrial Property Rights. The Intellectual and Industrial Property Rights Court has been established as a specialised court in Istanbul by Decision No. 335 of the Supreme Council of Judges and Public Prosecutors, dated 26.03.2001. In other provinces, general civil and general criminal courts have been assigned as specialised courts. Intellectual Property Rights Courts will be set up by the Supreme Council of Judges and Prosecutors on a proposal by the Ministry of Justice in places where there is a need for these courts with respect to the workload have been identified. Judges and prosecutors to be sent abroad to work in Specialised Courts have been selected. Part 63 deals with the specialised Consumer Courts to be created as part of judicial reform process. Consumer Courts have been formed with the approval of the Ministry of Justice dated 25.12.2001.

⁹⁰ It entered into force with Act No.4671, dated 9 May 2001, following its publication in the Official Gazette No.24404, dated 16.05.2001.

Part 64 deals with the centres to monitor and safeguard juveniles, and open and closed juvenile reformatories which will be established under the Juvenile and Youth Services Department as part of reorganisation of Directorate General for Prisons and Detention Houses.⁹¹

Part 51 deals with the organisation of seminars, symposiums, panels and conferences on legal aspects of harmonisation with the EU acquis, human rights, international law and international judicial assistance, as well as training in the EU languages are planned. Currently, there are no courses on the EU Law being offered at the Centre for Training Candidate Judges and Prosecutors. These subjects are envisaged to be incorporated into the curriculum of the Centre, as well as that of the Justice Academy in 2002. A total number of 154 judges and prosecutors are currently participating in private language courses at the French, German Cultural Centres and the British Council.

Part 66 deals with computer training programmes under the National Judicial Network Project and implementation of this project. Currently 19 judges, prosecutors and other central administration personnel are attending computer training at computer classes at the Judiciary in Ankara. Part 67 deals with the training programmes of the EU intended for State Lawyers employed by the Ministry of Finance to render more effective the functioning of the Chief Legal Advisor and the Directorate General of Proceedings at the Ministry more effectively. Concerning Part 55 of 4.25.8, eight judges and prosecutors have been selected and will be sent abroad for being trained at a the EU institution. A computer network shall be set up. Work is underway to have two or three experts from the EU countries to provide supervision and technical assistance informally. It is funded by MEDA.

Part 73 of 'judicial cooperation in civil and criminal matters' deals with the construction of 5 F-Type prisons. The construction work for the Edirne, Kocaeli, Ankara, Sincan and

⁹¹ Elmadag Juvenile Prison has been repaired and Ankara reformatory have been completed. The other juvenile prisons are being built.

Tekirdağ F-type prisons, designed with a view to conforming to the prison standards of the European Council and the UN, are completed and these prisons are currently in operation.

Part 74 deals with increasing the number of room type prisons, the reorganisation of juvenile dormitories, visitor meeting points, discipline cells, hospital wards and detention areas. No initiative has yet been taken.

Last part of 'Judicial Cooperation in Civil and Criminal Matters' deals with the replacement of old prison buildings in relatively small provinces and districts with regional prisons that will be located in centres. Out of 543 prisons throughout Turkey, 56 outdated prisons have been rendered redundant and work is underway and 21 prisons have been shut down.

Human Rights division of Justice and Home Affairs deals with the ratification of the optional protocol to the United Nations Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts.⁹²

Still another field of measures is the ratification of the optional protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography which was signed on 8 September 2000 and approved by the Foreign Relations Commission at the TGNA.

Another issue mentioned concerning Human Rights is the ratification of the UN International Convention on the Protection of the Rights of All Migrant Workers and member states of Their Families. It was signed on 13 January 1999.

The last part deals with the ratification of the additional protocol to the European Social Charter.⁹³

⁹² It was signed on 8 September 2000. Currently it is at the TGNA.

⁹³ It was signed on 5 May 1988

CHAPTER 6

TEACHING HUMAN RIGHTS TO THE POLICE

The Police Academy, for the approximation to the *acquis communautaire* is now more aware of the need to emphasise human rights. The courses are conducted for the police to sensitize them to human rights. The aim of human rights education programmes for police, which are adapted from the Raoul Wallenberg Institute, is to affect the attitudes and change the behaviour of police officials, so that they deliver EFFECTIVE POLICING which is at the same time lawful and humane.

However, it is not easy to achieve that objective because it depends on a number of factors in addition to the fulfillment of educational and training programmes. For example the existence of the necessary political will to change police agencies and the realisation of cultural and organisational change.

Ministers from 15 countries met in Rome on 4 November 1950 and signed the European Convention for the protection of human rights. This was inspired by the belief that human rights and fundamental freedoms are 'the foundation of justice and peace in the world' and that they are best maintained by an effective political democracy.⁹⁴

The Council of Europe's 25 member states signed the Convention 40 years later, which has also influenced efforts to guarantee human rights in other continents. The Council believes that education can make a vital contribution to the protection and promotion of human rights. For example, it can help to make young people aware of their common heritage of political ideals and traditions, in particular freedom and the rule of law, equip them with the knowledge, skills and attitudes that they will need if they are to play an active part in the operation and development of our democratic institutions.

⁹⁴ The European Union's Human Rights Policy, (<http://europa.eu.int>)

The Council of Europe has therefore worked with teachers, specialists and non-governmental organisations like Amnesty International to define how education systems, especially schools, can help to promote an active commitment to human rights and principles of pluralistic democracy. Through its meetings of experts and its teachers' seminars, the Council has brought about a rich sharing ideas, experience and innovation in human rights education, and this information is being used as the basis for audiovisual material for schools and publications for teachers .

Police Academy material for teaching human rights is based on the Council of Europe's work on human rights . The development of human rights education in Europe has been informed and enriched by contacts and exchanges of experience and ideas with many other areas of the world, most notably with the United States and Canada.

Most countries in Central and Eastern Europe are preparing new programmes of education for democratic citizenship, to replace the heavily ideological civic education courses which are no longer in force. At the same time, a serious reflection is under way in Western Europe about the role of education in overcoming political apathy and struggling with such challenges to democratic values such as intolerance, xenophobia, racism , violence and terrorism.

Human rights education is a much wider concept than the study of legal and constitutional texts and mechanisms. Human rights should permeate the whole school of life – the ethos and organisation of the school, as well as the content of the curriculum. Approaches to human rights education will obviously differ in primary and secondary schools, but they should lead to an understanding of, and sympathy for, the concepts of democracy, justice, equality, freedom, solidarity, peace, dignity and rights and responsibilities.

The Council of Europe's education programme includes twenty-nine states and the content of human rights education varies from country to country and also within the country the priorities given vary from the sector to sector. For example for police certain emphasis are predetermined to be given in the training sessions.

That critical and analytical skills for understanding and interpreting the messages of the mass media and all kinds of events and crimes were emphasised recently by the Standing Conference of the European Ministers of Education. Media education can have an important function because it can help to form citizens influenced or manipulated by biased information.

The effectiveness of human rights education depends, of course, on the commitment and skills of the individual teacher. On the other hand, there have been so many demands on teachers in recent years that there is a danger that human rights education may be perceived as just another passing fashion, and not as an essential part of preparation for life in a pluralistic democracy.

For Turkey, fulfillment of the obligations of Copenhagen criteria makes people think that also in Turkey it is fashionable to give human rights education at schools, especially at the Police Academy. In fact it is the requirement for a pluralistic democratic country, not necessarily to be the member of European Union but in the globalised world, Turkey should adopt all legal documents, approximate to the sophisticated countries' legal systems. Human Rights education in Police Academies in Turkey is an important step on the path to a sophisticated society.

Human rights education is one aspect of education being experienced by people whose adult and working lives will be in the twenty-first century. The concern for peace and justice recommendations in human rights education may thus be a challenge to economic and political priorities. Instead of a closed system, education systems should be open to all the developments in the world. Comparative applications in the world will

be useful for the human rights education at the Police Academy. For example intercultural education demands new forms and new reference points.

NGOs' Contributions to Human Rights Education

In democratic societies it is often non-governmental organisations (NGO's) that lead the way in the struggle with injustice and promotion of human rights. Many schools have groups supporting the work of UNESCO, Amnesty International, etc. At the same time the organisations and charities have an interest in producing educational materials, often of high quality. The Council of Europe has always included NGOs, in its discussions on educational matters. They are important and legitimate partners in education. Such groups represent also a sizeable constituency in society through their supporters and members.

Amnesty International Union Association is one of those organisations which is an independent world-wide voluntary movement that works to prevent some of the gravest violations, by governments of people's fundamental human rights. The main focus is to;

- free all prisoners of conscience. These are people detained anywhere for their beliefs or because of their ethnic origin, sex, colour, language, national or social origin, economic status, other status who have not used or advocated violence.
- ensure fair and prompt trials for political prisoners;
- abolish the death penalty, torture and other cruel treatment of prisoners;
- end extrajudicial executions and disappearances⁹⁵

For the Intergovernmental Conference in 1996 Amnesty International Association prepared a proposal for strengthening protection of human rights which is composed of four chapters. One of the four chapters was the 'Military security and police transfers by the EU member states.'

⁹⁵ Drzewicki, Kryzstof. 'The United Nations and The Universal Declaration of Human Rights.'

Amnesty International European Union Association urged the member states of the EU to control and regulate the transfer of military, security and police equipment, technology, personnel and training, including logistical and financial support for such transfers, from the European Union, facilitating grave human right violations.

The unregulated flow of military, security and police transfers from the EU has contributed to deliberate and indiscriminate killings of civilians, 'disappearances', torture, ill-treatment-violations which have been undertaken on a mass scale in the many internal armed conflicts across the globe. There are increasing public disturbances at the apparent inaction of the governments of the EU to address this concern.⁹⁶

The recognition by the EU governments of the need to co-ordinate arms export policies led the European Council to agree in Luxembourg in 1991 and Lisbon in 1991 to a set of tight Common Criteria for Arms Exports. The criteria to set out conditions which should govern all decisions by the EU governments to issue licences for the export of arms. One condition is 'the respect of human rights in the country of final destination.' Other conditions also relate to the overall protection of human rights. As there were no effective EU measures to control military, security and police transfers in terms of human rights criteria, it was not binding .

The EU member states should agree on the lists of: i) Prescribed military, security and police equipment and technology, the sole or primary use of which is to contribute to human rights violations, ii) Sensitive types of military, security and police equipment and technology which has been shown in practice to be used for human rights violations; iii) Military, security and police units and forces which have been significantly responsible for human rights violations and to whom sensitive goods and services should not be provided. The absence of agreement by member states on a comprehensive list of the types of military , security, and police equipment which have

⁹⁶ 'Human Rights In The New Europe', David Forsythe, London: University of Nebraska Press, 1994

as their primary practical purpose the facilitation of human rights violations enables such equipment to be exported specially designed for torture or for capital punishment should be prohibited, but currently a member state may legally permit the export of such equipment even though torture and capital punishment are unlawful in that state. Certain types of electric-shock and chemical spray weapons, which are declared prohibited weapons in some EU member states because of their hazardous effects and potential for ill-treatment by law enforcement officials, are nevertheless permitted to be manufactured and traded by other the EU member states.⁹⁷

The provision of military security and police training to foreign personnel by the EU member states is often linked to the supply of equipment and development assistance programmes, but there is an absence of common standards amongst the EU member states regarding the human rights content and the purposes of such training. The groups' human rights criteria for the selection of candidates, trainers, curricula and post-course monitoring are not agreed or made explicit. Also there is no common requirement that effective systems of 'accountability' and human rights protection should be in place in the recipient country as a precondition for military, security and police training. Moreover, another factor which may contribute to human rights violation is that logistical and financial support for military security and police transfers are not subject to common standards of security by the EU member states.

Amnesty International Association proposes 'transparency' and 'accountability' at the EU level about transfers of military, security and police equipment and expertise to allow a proper control on those transfers which are likely to contribute to grave human rights violations.

⁹⁷ 'Human Rights In The New Europe', David Forsythe

What should be known by the 'Police' within the frame of 'Human Rights'

a) General Principles: All the international rules related with human rights bind all the states and the individuals who are responsible for the enforcement of laws. Human rights are a legal framework falling in the area of international control. Law enforcement officials should know these international laws and put them into practice.

b) Moral and legal aspects: Human rights stem from the dignity which exists in the nature of human being. Laws should be respected, and compliance with the laws should be monitored. Law enforcement officials shall at all times fulfill the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts consistent with the high degree of responsibility required by their profession.

Law enforcement officials shall not commit any act of corruption. They shall also oppose and fight against any such acts. In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Police in all their contacts should act in accordance with the principle of legality, necessity, non-discrimination, proportionality and humanism.

c) Functions of Police in Democracies: In the exercise of rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of morality, public order and the general welfare in a democratic society. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right to equal access to his country's public services.

People's goodwill shall be the basis of authority of government, this will shall be expressed in periodic and genuine elections which shall be by universal and equal

suffrage and shall be held by secret vote or by equivalent free voting procedures. All the units and services responsible for the enforcement of laws shall be representative, responsive to the needs and responsible in the unity of 'society'.

Everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference and also has the right to freedom of peaceful assembly and association. The term 'law enforcement officials' includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest and detention and shall fulfill the duty imposed upon them by law.

d) Non-Discrimination: All human beings are born free and equal in dignity and rights. All are equal before the law and are entitled without any discrimination to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Police are entitled to protect the rights and freedoms of society set forth in the declaration without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'

Police safeguarding the rights of women, children, ill-people, old people, special needs (especially requiring special treatment) can not be considered as an illegal discrimination. In police services, employment, promotion, appointment policies shall be protected against any kind of illegal discrimination.

e) Interrogation: Police have the right to seek information concerning the prevention and detection of crime, the maintenance of public order and the prosecution of persons against whom allegations of crime are made. The articles of the Convention do not specifically refer to the police function but there are provisions which govern the limitations placed upon police officials.

Everyone has the right to life, liberty and the security of person. Everyone has the right to enjoy asylum against prosecution or persecution in other countries. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or with attacks upon his honour or reputation. Everyone has the right to the protection of the law against such interference or attacks. Neither physical nor mental pressure shall be applied to the injured, accused or witness in order to get information.

No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment. Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential unless the performance of duty or the needs of justice strictly require otherwise. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial, and he should have all the guarantees necessary for his defence.⁹⁸

Interrogation shall be competent, impartial, quick and extensive. Interrogation shall have the aim to find witness, determine the identity of injured, get proofs, find the reasons for crime, the way it is committed, the place of the crime and arrest. The places of the crimes shall be searched in detail and the evidence shall be gathered and protected.

f) Search for Arrest: Everyone has the right to life and to freedom of movement. No one shall be subjected to arbitrary arrest. No one shall be deprived from freedom unless it is convenient to the procedure stated in the law. The arrested person shall be informed about the reasons of arrest. Every arrest shall have the following points recorded; The reason for arrest, the minute of arrest, the hour of arrest, the name of the officials responsible for the law enforcement, the detailed information about the place of arrest, the subject of arrest.

The responsible lawyer of the accused should be provided with all these records. The arrested person has the right to have a lawyer or a legal representative and to

⁹⁸ 'The Human Rights Policy', (<http://europa.eu.int>)

communicate with the lawyer. The arrested person in a reasonable time shall be arraigned or let free. The family of the arrested person shall be informed about the arrest and the place of the arrest. In times of necessity a translator may help for interrogation.

g) Arrest: Arrest before judgement is not a principle but an exception. No one shall be held guilty of any penal offence on account of any act or mission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. For the health of the arrested, he shall be provided humanitarian conditions such as shelter, feeding, if necessary medical treatment. The religious and moral values of the arrested shall be respected. The special condition of women and children arrested shall be respected. Precautions for preserving discipline shall be as stated in the laws and regulations and shall not be inhumane.

h) Use of Force: Before use of force, the instruments excluding violence shall be selected. Force shall be used only when it is necessary. Every effort should be made to exclude the use of firearms. Deprivation of life shall not be regarded as in contravention of this article when it results from the use of force which is absolute necessary.

- i) in defence of any person from unlawful violence
- ii) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained
- iii) in action lawfully taken for the purpose of quelling a riot or insurrection.

Injuries shall be at minimum. Use of force shall always be proportional with the legitimised targets. All the officials shall be trained for diversified ways of use of force. Only where armed resistance or other action jeopardise the lives of others and when less

extreme measures are not sufficient should they be used and in every case a report should be made .

i) Internal Conflicts: For re-establishment of public order all the attempts shall respect human rights. Maintenance of public order shall be realised without any discrimination. The rights and freedoms may in no case be exercised contrary to the purposes and principles predetermined. Only the limitations and actions compatible with the democratic principles can be accepted. All the humanitarian instruments shall be tried before the use of force. Independence of judiciary shall be protected. The injured person shall be helped at once.

j) Emergency: Emergency can only be announced in accordance with the law.

- For the purpose of this article the term 'forced and compulsory labour' shall not include; any service exacted in case of an emergency or calamity threatening the life or well-being of the community .
- Every emergency precaution shall be taken in the degree that it is needed.
- No emergency precaution shall be taken causing the discrimination of race, religion, sex, culture etc. Police should also know much about the rules concerning 'Armed struggles' Protection of Children, Women, Special Needs (Handicapped), Refugees etc. Police also should know the 'Duties of Police'

- a) To establish co-operation between the police and the society.
- b) To accept an action plan and a policy concerning the relationship between the police and the society.
- c) To assign police with societal segments.
- d) To train officials to remove the burdens of diversity.
- e) To make informative and didactic programmemes for the public.
- f) Establish smooth relations with all segments of society.

- g) To increase attendance to the local programmes of public security and all kinds of police activities.
- h) To make people share the problems and concerns.
- i) To reach the compromise between the policies, strategies and activities of public security and all kinds of police activities.

Human Rights in Prison

Prison is defined as the 'closed place where the prisoner are kept.' In its broadest term, 'it is every place in which people are deprived from their freedoms'. Prisons also include closed psychiatric institutions, places of punished army personnel, children's closed places for the improvement of their behaviour etc. In the widest sense we will consider the place of arrested one as 'prisons'. There are two aspects of the understanding of prison.

- a) 'Protecting society' by inactivating the prisoners.
- b) Taking into account the fact that one day the prisoners will be back to real life, the need for their training.

In the post World War II period, in many of the European countries, there became a tendency towards a more humanitarian system for the prisons. Going further it may be called as the Law of prison. Standard minimum rules for the treatment of prisoners concerning the accommodation, personal hygiene, clothing and bedding, food, exercise and sport, medical services, discipline and punishment, instruments of restraint, contact with the outside world, books, retention of prisoners' property, notification of death, illness, transfer, and removal of prisoners were determined. These rules are binding for all the member states. In the Resolution of Council of Europe on 'standard minimum rules for the treatment of prisoners' the institution personnel functions were also set out in detail.⁹⁹

⁹⁹ 'Civil Police or Military Police: Which model for Europe?' The Turkey-EU Police Towards the European, 18 October 1996, Police Academy, Ankara

- 1) The personnel shall be selected carefully,
- 2) The personnel shall require an adequate standard of education and intelligence
- 3) The personnel shall be given in-service training to improve their knowledge and capacity.
- 4) The personnel shall perform their duties for good to influence the prisoners.
- 5) Specialists personnel are also needed such as psychiatrists, psychologists, social workers, teachers etc.
- 6) The prison administration shall introduce forms of organisation to facilitate communication between the different categories of staff in an institution with a view to ensuring co-operation between the various services, in particular with respect to the treatment of prisoners.
- 7) The protection of the individual rights of prisoners with special regard to the legality of the execution of detention measures shall be secured by means of a control carried out, according to national rules, by a judicial authority or other duly constituted body authorised to visit the prisoners and not belonging to the public administration.

Four of the general freedoms seem to be restricted such as the right to liberty, freedom of movement, non-discrimination principle and proportionality principle. The exceptions have been stated clearly for those freedoms. The most significant exception is the threat for public order, and public security.

CHAPTER 7

HOW TO TRAIN POLICE ON HUMAN RIGHTS

There are three levels of training for the police on 'human rights':

- a) Basic training
- b) Intermediate training
- c) Higher training

At first instance, 'the concept of 'order' and its relation with law should be clarified. The trainee should not be given the impression that there is a conflict between the maintenance and the enforcement of law. Also the trainee should be informed of the fact that the role of the police in democracy is really a challenging one.

The basic training is a form of orientation to provide familiarity with the concepts. The related conventions, the declaration on the Police Code of Conduct should be well studied. In intermediate training, the institutions regulating and executing the rules should be taught in detail. In 'higher training' sessions, a more interactive procedure, related cases, implications, responsibilities of governments, role of police in enforcement of law regarding human rights may be technically discussed and new proposals may be asked. This kind of training may remind the police of their significance and contribution to 'public order' and will motivate them to work harder on self-respect and self-actualisation.¹⁰⁰

In-service training, periodically-done, will update the knowledge of the police and will make them informed about the universal developments in human rights. Also in the more 'expertise level', international concern with human rights, European and American dimension of human rights, regional cooperation on human rights, economic

¹⁰⁰ Polisin Eğitimci Kişiliği ve Polis Eğitim Sorunu, Prof. Dr. Hasan Akgündüz

social and cultural aspects of human rights, humanitarian law, politics and theory of human rights will all be the topics of the training programme .

Outline Of Two Codes For Police

There are two important codes related with the police tasks, rights and responsibilities. The United Nations Code of Conduct for Law Enforcement Officials: The Code was adopted by Resolution 34/169 of the UN General Assembly on 17 December 1979.¹⁰¹ The Code has eight articles:

Article 1 requires all law enforcement officials to fulfill the duty imposed on them by law. In the article, law enforcement official is defined as the inclusion of all officials who exercise police powers particularly those of arrest and detention.

Article 2 requires all law enforcement officials to respect and protect human dignity and maintain and uphold human rights.

Article 3 requires law enforcement officials to use force only when strictly necessary and to the extent required for the performance of their duty. The text refers to the principle of 'proportionality' in the use of force and it stipulates that the use of firearms is considered an extreme measure.

Article 4 requires law enforcement officials to maintain confidentiality of matters of a confidential nature.

Article 5 re-defines the absolute prohibition of torture or ill-treatment. It also states that no law enforcement official may invoke the defence of superior orders or exceptional circumstances such as war or threats to national security as justification for torture.

¹⁰¹ 'Police and Human Rights', Ralph Crawshaw

Article 6 requires law enforcement officials to ensure the full protection of the health of persons detained in custody.

Article 7 prohibits law enforcement officials from committing any act of Corruption.

Article 8 requires law enforcement officials to respect the law and the Code of Conduct, and prevent any violations of them.

The other code related with the Police is; The Council of Europe Declaration on the Police:

Part A of the Declaration is entitled 'Ethics' and composed of 16 articles:

Article 1 requires a police official to fulfill the duties the law imposes on him by protecting his fellow citizens against violent, predatory and other harmful acts.

Article 2 requires a police official to act with integrity, impartiality and dignity, and to refrain from and oppose all acts of corruption.

Article 3 prohibits all kinds of torture and other ill-treatment in all circumstances

Article 4 requires a police official to carry out orders properly issued by his hierarchical superior unless he knows that the order is unlawful.

Article 5 requires a police official to oppose violations of the law.

Article 6 states that if no immediate and serious harm is threatened, a police official must attempt to avert the consequences of the violation.

Article 7 states that no criminal or disciplinary action shall be taken against a police official who has refused to carry out an unlawful order.

Article 8 states that a police official shall not cooperate in tracing, arresting, guarding or conveying persons who, while not being suspected of having committed an illegal act, are searched for, detained or prosecuted because of their race, religion or political belief.

Article 9 states that a police official shall be personally liable for his own acts, and for acts he has ordered which are unlawful.

Article 10 requires that there should be a clear chain of command so that it should always be possible to determine which superior may be responsible for acts or omissions of a police official.

Article 11 states that legislation must provide for a system of legal guarantees and remedies against any damage arising from police activities.

Article 12 requires police officials to use all necessary determination to achieve an aim which is legally required or allowed in the performance of his duties. He must not use more force than is reasonable. (principle of proportionality)

Article 13 requires police officials shall receive clear and precise instructions as to the manner in which they should make use of arms.

Article 14 requires a police official having custody of a person needing medical attention to receive such attention from medical personnel. If necessary he is to take measures to preserve the life and health of the person.

Article 15 requires a police official to keep secret all matters of a confidential nature coming to his attention unless the performance of duty or legal provisions require otherwise.

Article 16 states that a police official who complies with the provisions of the Declaration is entitled to the active moral and physical support of the community he serves.

If a comparison between the two Codes are made, it will be realised that;

- In both codes, matters are addressed as the requirement on police to carry out their lawful duties; the prohibition of torture and inhuman treatment; the use of force; and medical care of detainees.
- Human dignity and Human Rights – The UN Code makes a general requirement for these to be respected and protected (Article 2).

Part A of the European Declaration refers to a number of important human rights provisions but does not make a general requirement to protect human rights

- Acts of Corruption- both Codes forbid these and require rigorous opposition to them (Article 7 UN Code, Article 2 European text)
- Superior Orders- both Codes mention these in relation to the prohibition of torture and inhuman treatment
- The UN Code states that a law enforcement official may not invoke superior orders as a justification or torture or inhuman treatment, whereas the European text states that a police officer is under a positive obligation to disobey or disregard orders involving such measures
- Police Action on Grounds of Race, Religion or Political Belief – the prohibition in the European text on co-operating in tracing, arresting, guarding or conveying

persons not suspected of illegal acts, but subjected to those processes on grounds of race, religion or political belief is not included in the UN Code.

- Support of Community- Both Codes state that the police officials who comply with their respective provisions are entitled to the support of the community.

Specific Violations of Human Rights by the 'Police'

In order to avoid specific violations, Police should act in accordance with certain rules:

- The Law Enforcement Officials should respect human dignity and protect everyone's rights.
- The Law Enforcement Officials and units are responsible for the society.
- Effective mechanisms should be created to provide effective monitoring of the law enforcement officials, inner discipline and external control.
- The Law Enforcement Officials shall inform their superiors in case they realise that there is, or there is about to occur a violation of human rights.
- The places where the violation is observed shall be searched with care.
- The violations of police on human rights shall be interrogated impartially, quickly, competently and extensively.
- Acting on the orders coming from the top shall not be used as a defence mechanism in the violation of human rights by the police.
- There should be procedures to get the complaint of the people against the Law Enforcement Officials and those procedures should be announced to the public.
- When rejecting to carrying out the illegal order coming from the top, police shall be protected against the investigation.
- When hierarchically top officials do not prevent the violation of their subordinates they are responsible for the failure of enforcement of the laws.
- Investigations are to determine the injured, provide evidence, find witnesses, find how, where and when the violation occurred and attempt to catch the guilty.

A Course Curriculum of a Foreign Police Academy, Human Rights and The Police,

Ralph Crawshaw

Interpersonal Communication: The course helps the students to understand the importance of Communication and face-to-face relationships. The basic principles of interpersonal communication are discussed. The student officer reviews common forms of defensive behaviour, and listening as a positive approach in improving police/community relations. Analysing the human behaviour and how authoritative figures can arouse negative reactions in dealing with the public. Intrapersonal communication and its significance in human relations are also mentioned with group discussions, team works, role-plays and presentations interactively.

Interview Techniques: It helps the students to understand the special techniques used in interrogating and interviewing, explaining the difference between the two procedures, when each approach should be used. Rules for successful interviewing, the concept of 'respect and consideration' in interrogation. Kinds of questions to be asked (open-ended, follow-up, direct information, force-choice, telling-back questions), steps and functions, planning, tunnel and funnel techniques are demonstrated.

Juvenile Offenders: The questioning, arrest, booking, confinement and transportation of juveniles are examined. Additionally, the procedural alternatives available when dealing with juvenile offenders and the juvenile's rights regarding parent notification and telephone calls are explained.

Community Policing: The philosophy of community policing will be introduced. Some concepts such as: Partnership with the community, problem solving, empowerment, accountability, and service orientation will be given.

Courtroom Security: To make the students familiar with the need for courtroom security and to explain proven security techniques.

Traffic Law: A study of the laws relating to the movement and control of motor vehicle traffic, including licensing regulations with emphasis on the elements of violations. The student officers receive instruction on the proper charging documents to utilise, depending on the case facts at hand, and actually fill out the statement of charges and make applications for arrest/search warrants. Also the emphasis is given to the proper writing of sufficient probable cause.

Crime Prevention: The student officer is instructed on how to evaluate security risks in the home and business and how to instruct the owner in reducing them. Instruction includes familiarisation with proper locks, doors, windows, alarms, lighting, and procedures. Brainstorming sessions help to find out the alternative solutions to reduce the criminal opportunities and improve police and community relations.

Constitutional Law: The history and development of the Constitution is given. Analysis of the decisions of the Supreme Court, explaining their significance and application to the rights of citizens and the authority of law enforcement officers.

Criminal Law: The student officers are familiarised with the provisions of the criminal code so that they may readily recognise a violation and are able to define the elements of such a violation in court. The course should make the student officer adequately familiar with the criminal code so as to know all aspects of the most important and most common violations, and to know how to make ready reference to the code for all other violations.

Law of Arrest: The students are given the definition of an arrest and those elements necessary to constitute an arrest. Instruction includes arrest with or without a warrant, arrest for misdemeanours, the elements of probable cause, and the disposition of

persons who have been lawfully arrested. Special emphasis on the use of force in effecting any arrest.

Stress Management: Students are taught to control stress to improve their well-being.

Crowd Control: This is to discuss mob psychology, tactics for controlling crowds, and the importance of using only the minimum force necessary in controlling civil disturbances. The student officer is familiarised with the types of chemical agents and riot formations used to quell civil disturbances. The student participates in simulated crowd control problem.

Public Information and Media Relations: The students are instructed to understand the significance and correct methods of maintaining good relations with all segments of the media. Special emphasis is placed on what information should and should not be released. Public Relations as a discipline is introduced in this course.

The aim is to solve the behavioural inadequacies. The programme helps to improve relations with society, witness, suspects and other people. Police authority and responsibilities in human rights are emphasised. It helps to understand the balance between people and law (police behaviours to the society and people). There are some benefits to these kinds of programmes. They help to increase the job standards, improve human relations and communicative skills.

Moral Problem Solving and Police Ethics: The training module discusses the nature of the police profession, the necessity for professionalism in the police service, and why high moral and ethical standards are essential for police personnel. These general concepts are explored in relation to the following contemporary issues facing law enforcement professionals in our age:

- Corruption
- Brutality

- Breaking the Law to Enforce the Law
- The Police Administrator's Perspective
- Life in a Goldfish Bowl

Defensive Tactics and Physical Training: Disarming and its fundamental techniques are given. The methods to maintain personal fitness through individual exercises are emphasised. The students are instructed in how to identify the feelings of stress and the psychological effects, both short term and long term.

CHAPTER 8

POLICE TRAINING IN GENERAL DIRECTORATE OF SECURITY

Educational and training activities of Turkey-EU National Police is divided into two major parts;

- 1) Pre-service training which is actualised in three training institutions. Police Academy, Police Colleges, and Police Schools.
- 2) In-service training which has also sub-training parts, Specialist Basic Training, Improvement Training, Specialist Training, Practical Training and Preference Training (for upper classes).

The Police College was established according to Article No.19, added to the Law No. 3201, the Law on Security Organisation. The Police College is a kind of four year high school with one year language preparation, wearing uniforms, non-payee, just for male students, directly governed by General Directorate of Security, by the permission of the Ministry of Interior, in order to supply proper students for The Police Academy, which educates high and middle rank officers and/or for the Universities which educate students in the different branches in order to meet the need of Turkey-EU Police.¹⁰²

The curriculum in the school is prepared by the Ministry of Interior and approved by the Ministry of National Education. The training is in the standards underlined by the National Education the Ministry as uniformed schools with semi-language based programmemes, and partly language based high school programmemes. In the frame of the revolution and the principles of Atatürk and the Turkey-EU Nationalism mentioned in the front page of Constitution; to make the culture and national behaviour of Turkey-EU National Education system to his own, to protect and develop them, to respect and

¹⁰² The Turkey-EU Police, The Directorate of Press and Education Department.

love his family, country and nation, and to hold them high, with the respect of human rights and to develop behaviours in order to follow his responsibilities and duties to the Turkey-EU Republic indicated in the Constitution. Intellectually and bodily improved, with good personality, nature and psyche, and healthy, with free and scientific thought, and a broad way of viewing people are principally planned to educate in every stages of police training. The aim of the training is to equip the students with two foreign languages, and the skills of knowing how to use and to synthesise technological equipment, by large scale of culture, trying to achieve every goal he has to the scientific basis in the frame of the community of knowledge.

The Police Academy was first established on November 6 1937, aiming to meet the senior level officer needs of Turkey-EU National Police as pre-service education. The High School was named the Police Institution, in accordance with 3201 numbered National Police Act. In 1961, by the decision of the Instruction and Training Chairmanship of the Ministry of National Education, the training period changed to 2 years, and in 1962 to 3 years under the same name, Police Institution. In 1980, by the decision of the Ministry of National Education, it became a 4 year high school and was named the Police Academy.

Cadets are accepted in accordance with the Police Academy regulations. The General Directorate determines the dates of tests and examinations every year. The Academy also provides undergraduate training for cadets, recruited according to the Academy regulations among police college and elementary high schools graduates. The training period is 4 years (8 semesters) each semester lasts for 14 weeks except for the tests and examination periods.

In the first and the second years, the courses are mainly related with law and regulations while third year courses mainly deal with professional (police related) and legal subjects. Introduction courses are as intensive as the faculties of Administrative Sciences in other universities and are given in the first year. The last year of the curriculum mainly deals

with practical lectures. Every year, all the cadets have to cope with 14 courses. Courses in the first year; Elementary Law, Constitutional Law, Civil Law, Discipline Law, Economics, Turkey-EU History, Turkey-EU Language, English Language, General Sociology, Firearms Education, Physical Training, Political History, Human Rights, Self Defence.. In the second year, Public Administration, Criminal Law, Professional Police Law, International Law, Social Psychology, Turkey-EU History, Turkey-EU Language, English Language, Firearms Education, Forensic Science, Administration Law, Physical Training, Law of Obligation, Self Defence courses are given. In the third year more specifically in the advanced stage the courses are given. These are; Criminology, Criminal Law, Statistics, Personnel Management, Professional Police Law, Turkey-EU Language, Turkey-EU History, English Language, Firearms Education, Physical Training, Criminal Procedure Law, International Private Law, Self Defence, and Traffic. In the 4th year, a specialty training is given. Students are more determined and knowledgeable in being the part of the Law Enforcement. Thus they get more advanced levels of knowledge which will be practical in their future profession. The 4th year courses are as follows; Judicial Psychology, Criminalistic, State Security and Intelligence, Police Tactics, Police-Public Relations, Interrogation Correspondence Techniques, Firearms Education, Turkey-EU History, Turkey-EU Language, English Language, Physical Training, Traffic Management, Self-Defence and Computer. Cadets also have to work with an adviser instructors at the 4th year in order to complete the graduation thesis. At the end of 1st and 2nd year, cadets have to attend summer camps for one month in their practical training center.

There are three resources for Cadets. Police Colleges, Foreign Students and Elementary High Schools. Police College and Elementary High School graduates may apply to the Academy. Besides, by an agreement with foreign countries, students capable of speaking and understanding the Turkey-EU language are accepted with the approval of Minister of Interior. There are application requirements for Elementary High School Graduates. An applicant should have a minimum score of 150 in the OSS examination, should be younger than 22 years old and should not be shorter than 167cm if a man and

165cm if a woman. Firstly, physical and oral tests are given. Applicants who fail in oral or physical tests are not allowed to take the written examination. The oral tests contain the physical and mental conditions, self-confidence, evaluating, expression and comprehension skills. In the physical tests, the physical capacity of applicants are examined by a competition whose norms are determined by the General Directorate. Applicants should get at least 70 points out of 100 in order to take the written examination. Written exams consist of Turkey-EU Language, Social Sciences, Maths, Foreign Language questions. In addition, the Academy offers full scholarships for various faculties and high school students in order to meet the specialist personnel needs of the Turkey-EU National Police. These students, deserve all the rights of other Academy graduates.

The Teaching Staff is worth mentioning. The composition of the Staff include:

- Instructors of the Academy
- Instructors from the Turkey-EU National Police
- Instructors from Universities
- Instructors from Public and Governmental Associations
- Retired Instructors

Police Training Schools are basic training establishments which have a 2 months training. They aim to give professional basic training, and consciousness and discipline required to meet the police constable needs of Turkey-EU National Police. An applicant should ;

- Be a citizen of Turkey-EU Republic,
- Be a graduate of an elementary high school,
- Be between 18 and 27 years old
- Not be shorter than 165 cm if women, 167 cm if men.
- Have completed compulsory military service (or considered to be completed)
- Never be in any relation with illegal ideological activities, anarchy or terrorism.

Police training school graduates are committed to Atatürk's principles and revolutions, are sensitive to the integrity of Turkey-EU state and nation, are satisfactory in terms of physical, mental, moral and psychological aspects and be in good health, are able to hold up the honour and pride of policing and capable of having responsibilities.

As an example, last year, in order to provide pre-service basic training, the academic year started on September 13 1999 in 27 police training schools directed by Department of Training. 1019 female and 8681 male students, 9700 in total, were trained. Students, Instructors, Administrators, Infrastructure (Educational Equipment, Buildings-classrooms, dormitories, dining halls, gymnasium, shooting polygon) are the basic elements of training.

In the Police Training Schools the composition of the lectures and at what levels they are given are worth mentioning.

- Professional Police Law (P)
- National Security and Intelligence (P)
- Preventive Duties (P)
- Public Order (P)
- Professional Corresponding Techniques (P)
- Criminal Procedure Law (P)
- Crime Scene Observation (P)
- Firearms Training (P)
- Physical Training and Self Defence (P)
- Atatürk's Principles and Revolutions (G)
- Human Rights (G)
- Constitutional Law (L)
- Criminal Law (L)
- Police -Public Relations (G)
- Basic Traffic Knowledge (P)

- Typewriting – Computer (Elective) (P)
- Discipline Procedures (P)
- Marching Training (P)
- First Aid (G)
- Police Communication (P)
- Anti-Smuggling (P)

Lectures mentioned above are classified as;

%34 Law,

%50 Professional,

%11.73 Practical,

%5.73 other

The legislative procedures are being completed for police training schools. Police professional high schools offering two year long bachelor's degree training and directed by the Police Academy will be established.

There are also changes and prospective changes in the legislation in the light of the pre-accession to European Union membership. The changes are as follows;

- Police training schools will be changed into two-year high schools and be directed by the Police Academy.
- Civil academics and Turkey-EU National Police personnel will be instructors.
- Working conditions and individual rights of the staff will be re-designed in order to motivate personnel to work for training units.
- Practical training will be increased.
- Human Rights and Public Relations training will have more importance and priority.

The previous In-Service Training activities are planned and performed in order to improve the officers' knowledge in the technologic and social areas while they are

struggling against the crime and the criminals nationwide within co-operation and harmony.

In-Service training is organised in order to train all officers for new developments, trends and methods, and/or prepare them for a higher rank, develop good attitude between police and public.

Other goals are;

- To prepare suitable officers and specialists for different branches.
- To contribute to the officers' necessary knowledge , skill, and ability for proper performance.
- To adapt the officers for the new developments and trends.
- To prepare them for higher rank.
- To adapt the officers for their new offices and branches.
- To supply new knowledge continuously in order to update formal education
- To improve cooperation with the public.
- To develop a new and better police image in public opinion.
- To continue the internal reciprocal influence and communication.

These in-service training activities are planned and organised by Central Departments. Other training activities are also organised by City Departments. There are also ongoing training sessions which are held as 'On the job training'. Also Firearms training sessions continue. There are other training programmes in civil academic units, in Turkey and abroad.

Training Activities Organized By Central Departments

Training Activities organised by Central Departments are as follows:

- Basic specialist training
- Improvement training
- Specialist training
- Training for adapting to higher ranks
- Practical training
- Symposium and conferences

Basic Specialist Training; is a kind of training in particular areas for the officers to adapt them to new branches; in order to gain proper and necessary ability and knowledge, technical and practical information, suitable behaviours.

Improvement Training; is training planned after the Basic Specialist Training, in order to inform about any kind of new developments, trends to fresh forgotten information and gain new acquired behaviours.

Specialist Training; is a kind of training in order to prepare specialists in particular areas.

Training to adapt for higher ranks; is a kind of training to adopt the officer for a higher rank and new situation.

Practical Training; is a kind of practical based training while they are on duty instructed by their supervisors. In the Statute, practical training is considered the same as the one 'on the job training'

Symposiums and Conferences; are organisations which offer service needed to adopt the new trends in the frame of the public opinion, they serve and change their attitudes accordingly. For this reason, those kinds of activities are placed in the annual training plan.

As mentioned above, there are also training programmes in Civil Academic Units. In Turkey, 35 highly ranked officers are enrolled in graduate (master) training programmes of TODAIE.¹⁰³

In 1999 twentyfive officers entered post-graduate studies abroad: 3 in France, 20 in the USA and 2 in Germany. In 2000 twentysix more will attend post-graduate studies in these countries. The subjects covered are as follows:

- Counter Terrorism,
- Organized Crime and Smuggling,
- Police Administration,
- Law,
- Human Rights,
- Public Events,
- Crime Analysis,
- Crime Scene Investigation.

There are also programmes in Public Relations which help improve the public image of Law Enforcement Officials. Both External and Internal Public Relations are given importance. Specialists are trained to teach Public Relations through teacher training programmes.

Training activities are organised in regional centres. These are given by Central Training Team. In specific and needed topics, by the support of the General Directorate, Central Education Teams organise training in the cities and/or regions for police officers and high rank officers.

- Communicating with the public, interpersonal communication with victims, suspects and witnesses (Public Relations)

¹⁰³ An institution for specialist training in Public Relation and Public Administration.

- Police authorities and responsibilities (Human Rights)
- Types of police attitudes (balance between police power and community needs/wishes)
- Stress management and problem solving techniques
- Dealing with daily police duties and problems
- Time Management
- Emotional Intelligence and its significance for 'Police'
- Body Language and its use in Communication
- Effective presentations
- Assertiveness Training
- The significance of 'listening'

Training programmes for Elementary schools are worth examining because everything starts at those ages. Students should be given the feeling that police are important and should be helped in their mission. By some supportive programmes, this goal may be realised.

1. The cultural programmes for civilian elementary schools will not only be arranged during the police festival on the 10th of April, but also become widespread throughout the year and the country.
2. Police training schools arrange cultural and sportive activities for primary and elementary school students.
3. Security Directorates of provinces support sports activities at elementary schools and students find the opportunity to exercise sports at police sporting clubs.
4. Summer camps for students will be arranged by security directorates of provinces in order to contribute to the police-public relations.

Television programmes are made by central units to contribute to police publicity and public perception of the police. Achievements of police forces are communicated to the representatives of the media and other communication channels. In addition to the misbehaviours of police members, positive and self-sacrificing attitudes of police are

broadcast. Community members are informed about preventive policing by publishing CD's , books, brochures etc.

Another contribution to the positive public image of 'Police' are the peace conferences and meetings held by police departments and community members. Police training schools social activities are served for the adults and parents, as well as students of elementary schools. Communities are advised that security and crime prevention are not only matters for the police , but also vital problems for the public.

In this respect, apart from informing the public, close cooperation is formed with the the Ministry of National Education and the media. Also for Human Rights emphasis, the General Directorate has close relations and coordination with the Human Rights Department of the Prime the Ministry . There are also preparative programmemes for the personnel who have only one year for compulsory retirement designed to contribute to personnel's efforts to orient to the social life after a demanding and tiring active working years. The training policies are mentioned above and organised in accordance with the principles of educational science. The training policies are determined by standardising the training activities. Modern public relations and human rights programmemes are designed and developed. Effective regional training programmemes are planned and put into practice to improve local training activities.

Police Training According to 2001 Education Plan

Towards accession to EU, as the security forces, police should meet the EU standards that are required to abolish the borders and provide cooperation among member states and candidate member states. The Security Organisation plans to hold annual training programmemes and in 2001 they place more emphasis on training to meet the functional needs of contemporary society. These training programmemes aim at increasing the qualifications of the personnel and creating a positive image for 'the Police'.

Specifically they aim to :

- Increase the qualitative and quantitative properties of the service
- Adapt to innovations and developments
- Reinforce communication and coordination among the personnel
- Be familiar with provisions related to personnel and qualified labour force
- Motivate the personnel, make them acquire necessary skills
- Give them the opportunity for promotion
- Meet the need for Specialists
- Help them to become assertive
- Develop a vision
- Improve human relations
- Increase respect for the staff
- Provide personal satisfaction

In 2001, in-service training is given to staff such as, foundation training, developmental training, Specialty training, symposium, seminars and conference organisations.

The topics covered are as follows: ¹⁰⁴

- Atatürk's ideology and philosophy
- Human Rights
- Organisational Behaviour and Public Relations
- Stress Management and Problem Solving
- First Aid
- Effective Communication
- Police and Media Relations
- Police Ethics
- Police, Parental Relations and Social Life
- Interviewing Techniques
- Empathy and Communication
- Human Resource Management

¹⁰⁴ İçişleri Bakanlığı, Emniyet Genel Müdürlüğü, 2001 Yılı Eğitim Planı

- Operation
- Finger Printing
- Computer Applications such as Powerpoint, Outlook, Word, Excel.
- License
- Act on Duties and Competence of the Police
- Explosive Substances
- Special Operations
- Pedagogical Certification
- Modern Management Approaches
- Correspondence
- Leadership
- Crisis Management
- Institutional Innovations
- Creativity
- Emotional Intelligence
- Design and Effective Use of Training Materials
- Security Services
- Guarding VIP
- Guidance and Consultancy Training
- Legal State and Organise Crime
- Motivational Techniques
- Making Others Work
- Combating with Terrorism
- Basic Communication
- Total Quality Management
- Crime Economics
- Civil Aviation Security
- Accruelement
- Firearms and shooting

- Interrogation Techniques
- Creative drama
- Management
- Time Management
- Administrative Science and Organisational Theories
- Basic Traffic.
- Accounting
- International cooperation on organised crime
- Ranking Police Officers and Orientation Training
- Adaptation
- Smuggling
- Requirements to be Accomplished On the Way to EU
- INTERPOL
- Access
- Writing Techniques on Computer
- Gathering Information
- Budget Applications
- Mobile Force
- Competence on Shooting
- Research and Development
- Interrogation
- Minorities
- Specialist Training on Bomb Destruction
- Child Policing
- Fisherman
- Training the Trainees (T3)
- Training the trainers (T2)
- Electronic and Communication Technologies
- New Approaches in Education

- Educational Statistics
- Education Management
- Narko-Terrorism

This series of training helps the police to improve their capabilities of preserving human dignity, public order and security. The ideal police officer is one having power not because of his/her authority but because of his/her self-esteem.

CHAPTER 9

RECENT DEVELOPMENTS

The Last Meeting Held By European Council On Justice, Home Affairs And Civil Protection.¹⁰⁵

Five different sections were concluded in the meeting.

The maintenance of freedom, security and justice as the main objectives of the EU were emphasised concerning the National Programme of Turkey, some parts related with the cooperation in Justice and Home Affairs, such as the citizens' rights to express their opinions and to assemble in a peaceful manner, referring to the European Convention on Human Rights, but as an exception there is no threat to their own security or to that of other citizens or properties.¹⁰⁶

The abuse of democratic rights was mentioned. From the decisions taken or repeated in the last Council Meeting in Brussels (13th 2001), it is easy to realise the parallelism between the requirements from candidate members (regarding enlargement) and inner requirements and reforms for the member states for deepening. It is a simultaneous process. When they try to approximate the legislation of the candidate members to the EU acquis, member states also attempt to make their structural reforms in order to set up a harmonious atmosphere for themselves and for the newcomers.

¹⁰⁵ 2366th Council Meeting held on 13 July, 2001 in Brussels.

¹⁰⁶ <http://ue.eu.int/Newsroom/LoadDoc.cfm>

Since the Maastricht Treaty political union was also signified. It is envisaged to achieve a political union that has supranational characteristic.¹⁰⁷

The Council Meeting reinforces the need for a constructive dialogue between the organisers of public demonstrations and the authorities of the host country. It also reinforces the need for close international contacts particularly among the member states' law enforcement authorities to ensure that legitimate demonstration should not be exploited or abused by acts of violence with the possibilities offered by existing legal instruments, particularly the provisions of the Convention implementing Schengen Agreement (Article 46) and the Joint Action adopted by the Council on 26 May 1997¹⁰⁸

The Council and the representatives of governments of the member states believe that there is a need to stress the importance of effective European Cooperation on law and order. The Task Force of Chiefs of Police have a significant role in the implementation of cooperation between the law enforcement authorities of the member states. In the meetings of the European Council, the decisions were taken on the maintenance of public order and safety, respecting particularly demonstrations at public or other events:

A) 'Police Cooperation':

- a) A permanent point of contact for the collection analysis and exchange of relevant information will be established in each member state
- b) A pool of liaison officers to be assigned by the member states from which the risk groups come in order to carry out that duty to preserve public order and security before, during and after the event.
- c) Identification of persons or groups by using police or intelligence officers when there is a threat to public order and security.

¹⁰⁷ Common Security Policy, Common Foreign Trade Policy, Common Internal Affairs and Justice Policies are the milestones towards political union. Thus, the reforms and amendments referred to, in the NPAA are important to adopt the newly restructuring EU.

¹⁰⁸ On the basis of Article K.3 of the Treaty on European Union with regard to cooperation on law and order and security.

d) A Police Chiefs' Task Force to be created as a joint action for which senior officials monitor permanently the operational procedures. The Police Chiefs' Task Force to work as a consultant body on the most appropriate measures for ensuring policing and security of European Councils and similar events, to contribute in support of the member state hosting the event, and to monitor the effectiveness of these arrangements and share the results and best practice with the relevant Council working parties

In addition, experts in the field of public order to assist the Police Chiefs' Task Force may be needed. The experts shall help in the preparation, whenever possible, of a joint analysis of violent disturbances, offences and groups.

For revision of the EUROPOL Convention, the Council will examine the possibility of increasing EUROPOL's power in this field. Also the experts shall contribute to the Police Chiefs' Task Force in the organisation of targeted training by the European Police College (EPC), including the exchange of best practice.¹⁰⁹

B) Exchange of Information, respecting the right to the protection of Personal Data

C) Measures relating to crossing of borders

The provision of the Convention implementing the Schengen Agreement should be complied with. If deemed necessary, the arrangements should be made with neighbouring countries to make possible joint or coordinated preventive patrols in border areas or to carry out joint checks.

D) Judicial Cooperation.

It envisages direct cooperation between the judicial authorities or other competent authorities allowing for the necessary judicial assistance to be mobilised. Those direct contacts may be facilitated by the European Judicial Network.

¹⁰⁹ The Council welcomes the proposal of some member states on a seminar to be held in France, on the maintenance of law and order.

E) Organisational Measures.

This part envisages development of a common approach to communicate both for dealings with the various players concerned and also for general communications, and involvement of the organiser of an event in internal security measures and development of constructive dialogue with organisation of demonstrations to ensure that legitimate demonstrations are not exploited by groups¹¹⁰

Circular (Directive) Issued On 18th July, 2001 For the Coordination of the Financial Cooperation with the EU

Prime Minister Bülent ECEVİT has signed and issued a directive to all ministries and government agencies in order to set up a new structure for the coordination of financial cooperation with EU.¹¹¹

Regarding the National Programme and the Accession Partnership Document, the National Aid Coordinator to ensure that Community's financial assistance to Turkey be linked to Accession process. This new structure is presumed to meet the expectations of the Commission in carrying out financial cooperation with Turkey. This duty assumed by the Deputy Prime Minister and the State Minister responsible for EU Affairs. However, the National Aid Coordinator may designate a representative for this task if deemed necessary. The duties of the National Aid Coordinator may be listed as follows:

- Supervising required coordination for the Community's financial assistance to be linked to the accession process and for the use of funds uniquely for this purpose
- Taking the Accession Partnership and the National Programme into consideration, directing, selection, implementation and monitoring of the projects which are included within the scope of financial cooperation.

¹¹⁰ <http://ue.eu.int>

¹¹¹ Circular No:2001/41 – B.02.0.PPG.0.12-320-11540

- Preparing Annual Financing Protocols in coordination with the National Authorising Officer and the related ministries.
- Monitoring and evaluating the projects and programmes, in terms of what the related authorities designed for this coordination task, should also be well defined.

a) Financial Cooperation Committee:

It is the Committee established to ensure the necessary harmony amongst the Financial Cooperation activities. The Financial Cooperation Committee is composed of the representatives of the Ministry of Foreign Affairs, the Ministry of Finance, the Undersecretariat of the State Planning Organisation, the Undersecretariat of Treasury and the EU Secretariat General. The Committee is chaired by the National Aid Coordinator or by his authorised representative. The secretarial services are carried out by the EU Secretariat General. The main duties of the Committee are as follows:

- Determination of the priorities in the use of financial resources,
- In accordance with the priorities, preparing the annual programmes
- Overseeing the distribution of the financial resources on the basis of the priorities which were predetermined
- Controlling and evaluating the implementation of Financial Cooperation

b) 'The National Fund and National Authorising Officer'

Undersecretariat of Treasury shall establish and direct the National Fund that is collected. The financial assistance to be provided by the EU is collected under this National Fund. The State Minister responsible for the Treasury is identified as National Authorising Officer who leads and manages the Fund. The National Authorising Officer may assign a representative to carry out this task if deemed necessary.

The main duties of the National Authorising officer are as follows:

- Requesting the transfer of Funds from the Commission and managing the funds,
- Ensuring the flow of the national and other financial resources mentioned in the Financing Protocol,

- Establishing a financial reporting system approved by the EU for financial assistance,
- Transferring the funds to the Central Financing and Contracting Unit (CFCU) in the form determined in the Financing Agreement.

c) 'Joint Monitoring Committee'

It is composed of the representatives of the National Aid Coordinator, the National Authorising Officer, the Financial Cooperation Committee and the Commission. The Committee meets at least once a year to review the programmemes.

The duties of the Joint Monitoring Committee are listed as follows:

- Giving feedback information about the degree of their realisation in accordance with the objectives set forth in the Financing Protocol,
- Giving alternative suggestions to change the priorities for the pre-set objectives to be achieved, fund transfers between programmemes and, when necessary, additional financial resources on the basis of individual programmemes.

d) Central financing and Contracting Unit (CFCU)

It helps in the realisation of projects by conducting the tenders, executing the payments and preparing the reporting activities of the project within the context of Financial Cooperation in conformity with the method designated by the Commission which will be carried out by Prime Ministry Project Implementation Unit.

Prime Minister Bülent Ecevit has announced that 'The realisation of projects to be selected and implemented on the basis of the priorities set forth in the National Programmeme is important for the successful coordination of the candidacy process of the country. To ensure the implementation of financial cooperation, the administrative structuring outlined needs to be established immediately.' Prime Minister Bülent Ecevit declared his request to ensure the immediate implementation of the financial cooperation

within the framework of the administrative structuring outlined as indicated in the directive.¹¹²

Translation Unit Within the Organisation Chart of Secretariat General for the EU Affairs

Another development which must be mentioned is that 500.000 Euro is planned to be allocated for the 'Translation Unit' within the organisation chart of Secretariat General for the EU Affairs. Additionally, allocation of 200.000 EURO is being planned for the specialists who will be assigned for the duty of translation. It hasn't been finalised yet but it will be submitted as a draft proposal on 11 August 2001.

Report Prepared by the Ministry of Interior (19 August 2001)

A further step taken in terms of realisation of Justice and Home Affairs requirements, is the report submitted to Secretariat General for the EU Affairs by the Ministry of Interior on 19 August 2001 particularly related with the issues of General Directorate for Security. The Evaluation report can be summarised as:

- Human Rights education is being given on all the basic training institutions of Security organisations such as Police Colleges, Police Schools and Police Academy.
- Police Training schools that provide 9-months basic training were transformed into Police Vocational Schools of Higher Education.¹¹³

The aim of the police training schools is to meet the considerable needs of the Turkey-EU National Police to educate police officers. Entry requirements for Police Vocational Schools of Higher Education are;

¹¹² Ref: B.02.0.PPG.0.12-320 -11540 number and 18 July 2001 dated directive) prepared by the Representative of Turkey-Prime Ministry -Directorate General for Personnel and Principles.

¹¹³ The related decision was published in the Official Gazette No.24397, dated 09.05.2001

All educational institutions require the devotion to Atatürk's principles, revolutions, sensitivity on the integrity of Turkey-EU State and Nation, being moderate in terms of physical, mental, moral, psychological aspects and grown up in good health, and being able to hold up the honour of having responsibilities.

In addition Applicants should;

- be a citizen of Turkey-EU Republic,
- be a graduate of a general, trade, tourism, craft or technical high school
- be age between 18 & 27
- score 105 from University Entrance Test
- be taller than 165cm for females and 167cm for males
- have completed compulsory military service (for males)
- not have any relation with illegal ideological activities, anarchy or terrorism

There are three stages of selection. Selection starts at the provincial level with an interview and then medical check-up by the doctors of the police organisation and psychiatrists. Second stage takes place in the regional centres. A commission appointed by the General Directorate selects applicants. Firstly physical tests are applied. Secondly, interviews are held and then medical checking, again. In addition, all applicants are tested by Minnesota Character test. The final stage is a 'written test' which the successful applicants are eligible to take. There are 100 questions in this written test. As it is an era of 'Information' the understanding of policing also changed and new dynamics have emerged. In parallel, police also need different kinds of professions, new tasks and duties. Directorate General for Public Security should take the necessary measures to fight against the newly emerging technology crimes. This Police organisation needs many kinds of training in harmonisation with the standards of developed countries. The curricula of Police Schools were also modified in accordance with the needs of the EU standards. The curricula in Police Vocational Schools may be given:

- Professional Police Law
- Preventive Duties

- National Security and Intelligence
- Professional Corresponding Duties
- Firearms Training
- Physical Training and Self Defence
- Human Rights
- Atatürk's Principles and Revolutions
- Constitutional Law
- Criminal Law
- Police – Public Relations
- Basic Traffic Knowledge
- Computer Literacy
- First Aid & Basic Health Information
- Public Order
- Sociology
- Psychology
- Fine Arts
- Police Ethics
- English
- Introduction to Law
- Introduction to Policing

Educational and Training Activities of Directorate General for Public Security contains two parts:

- 1) Pre-service training
- 2) In-service training

Pre-service training occurs at three levels:

- Police Schools
- Police Colleges
- Police Academy

The Police Academy aims to train high-level management officers of the Turkey-EU National Police. It was established on November 6th, 1937 in accordance with the Article 18 of the National Police Act 3201, to provide 2 year in-service training. At that time the institution was known as the 'Police Institute' which was then changed to Vocational Schools of Higher Education under the instruction of Board of Education of the Ministry of National Education.¹¹⁴

In 1962, the 2-year education programme was converted to a 3-year programme. In 1980, by a decision of the Ministry of National Education, the school was changed into a 4-year Higher Education Institution. The Academy graduates start their profession as Deputy Inspectors and became the potential top-level management of the Police Organisation. According to bilateral agreements, besides police college and high school graduates, also foreign students who are competent in speaking, writing and understanding of Turkey-EU Nation Police may enrol.

The curricula of Academy is composed of the courses in each of these categories:

- Theoretical Training and Graduation Thesis
- Internship (practical training)
- Work-based training

The Academy programme lasts for eight semesters. It offers pre-undergraduate programme for the graduates of the Police College and High Schools. The General Directorate for Security sets entrance exam dates every year and the Academy Presidency conducts the examination. There are many courses that all universities have in different branches.

1st year: Introduction to Law, Constitutional Law, Civil Law, Police Occupational Law, Economy, Turkey-EU Language, English Language, General Sociology, Firearms

Education, Physical Training, Forensic Science, Self-Defence, Human Rights, Turkey-EU Revolution History

2nd year: Penal Law, Professional Police Law, Public Administration, Turkey-EU History, International Common Law, Social Psychology, Turkey-EU History, Firearms Education, Turkey-EU Language, Forensic Science, Law of Obligation, Self Defence, Administration Law, English Language, Turkey-EU Revolution History

3rd year: Self-Defence, International Private Law, Traffic, Criminal Procedure Law, English Language, Firearms Education, Professional Police Law, Personnel Management, Statistics, Penal Law, Criminology

4th year: Physical Training, Traffic Management, Self-Defence, Criminal Procedure Law, English Language, Turkey-EU Revolution History, Judicial Psychology, Forensic Sciences, Police Tactics, Police – Public Relations, State Security and Intelligence, Interrogation Correspondence Techniques.

An advisor for each student is assigned for the graduation thesis. The studies covered must be approved by seminar advisors. It should be noted that, towards the harmonisation of judicial and internal affairs by cooperation with the EU, the police academy education at the end of second year became more practice-based training. A recent and important development related to this is the police academy's status change to a university.¹¹⁵

As an attached sub-development, police academy regulations are re-designed in accordance with the Higher Education Council Act and scientific boards and committees are established to obtain scientific objectivity. The deanship of the Security Sciences Faculty is established. In addition, the graduate school of police is established to provide

¹¹⁴ New Structure and Behaviour in Training of the Turkey-EU National Police, Ministry of Interior

¹¹⁵ Police Academy is upgraded to a 4 year university in order to provide graduate and post-graduate training and Head of Police Academy gained the rectorship status and has become a member of the Board of the Universities.

master and doctorate programmes. These programmes are given to the management level of the Turkey-EU Police Organisation. For the Police Academy and Police Vocational Schools of Higher Education, new professors and associate professors are appointed and the quantity of instructors has reached satisfactory levels. Thus police and university cooperation has been improved.

Police basic training schools are converted to the 2-year Police Vocational Schools of Higher Education and linked to the Police Academy. For the improvement of the quality of training in 2-year Police Vocational Training, the practice-based modular interactive training and its curricula should be adapted to the new technology and needs.¹¹⁶

The content of the source books should not contain all the information but only the information needed by the police and the books should serve not only to get the input information but more importantly to acquire basic skills, attitudes and behaviours. In order to acquire these pre-determined skills, attitudes and behaviours, the Modular Interactive Training is the most efficient and effective method to be used.

International ARC Consultancy Training Company is composed of;

- academicians and instructors of Police Schools
- 2 programme development specialists
- 1 development psychologist
- 1 specialist on measurement and evaluation
- 3 editors

Taking into consideration the fact that improving policing standards and providing a high quality service depends on developing the quality of the basic training, and to meet the needs of society while contributing to the social development process, the Turkey-

¹¹⁶ The task of determining the new curricula has delegated to ARC Training Company and is planned to be completed by the end of August. The consultancy of Prof. Dr. Semiha Aydın and Associate Professor Tülay Uğuzman give consultancy for more effective team works.

EU National Police commenced a structural reform to reorganise basic and in-service training

- Police Training schools are changed into 2-year Police Vocational Schools of Higher Education and linked to police academy
- For the Police Academy and Police Vocational Schools of Higher Education, new professors and associate professors have been appointed and the number of instructors has reached satisfactory levels.
- In order to motivate personnel to work for training units, working conditions and individual rights of the staff are improved.
- Practical training programmes and their qualities are increased
- Sociology, Psychology, Foreign Language, Police Ethics, Introduction to Law, Introduction to Policing and Fine Arts are added to the curriculum of Police Vocational Schools.
- Introductory training for basic police branches in the Police Vocational Schools will be provided in the last Semester. This training will cover basic traffic and basic preventive and judicial policing branches.
- Courses related with Law are being given 150 hours in Police Schools whereas it has been increased to 240 hours in Police Vocational Schools of Higher Education.
- Occupational courses in Police Schools are 555 hours whereas they are 915 hours in Police Vocational schools of Higher Education.
- The period of education in Police Schools is 840 hours whereas it is 1680 hours in Police Vocational Schools of Higher Education.
- The practice-based training in Police Schools is 327 hours whereas the practice-based training is 660 hours in Police Vocational Schools of Higher Education.

The other part of the Educational and Training Activities of Turkey-EU National Police is 'In-service training':

- In-service training activities are planned and performed in order to improve the officer's knowledge in the technological and social areas while they are struggling nationwide against crime.
- In-service training is organised to train all officers for new developments, trends and methods, prepare them for a higher rank, to develop good attitude between police and the public. These kinds of training are given to motivate the personnel and give an 'US' feeling to the staff.
- In-service training helps to meet the needs of the specialist; assist officers to gain necessary knowledge, skills and ability, update knowledge in conformity with the developing technology, assist the officers in their new office and branch, improve knowledge through in-service training, improve cooperation with the public, develop a new and better police image in public's opinion, continue the internal reciprocal interaction and communication, increase emotional intelligence of the staff.

In-service training activities are summarised as follows:

Training activities are planned and organised by Central Departments and may be planned and organised by provincial police directorates. It may be in the form of 'on the job' training, firearms and shooting training and in-service training may be organised in connection with national and international universities.

In-service training organised by Central departments;

A training programme is designed for new recruited officers to introduce them to their specialisation known as 'Basic Specialist Training'. Another type of training organised by Central Departments is the 'Improvement Training' which is a further training provided for the participants to update their technical knowledge. The more intensified training within the training activities organised by Central departments is the 'Specialised Training' which helps to meet the specialist needs of Turkey-EU National Police.(Directorate General for Public Security) in various areas. A further training is to prepare officers for promotion to higher ranks. The central departments also arrange symposiums, panel discussions and conferences as part of their training responsibilities.

The second type of in-service training, are the training activities organised by Provincial Police Directorates;

Training programmes on Constitutional Law, the Regulations on Police Duties, Discipline, Human Rights (authorities and responsibilities of police on human rights), Turkey-EU Revolution, Crime Scene Investigation, Public Relations (forming dialogue with the public creation of a positive 'Police Image'), Struggling Against Terrorism, Problem Solving and Stress Management (dealing with policing problems) and Effective Presentation, Empathy, Organisational Behaviour, Police Behaviour (the balance between police power and citizens' freedoms and wishes). In addition, many seminars and conferences are held on topics like Human Rights, Public Relations and Management. In this frame, in the year 2000, regional training seminars were held in seven regional centres for chiefs and personnel of police stations.

The Third type of in-service training is 'On the job training' which means that personnel are also trained while they are performing their daily duties. Fourth type of in-service training is 'Firearms and Shooting Training' which helps to improve the shooting skills. The last part of in-service training, are training programmes organised in cooperation with universities in country and abroad.

In Turkey, the tendency towards improvement in the quality of personnel provides opportunities for postgraduate studies. Thirtysix personnel are still doing MA in the Turkey and Middle East Public Administration Institute (TODAIE). Twentynine personnel are following the specialisation programme at the European Community Research and Practice Center of Ankara University (ATAUM). In the coming years increasing numbers of staff are planned to attend these types of post-graduate

programmes, to better achieve approximation to the EU *acquis*. In addition, 184 personnel have attended language courses last year.¹¹⁷

On the other hand, programmes abroad in 1999 and 2000 also improved to a great deal for the benefit of the National Police Organisation.¹¹⁸ These programmes are; Counter Terrorism, Organised Crime and Smuggling, Police Education, Police Administration, Law, Human Rights, Public Events, Computer Science, Crime Analysis, Crime Scene Investigation, Intelligence and Public Relations. These personnel shall be instructors at Police Academy and Police Vocational Schools for Higher Education when they complete their postgraduate programmes. Hence, they will contribute to efforts for training well-educated police officers who should be able to justify their actions and decisions, open-minded, tolerant and longing to aid to the social development. Also by the end of 2001, it is planned to complete the necessary procedures for 19 additional personnel for post-graduate training and for 80 personnel for short-term in-service training.

For 2001 post-graduate studies, the topics planned to are Education (1), Management (1), Crime Scene Investigation (1), Fight Against Terrorism (2), Computer Science (1), Traffic (2), Intelligence (2), Criminalistic (3), Crime Analysis (1), Human Rights (1), Smuggling (1), Social Affairs (2), Aviation Engineering (1).

For the reinforcement of PR (Public Relations) activities, the following have been realised:

- TV programmes are designed by central units in order to contribute to police publicity and police image by the public.
- Success stories of police forces are communicated to media representatives. Positive and self-sacrificing attitudes of police are broadcast.

¹¹⁷ 68 personnel in culture and centres of Embassies, 46 in State Language School, 70 in TÖMER Language Center of Ankara University)

¹¹⁸ 51 personnel have attended to post-graduate programmes in France (5 officers), Germany (4 officers) and USA (42 officers) at various universities.)

- Community as the mass target are informed about preventive policing by publishing CD's, books, brochures etc.
- Interactive CD-ROM's are being prepared to demonstrate probable policing events
- To improve 'Security Sensitivity' of public, a TV programme - Security Hour- is planned to be prepared with TRT (Turkey-EU Radio and Television) Channel.
- For the creation of police positive image, provincial departments organise training activities for elementary schools continuously, to introduce children to the police at early ages.
- Police Sports Clubs are formed by provinces and youngsters are encouraged to use these clubs.
- 10th April, the Police Festival Day is celebrated in every segment of the society to have more effective communication channels.
- It is planned to form summer schools with the facilities of police schools for bringing together youngsters with the police.
- Cultural activities (theatre, music events, movies) are organised by police schools for elementary school students.
- Press bulletins are prepared for announcing achievements of the police.
- Internal PR activities are given more significance to create 'A SENSE of BELONGINGNESS' and 'SOLIDARITY' among the staff.
- Community are convinced on the fact that security and crime prevention are not solely a matter for Police concern, but also a vital problem for the Public. Hence not only informing the public but also cooperation with the public, the Ministry of National Education and media is considered to be compulsory.
- Peace conferences and meetings are held by the police forces and community members.
- Social activities of police training schools are served to the adults and parents, as well as cadets of elementary schools.

- Also preparatory programmes for the personnel, who have one year left before compulsory retirement, are designed to contribute to personnel's efforts to orient with social life after the demanding and tiring active working years

The modernisation period of Police Organisation starts with the realisation of the vitality of PR activities. PR activities will form the strategic dimension of crime prevention beyond the year 2000. Many intensive programmes on the relevant issues shall be accelerated in the coming years, towards accession to EU.

Structural and administrative reforms have been undertaken to maintain strong scientific links between Turkey-EU National Police and academics. Hence Turkey-EU National Police established modern training schools and institutions to provide contemporary, citizen-oriented training facilities. General Directorate for Public Security completed a structural reform to reorganise basic and in-service police training to meet the needs of the society and to contribute to the social development process. The reforms and the improvements may be listed as follows:

- Police Academy has been upgraded to the four-year Faculty of Security Sciences.
- Two-year Police Vocational Schools of Higher Education are established and linked to the Police Academy.
- New Professors and associate professors are appointed for the Police Academy.
- Citizen-oriented police and police training approach has been adopted.
- The curricula of Police Vocational Schools of Higher Education are designed in connection with the universities. Extra subjects such as psychology, sociology, foreign language, behavioural sciences, police personnel ethics are added to the curricula for the concept of contemporary police.
- Citizen-oriented police and police training approach has been adopted. Hence, 'Police Training Through the 21st Century Symposium' was organised in Ankara Dedeman Hotel on 25-27 October, 2001 to discuss how the contemporary police

training can be provided, with the participation of field experts and professors from various universities, and more than 100 papers were presented .

In terms of In-service training;

- a) 303 in-service training programmes were organised in 2000.
- b) 17.567 personnel were trained in specialty training and 109.209 personnel received practical training.
- c) 1118 chief superintendents attended the administrators programmes.
- d) 35 professors, 35 assistant professors gave training at manager's training courses.¹¹⁹
- e) 4096 personnel have attended the regional training seminars.
- f) Education management and school leadership seminars were organised for Police Schools Directors.
- g) Total Quality Management training programmes have been designed and applied.
- h) The scope of Human Rights courses are being revised and enlarged.
- i) The study on 'Occupational Standards' for 13 branches of police occupations for the approximation of the EU *acquis* in cooperation with the World Bank has been accomplished.
- j) Modular interactive training project is designed and launched implementation in cooperation with the Council of Europe to modernise the curricula of Police Vocational Schools for Higher Education.
- k) Human Rights and Public Relations course are taught to the participants of all in-service training programmes.
- l) In accordance with Article 8 of In-service Training Statutes, the first meeting on Education Board of Turkey-EU National Police was held on 2 February 2000 under the chairmanship of the General Director.

In addition to the in-service training policies, the training strategies of Police Schools, Police College and Police Academy were discussed and overviewed in the meeting. The traditional structure of the police is being changed. The Information age requires some

¹¹⁹ Türkiye Polisi Eğitiminde yeni yapılanma ve davranış

arrangements and new priorities needed to be acknowledged for the police training and restructuring is necessary to capture contemporary European style. In the new age, police officers having academic disciplines are as important as fighting against crimes. In other words preventive action has priority in the new era. For example in the United States, there have been Criminal Justice Departments or faculties in the universities involving many courses of universal administrative and economic sciences. Academic research is conducted on crimes and criminals and the causes of crime – just as with preventive medicine – preventive approaches are formulated and forwarded to the related organisations.

New strategy developments provide more benefits to the police. The new status of the Police Academy and running of post-graduate programmes and two-year Police Vocational Schools of Higher Education, which has a link with the Academy, carry importance for the welfare of the society. After the selected personnel complete MA and Ph.D. programmes, these personnel can contribute to the academic resources of Academy. Thus, these academic personnel will have the advantage of theoretic and also pragmatic problem solving skills.

The new structure and strategies of police training prioritises 'learning' over 'teaching'. The interactive learning model facilitates cadets' learning by seeing, hearing and practising. Interactive training is conducive to adult training, offering more participation to the learners. They contribute a lot because they come with their occupational experiences to share and exchange with others. Group discussions, role-plays, presentations, simulation, case studies facilitate applying all learning to actual life situations. Hence, theory and practice are complementary. Within the new structure, inapplicable, old-fashioned theories are removed.

As the human rights awareness of the public improves, citizens will expect different behaviours than the past. As the perceptions are selective for the needs, expectations, interests and personal experiences, they should be made selective for the problem

solving priorities. This will be done by changing the interests, needs and expectations by changing the inputs of the learners in the short run. An attitude, perceived to be normal in the past, may not be approved today. However, it is not easy to change the attitudes of human beings because changing an attitude requires three components of attitude to be changed entirely; these are cognitional, emotional and behavioural components. Thus, it is a long-term process. The annual training programmes should be in conformity with each other and should continue to adapt the needs of the modernising world. So a professional approach is foreseen to maintain a citizen-oriented training. Public reliance can only be acquired by neutral, fair and effective applicants to the police. This new structure requires comprehensive, extensive training that will be provided on public order, traffic and police centres. The new structure contributes to social development.

The EU foundation training was given recently. Turkey-EU-EU relations accelerated and changed status with the Helsinki Summit on 10 and 11 December, 1999. It is not clear when full membership shall be achieved but this ambiguity mostly depends on the tasks required by the EU and Turkey's compliance with the rules and obligations. In that harmonisation process, all public organisations including 'Police organisation' have responsibilities to fulfill. The first thing to be done is creation of a legal and democratic state respecting human rights. In this context, police should be trained and the scope should be well defined. The absolute requirements for all police (universally) organisations such as to respect and obey the law, respect and protect human dignity and human rights and work to high ethical standards should be emphasised.

In addition to training, the police establishments in other European countries should be studied and necessary adjustments should be made. The Turkey-EU National Police organised a series of seminars regarding the accession. The most recent 'On the job training' seminar gave an orientation training on the path to the EU accession. The topics covered in the seminar were;

- 1) Historical background of European Economic Community (EEC)
 - a) Integration movements of Europe
 - b) The change of EEC to EC and its consequences.
- 2) Institutional structure of EU
 - a) European Parliament
 - b) Council
 - c) Commission
 - d) Court of Justice
 - e) Other institutions
- 3) Economic and Political Structure of EU
 - a) Common Market and Single Market
 - b) Common Policies after Maastricht Treaty
- 4) EU Law
 - a) Supranationality
 - b) Subsidiarity
 - c) Priority given to the EU Law
 - d) Comparison between the EU Law and International Law
- 5) Turkey-EU Relations
 - a) Ankara Treaty and Added Protocol
 - b) 1980 – Military Intervention and afterwards
 - c) 1990 – 1997 Period
 - d) 1997 – 1999 Period
 - e) Helsinki Summit and its contributions to the relationship
- 6) Police Cooperation in EU
 - a) Schengen
 - b) EUROPOL
 - c) Police cooperation attempts
- 7) EU Immigration and Refugee Policies
- 8) EU and Human Rights
 - a) Human Rights and EU

- b) The place of the EU Human Rights in the EU Foreign Policy
- c) The significance of Partnership process
- 9) Precautions to be taken in the approximation process

The new dimension in Turkey-EU relations brings the need for Turkey to meet the requirements of the Copenhagen Criteria. The criteria concerning the permanent institutions maintaining public order, public security and human rights must be met.

Police staff must acquire the necessary skills to compete with their European colleagues. They should be informed about Turkey-EU foreign policy and interests and also what their contribution would be in that intensive scope process. Since technological innovations prevail and this is the era of Science and Technology in combating crime, prevention of disappearances and illegal acts, new technological innovations should be used. To preserve peace and security, police organisation must work more effectively and efficiently. These technological training programmes are appreciated more in recent years. It is through modern technology that information is readily and easily accessible in today's world. Computer application courses were replaced with 'Police Technologies' courses and the scope of the curriculum was enlarged. Moreover, the significance of using technological facilities caused the establishment of a 'Project Research and Evaluation Commission'. The project involves visits to sophisticated countries such as U.S.A, Canada, England, Germany, Australia to see how the system operates in those countries. The feedback evaluated and the results compiled as BEMTAP-2000 project were submitted to the public. On the path to EU, BEMTAP-2000 project was shown as a success by the foreign specialists from other Police Technological establishments ¹²⁰

There are different kinds of projects supported by international organisations. One such project was organised by the British Council. the Ministry of Foreign Affairs in England appointed the British Council as the project manager. The fund of one of the

¹²⁰ Article: Emn. Mtd. Müslüm Sayılı

nine projects aimed to teach 'Contemporary Police Strategies'. Selected personnel from the Police organisation were trained. The trainer was an expert. He was consultant in the London Metropolitan Police. The topics covered were Peace and Order, Foreign Affairs and fight against terrorism.¹²¹

Globalisation created new concepts such as 'Cooperation and Coordination'. Instead of 'nation states'; 'regional cooperation' and 'universal standards' are being implemented even in the 3rd-world countries. Hence, many congresses, seminars and symposia are organised to exchange information and knowhow.

The Turkey-EU Police organisation must not be considered only responsible for the Turkey-EU Republic but also for the entire world police organisations. The 'Congress of Order, Public Safety and Human Rights for the development of Latin America and of Caribbean' had no interest for Turkey forty years ago, but now the practice in Latin American countries have relevance for Turkey because, although the problems that exist may seem to be different in different parts of the world, the security concerns and solutions are similar everywhere. These kinds of Congresses reveal the fact that national security problems in a country can not only be solved within the borders but also the other parameters related with neighbourhood countries and their problems should be taken into consideration. Practice for the maintenance of security require a standardisation among the close neighbour countries whatever their past relations were. Turkey had some difficulties when Iraq and Bulgaria had security inadequacies and many refugees came to Turkey. Turkey can experience similar kinds of problems again.

Crime is a social phenomenon and the solution is again within the 'Society'. Education is the remedy for all kinds of disputes and for development. The best thing to prevent crime is to work with educational, parental and religious institutions.

¹²¹ Turkey-EU Police Academy Chairman and other academicians, professors from Faculty of Law (Marmara University) all agreed to exchange academicians and information in different European countries. The cooperation between England and Turkey in the context of comparative police practice was effective.

Constitutional Amendments

Towards the accession to the EU, in order to comply with the Copenhagen political criteria, The Turkey-EU Parliament initiated a constitutional amendment package composed of 34 major amendments to the 1982 Constitution on 25 September 2001.

In the four days of first round of the parliamentary review, the General Assembly has accepted the amendments. The only amendment proposal which has been refused was related to the supremacy of international agreements over national legislation. However, it is not among the short-term priorities mentioned in the National Programme, for the Adoption of the Acquis.

The ratified amendments are as follows:

- 1) Freedom of thought and opinion. Instead of 'thought and opinion', the fifth paragraph of the preamble was changed into 'activity'. The new paragraph is 'No protection shall be afforded to any activity contrary to Turkey-EU national interests, to the principle of the existence of Turkey as an indivisible entity with its state and territory, to Turkey-EU historical and moral values, or to nationalism principles, reforms and modernism of Atatürk, and as required by the principle of secularism, there shall be no interference whatsoever of sacred religious feelings in state affairs and politics'.¹²²

It is a step forward in the fulfillment of Turkey's commitment in the short term of 'Political Criteria 2.1.1 'Freedom of Thought and Expression'

- 2) The revised Article 13 of the Constitution is : 'Fundamental rights and freedoms may be restricted only by law, in conformity with the letter and spirit of the Constitution. These restrictions shall not conflict with the requirements of the democratic order of

¹²² This amendment is undertaken with reference to European Convention for the Protection of Human Rights and Fundamental Freedoms, article 10, titled 'Freedom of Expression', and the principles of freedom and democracy referred to in the introductory paragraph to Political Criteria : Section 2.1 in the NPAA.

society and secular republic'. The amendments to Article 13 envisaged the deletion of the following grounds from the text of the article for restrictions, 'the indivisible integrity of the state with its territory and nation, national security, public order, general peace, the public interest and public moral or the protection of public health. Hence scope of fundamental rights and freedoms are extended.

- These amendments are undertaken in the light of Article 10 of European Convention on Human Rights titled 'Freedom of Expression', the principles of freedom and democracy with additional safeguards referred to in the introductory paragraph to Political Criteria Section 2.1.
- These amendments are also a step forward in the fulfilment of Turkey's commitment to review the provisions of the Constitution on Human Rights and Freedoms', in the short term.¹²³

3) Article 14 of the Constitution is revised. The new article reads: 'Fundamental rights and freedoms may be restricted only by law, in conformity with the letter and spirit of the Constitution. These restrictions shall not conflict with the requirements of the democratic order of society and secular republic. The amendments reinforce the existing safeguards on the exercise of fundamental rights and freedoms.'¹²⁴

The amendments are also a step forward in the fulfillment of Turkey's commitment to review 'the provisions of the Constitution on human rights and freedoms...' in the short term.¹²⁵

4) Another proposal for amendment was for Article 19 of the Constitution which was confirmed. It is about 'Personal liberty and security'. New assurances are introduced to Article 19 which covers personal liberty and security. Persons detained on suspicion of

¹²³ Political Criteria 2.1.1 'Freedom of Thought and Expression

¹²⁴ These amendments are undertaken in the light of : Article 17 of the European Convention on Human Rights titled 'Prohibition of abuse of rights', the principles of freedom, democracy with additional safeguards and the rule of law referred to in the introductory paragraph of Political Criteria Section 2.1.

committing a crime can be held in custody for 48 hours and 15 days respectively. The amended sentence is 'The person arrested or detained shall be brought before a judge within 48 hours, or within four days at the most for crimes committed collectively, excluding the time taken to send him to the court nearest to the place of arrest'. This complies with Article 5 of European Human Rights Convention, titled 'Right to Liberty and Security'. All amendments are for the improvement of human rights. These amendments also fulfill Turkey's commitment to review Article 19/6 of the Constitution' in the medium term.¹²⁶

5) In accordance with Article 20 which governs 'Privacy of Individual Life', 'no person shall be subjected to a physical search nor his or her private papers or belongings searched or seized without a court verdict or approval of the relevant authority. The third sentence of the first paragraph, 'Exceptions necessitated by judicial investigation and prosecution are reserved' is deleted.

Some additions are made to the second paragraph of this article, in light of Article 8 of the European Convention on Human Rights (ECHR) titled 'Right to respect for privacy and life.' These amendments are a step forward in the fulfillment of Turkey's commitment to review 'the provisions of the Constitution on human rights and freedoms', in the short term.¹²⁷

6) Article 21 of the Constitution, titled 'The Inviolability of domicile', is also amended. It governs the inviolability of the domicile. A warrant is required in order to enter a suspect's house. The judge has to disclose the decision within 48 hours of the search being made.¹²⁸

¹²⁵ Political criteria 2.1.1 'Freedom of Thought and Expression'

¹²⁶ Political Criteria 2.1.4 'Pre-trial detention'

¹²⁷ Political Criteria 2.1.1 'Freedom of Thought and Expression'

¹²⁸ The amendments are undertaken in light of Article 8 of the European Convention on Human Rights titled 'Right to Respect for Private and Family Life' and Article 1 titled 'Protection of Property', of Protocol No.1 of the ECHR and

The changes are also a step forward in the fulfillment of Turkey's commitment to review 'the provisions of the Constitution, on human rights and freedoms' in the short term.¹²⁹

7) Article 22 governs freedom of communication. A warrant is required to tap a persons telephone conversations; to be determined by the Law on Public Bodies and Institutions. These amendments are undertaken in light of:

-Article 8 of the European Convention on Human Rights titled; 'Right to Respect for Private and Family Life', Article 10 of the ECHR titled 'Freedom of Expression', the principle safeguards and the rule of law referred to in the introductory paragraph of Political Criteria Section 2.1, Political Criteria Section 2.1.1. 'Freedom of Thought and Expression'.

8) The fifth paragraph of Article 23 is revised. The related paragraph, which governs freedom of residence and movement, the provision that a citizen's freedom to leave the country may be restricted on account of the 'national economic situation' has been lifted.

9) Article 26 titled, 'Freedom of Expression and Dissemination of Thought' is amended. The provision, 'No language prohibited by law shall be used in the expression and dissemination of thought' has been lifted. These amendments expand the scope of the right of the freedom of thought and expression and remove restrictions on use of different languages, dialects by the citizens in their daily lives.

These amendments are undertaken in light of :

Article 9, titled 'Freedom of Thought , Conscience and Religion', Article 10, titled 'Freedom of Expression', Article 14, titled 'Prohibition of Discrimination', and

the principle of democracy with safeguards and the rule of law referred to in the introductory paragraph to Political Criteria Section 2.1

¹²⁹ Political Criteria 2.1.1 'Freedom of Thought and Expression'

Article 18, titled 'Limitation on use of restrictions on rights' of the ECHR, and Article 1 titled 'General prohibition of discrimination' of Protocol No. 12 of the ECHR.¹³⁰

10) Article 28, titled 'Freedom of Press', is amended. Thus the prohibition, 'Publications shall not be made in any language prohibited by law' is deleted from the text. It is undertaken in light of:

-Article 9, titled 'Freedom of Thought, Conscience and Religion', Article 10, titled 'Freedom of Expression' and Article 14 titled 'Prohibition of Discrimination' of the ECHR and Article 1 titled 'General prohibition of discrimination of Protocol No. 12 of the ECHR'.¹³¹

11) Article 31 is also revised. It governs the right to use mass media other than the press owned by public corporates. In accordance with ECHR, no obstruction shall be made to public's obtaining information, except for reasons of national security, public order, general morality and preservation of health. Moreover, a provision states that the freedoms contained within the article 'shall not be used against national security, public order, public security, the founding principles of the republic or the indivisible unity of the nation and state of the country'

This is also a step forward in the fulfillment of Turkey's commitment to review 'the provisions of the Constitution' on human rights and freedoms particularly those concerning the expression and the dissemination of ideas and the press' in the short term.¹³²

12) It is an amendment to Article 33, which governs Freedom of Association. The amendment has expanded the rights of all persons including legal entities. However, the

¹³⁰ It is also relevant to the introductory paragraph of Political Criteria Section 2.1, 'Freedom of Thought and Expression', Section 2.1.9 'Cultural Life and Individual Freedoms' and Section 2.1.11 'Full Enjoyment by All Individuals All Human Rights and Fundamental Freedoms'

¹³¹ It also complies with the introductory paragraph to Political Criteria Section 2.1, Section 2.1.1 'Freedom of Thought and Expression', Section 2.1.9 'Cultural Life and Individual Freedoms', and Section 2.1.11 'Full Enjoyment by All Individuals All Human Rights and Fundamental Freedoms'.

¹³² Political Criteria 'Freedom of Thought and Expression'

freedoms may be restricted only for reasons of national security, public disorder, crime prevention, general health and morality and the preservation of other individuals' rights. On the other hand, associations may only be closed down with a court decision.

This amendment is undertaken in light of :

-Article 11 of the ECHR titled 'Freedom of Assembly and Association'. It is a step forward 'to review the legislation on freedom of association in the medium term.'¹³³

13) Article 34 is amended with the title 'Rights to Hold Meetings and Demonstration Marches'. It is brought in line with the ECHR, Article 11. It also complies with the commitment made by Turkey to review the legislation on the freedom of association and holding meetings and demonstration marches.¹³⁴

14) The amended article is Article 36, which governs the freedom to claim the right to fair trial. The phrase 'the right to fair trial' is added to the first paragraph, introducing an additional safeguard for protection of human rights. Moreover, with this amendment no person shall be sent to prison because of not being able to pay debts, except in cases of fraud etc. The compliance with ECHR Article 6 titled 'right to a fair trial' is provided with this amendment.¹³⁵

15) Article 38 has been amended. The death penalty except in cases of war crimes and terrorism has been lifted.

This amendment is undertaken in light of :

-Article 2 of the ECHR titled 'Right to Life' and Article 1 titled 'Abolition of Death Penalty' and Article 2 titled 'Death Penalty in time of war' of Protocol No.6 of the ECHR.¹³⁶

¹³³ Political Criteria Section 2.1.2., 'Freedom of Association and Peaceful Assembly, and the Civil Society'.

¹³⁴ Political Criteria Section 2.1.2., 'Freedom of Association and Peaceful Assembly and the Civil Society.'

¹³⁵ Political Criteria Section 2.1.7, 'Improving the Functioning and Effectiveness of the Judiciary'. Turkey has a commitment to 'strengthen legal defence by introducing a constitutional provision that will establish this as one of the fundamental elements of the judicial process.

¹³⁶ Political Criteria Section 2.1.8, 'Abolition of the Death Penalty'

16) Article 40 of the Constitution titled 'Protection of Fundamental Rights and Freedoms' has been amended to facilitate citizens' access to the judicial system.¹³⁷

17) Article 41 has been amended to stipulate that the family is founded on the equality between the spouses. It is titled 'Protection of the Family'. This amendment is undertaken in light of:

-Article 14 of the ECHR titled 'Prohibition of discrimination', Article 5 titled 'Equality between spouses' of Protocol No.7 and Article 1 titled 'General Prohibition of Discrimination of Protocol No. 12'.¹³⁸

18) Article 46 of the Constitution has been amended to envisage that state and public legal persons can expropriate private property when deemed necessary for the public good and with the condition that it pays the whole real value of the property in single payment.

19) This article amends Article 49 which is titled; 'Right and Duty to work'. It expands the rights of the workers.¹³⁹

20) Article 51 has been amended under the title 'Right to Organize Labor Unions'. It gives the right to form unions to all the employees, not only to workers. The requirement of previous work experience to become a union leader has also been lifted. These amendments are undertaken in light of:

-Article 11 of the ECHR, titled 'Freedom of Assembly and Association'. Turkey's commitment to 'review any restrictions there may be on rights of labour unions and employers' associations'.¹⁴⁰

¹³⁷ Political Criteria Section 2.1.7 'Improving the Functioning and the Effectiveness of the Judiciary'

¹³⁸ Political Criteria Section 2.1.11 'Full Enjoyment of All Individuals All Human Rights and Fundamental Freedoms by All Individuals'

¹³⁹ Political Criteria Section 2.1.10 'Alleviating Regional Disparities to Increase Economic, Social and Cultural Opportunities for all Citizens'.

¹⁴⁰ Political Criteria Section 2.1.2 Freedom of Association and Peaceful Assembly, and the civil society in the medium term.

21) Article 55 titled 'Guarantee of Fair Wage', has been amended to take into consideration the living standards of the workers and the general economic situation of the country for determining minimum wage levels.¹⁴¹

22) Article 65 has been amended. It is amended to include that the state, when fulfilling its duties in the economic and social fields described in the Constitution, should seek that relevant priorities are in line with the aims of such duties. It is titled 'The Limitations of the Social and Economic Duties of the State'.

23) This article amends article 66 of the Constitution. The article envisaging the determination of the nationality of children born to Turkey-EU mother and foreign father shall be determined by law, has been deleted. This amendment is undertaken in light of:

-Article 14 of ECHR titled 'Prohibition of Discrimination', Article 5 titled 'Equality Between Spouses' of Protocol No.7 of the ECHR, Article 1 titled, 'General prohibition of discrimination' of Protocol No.12 of the ECHR.¹⁴²

24) Article 67 titled 'Right to Vote, To Be Elected and to Engage in Political Activity', has been amended. It allows the convicts deprived of legal capacity, detained in prisons and other penitentiary institutions to vote in elections. The amendment also envisages that any modification and amendments made to the election shall not be applicable to elections, if any, held during the year following such modification. This amendment is undertaken in light of :

-Article 3 titled 'Right to free elections' of the Protocol No.1 of the ECHR.¹⁴³

25) Article 69 has been amended to re-define the term 'centre of execution'. The title of the article is 'Provisions Relating to Political Parties'. Moreover this provision

¹⁴¹ Political Criteria Section 2.1 (introductory paragraph)

¹⁴² Political Criteria Section 2.1.1.1. 'Full Enjoyment by All Individuals All Human Rights and Fundamental Freedoms'

¹⁴³ Political Criteria Section 2.1

introduces a series of criteria for the dissolution of a party, such as the frequency and the intensity of actions undertaken by party members, and the approval of these activities by central party organs. The provision extends the scope of the exercise of the freedom of thought and expression. These amendments are undertaken in light of:

-Article 17 of the ECHR titled 'Prohibition of Abuse of Rights'¹⁴⁴

26) Article 74 has also been amended. The new provision allows foreign nationals residing in Turkey to file a petition. The foreign petitioner shall receive a response upon written request. The principle of reciprocity is applied. This amendment is undertaken in light of:

-Article 10 of the ECHR titled 'Freedom of Expression' and Article 14 of the ECHR, titled 'Prohibition of Discrimination'.¹⁴⁵

27) Article 86 has been amended to envisage that salaries, allowances, compensations, social rights and pension schemes of Parliament are to be determined by law. It is titled, 'Payment, Allowances, Pensions and Social Rights' Moreover, members of the parliament are to participate in the Pension Fund during their service and might choose to continue their participation after their mandate.

28) Article 87 has been amended. The phrase 'deciding the proclamation of amnesties of 3/5 of the total number of members of the Turkey-EU Grand National Assembly (TGNA)' is added. The phrase 'excluding those individuals convicted for activities set out in Article 14 of the Constitution' is deleted from the text of Article 87. It is to empower the TGNA to proclaim amnesty including for those convicted of crimes against the state as defined in Article 14 of the Constitution and to proclaim amnesty with 3/5 majority.

¹⁴⁴ Political Criteria Section 2.1.1. 'Freedom of Thought and Expression'

¹⁴⁵ Political Criteria Section 2.1.1 'Freedom of Thought and Expression' Section 2.1.11

29) Article 89 titled 'Promulgation of Laws by the President of the Republic' has been amended. The amended paragraph is as follows:

'He shall within the same period, refer to the TGNA for further consideration, laws which he deems partially or fully unsuitable for promulgation, together with a statement of his reasons. Budget laws shall not be subject to this provision'. A new sentence is added; 'In case the President deems these partially unsuitable, the TGNA shall discuss only those articles'

30) Amendment to Article 94, paragraph four which stipulates that candidates to the presidency of Parliamentary Presidential Council should notify the Council of their candidacy within 5 days. The amendment will speed up the election of the Speaker of the TGNA. The previous limit was 10 days.

31) Article 100 of the Constitution; titled 'Parliamentary Investigation' has also been revised. It stipulates that a decision on the initiation of a parliamentary investigation on the Prime Minister and the Ministers might be taken after a secret ballot. Investigation Commission will provide the office of President of the Parliament with its report within 10 days. The report will be discussed within the following 10 days, which will then be submitted to the Supreme Court if deemed necessary. The amendment is to speed up the process and to discourage politicization.

32) Amendment to Article 118 of the Constitution has been revised. This amendment has modified the composition of the National Security Council by including the Deputy Prime Ministers and Minister of Justice. Another provision foresees that the National Security Council informs the Council of Ministers of its opinions and recommendations on national security policies and general coordination. The Council of Ministers will take into consideration the National Security Council's recommendations on the measures regarding the independence of the state, the unity of the country and the protection of peace and security. Thus the advisory nature of the National Security Council decisions was emphasised. Moreover, by changing the phrase 'give priority

consideration to' in the third paragraph with 'take into consideration', the advisory role of National Security Council was reinforced.¹⁴⁶

33) Article 149 has been amended. The Constitutional Court will take decisions on a) Political party dissolution and b) Repealing constitutional amendments with a three-fifth majority. These amendments are undertaken in light of:

-Article 10 of the ECHR titled 'Freedom of Expression',¹⁴⁷

34). It is an amendment to the last paragraph of Provisional Article 15. This amendment shall allow the appeal against the constitutional conformity of laws, decrees having the force of law and other regulations enacted between September 12, 1980 and December 6, 1983. It is a step forward to democratization.¹⁴⁸

¹⁴⁶ Political Criteria Section 2.1.15 'The National Security Council'

¹⁴⁷ Political Criteria Section 2.1 and Section 2.1.1 'Freedom of Thought and Expression'

¹⁴⁸ Political Criteria Section 2.1

CHAPTER 10

CONCLUSION

European Union (EU) started with the instruments of economic integration. However with the changing dynamics, it included political fields and the tendency now is towards a more 'supranational' body. During the period 1951-1999, some amendments on the Union's founding treaties were made. For example, in Paris (1951) and the Rome Treaty (1957), no references were made to human rights or the international systems to protect human rights. However, today, respect, improvement and protection of Human Rights and fundamental freedoms are the essential reasons for the Union's existence.

The EU is founded on three basic pillars; 'Justice and Home Affairs', 'Security' and 'Foreign Affairs' dimensions established by the Treaty on EU (Maastricht Treaty). The Maastricht Treaty, which brought reforms on the Rome Treaty, set the targets of 'common security' and 'common foreign policy' concretely. These targets can be stated as 'to protect the common values of the Union, reinforce and strengthen the rule of fundamental rights and freedoms.'¹ With this new provision, 'Human Rights' for the first time appeared in the Union's domestic and foreign policies, as an important component. The Amsterdam Treaty (1 May 1999) also emphasised that; 'the EU is founded on the principles of rule of law, democracy, freedom and respect for human rights.'²

The EU is a unity of common values. 'Democracy, rule of law and respect for human rights' are inevitable parts of these common values. This principle is also the basic component of European Identity. Hence the guarantee of 'democracy, rule of law, respect for human rights and minorities' became compulsory for the candidate states applying for full membership.³

¹ Maastricht Treaty, Article J/1, Paragraph 2.

² OOEPEC, Treaty of Amsterdam : A New Treaty for Europe ; Citizens Guide, Luxembourg, 1997.

³ Copenhagen Political Criteria.

The EU respects basic rights and freedom in compliance with the founding treaties, member states constitutional treaties and the additional protocols of the European Human Rights Convention.⁴

The EU carries on its actions regarding human rights in order to provide global respect for human rights. For this purpose, the EU uses its own budgetary sources and refers to human rights in the agreements signed with third countries.

The EU believes that the protection of fundamental freedoms is the duty of both international communities and individual states.⁵ Thus the EU views that any human rights abuse in an individual state can be interfered with, and defends the idea that this can not be called 'interference with a state's internal affairs'.⁶

In a similar manner, the EU screened candidate member states within the framework of protection of human rights and respect for minorities in its Agenda 2000 (1997) and the Progress Reports of the EU Commission (1998).

The EU member states signed international treaties for the sake of respecting human rights. The most important improvement of these treaties is 'The Draft Charter of Fundamental Rights of the European' which is a confirmation of the Universal Declaration of Human Rights. It re-affirms the principle of subsidiarity, the rights stemming from constitutional conventions and international obligations common to the member states, the Treaty on EU, the Community Treaties, The European Convention for the Protection of Human Rights and Fundamental Freedoms, the Social Charters (adopted by the Community and by the Council of Europe) and the case law of the Court of Justice of the European Communities and of the European Court of Human Rights. The underlying idea is that, the EU is changing and the Union is not only aimed at economic integration but is a further step toward an 'United States of Europe' requiring

⁴ Maastricht Treaty, Article F, Page 2.

⁵ Foreign Minister's Statement on Human Rights, Bulletin G EC, 718, 1986.

⁶ Luxembourg European Summit, Human Rights Declaration, Duparc, a.g.e. içinde, s.49-52.

political integration. Preservation of common values, respect for cultural diversity and the national identities of the member states and ensuring free movement of persons, goods, services and capital and the freedom of establishment are the objectives of the Charter.

It is stated in the preamble that; 'for the objectives to be accomplished, the protection of fundamental rights in the light of societal changes, social progress, scientific and technological developments by making these rights more visible in a charter is required.' The Charter starts with respect for 'Human Dignity' and the second article states that, 'Everyone has the right to life and no one shall be condemned to death penalty, or executed.' Article 4 is also important in reference to the Copenhagen Criteria: 'Prohibition of Torture and Inhuman or degrading treatment or punishment'. 'No one shall be subjected to torture or to inhumane or degrading treatment or punishment'.

Article 20 is in the 'Equality Chapter' and states that, 'Everyone is equal before the law' and Article 21, 22 is a detailed equality chapter. 'No discrimination based on any groups such as sex, race, colour, ethnic of social origin, genetic features, language, belief, political of any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited' and 'cultural, religious and linguistic diversity' shall be respected.

In the 6th chapter named 'Justice', Article 46 is related with the right to an effective remedy and to a fair trial. It states that; 'Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice.'

Articles 48, 49 and 50 are also related to justice. Article 48 is a presumption of innocence and the right to defense, Article 49 deals with the principles of legality and proportionality of criminal offences and penalties. In detail it states: 'No one shall be

held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national law or international law at the time when it was committed.'

If subsequent to the commission of a criminal offence, the law provides for a lighter penalty that penalty shall be applicable 'This article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles recognised by the community nations'. 'This severity of penalties must not be disproportionate to the criminal offence'.

Article 50 is also important in terms of 'Justice' and states that 'No one shall be liable to be tried or punished again in criminal proceedings for an offence for which he or she has already been finally acquitted or continues within the Union in accordance with the law.'

The last chapter deals with general provisions and the scope of the Charter. The Charter seems to be a consolidation of some agreements and provisions of the treaties. It stems also from the legal disputes brought by the member communities. It is stated in Article 50 that it does not change the inner institutional balance and does not create any new power or task for the Union. However it may be binding and is shown as requirement criteria for the candidate members in case it is attached to the Accession Document, which would make accession harder.

The Charter deals with the basic rights of European Citizens. It is regarded as 'the Constitution of Europe'. It is composed of 54 articles. It is also important for candidate members because there are provisions related with the abolition of death penalty, torture and freedom of expression. Thus it creates new procedures and priorities for the candidate member states, particularly for the articles related with the abolishment of death penalty, respect for cultural, religious and linguistic diversities, abolition of torture

etc. the peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values.

Conscious of its spiritual and moral heritage, the Union is founded on the inviolable, universal values of human dignity, freedom, equality and solidarity. It is founded on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.⁷

The EU envisages the candidate members to comply with the articles of the Treaties reinforcing protection of human rights. However the EU collaborates with the institutions of the candidate member states to harmonise their legislation with *acquis* regarding human rights, democracy and the rule of law.⁸ Hence they are required to be a party to the Council of Europe and signatory to European Human Rights Convention.⁹

The EU screens the candidates' applications concerning 'freedom of expression', with priority. Thus the press should express opinions freely. Also non-governmental organisations should act without facing any international and external pressure. the EU provides financial funds for non-governmental organisations' projects.

The EU takes the non-governmental organisations' relevant reports into consideration during the preparation of its own progress reports. The EU especially screens the behaviour of the police towards arrested people, people under detention and evaluates in accordance with those practice. A states' humanitarian or inhumane treatment of its citizens play a significant role in the preparation of these reports.

Within the framework of economic, social and cultural rights, the EU scrutinises the Candidate state's constitutional degree of guaranteeing the citizens' social security and right to strike. The activitiy of trade unions free of state pressure is also stipulated.

⁷ The European Union's Human Rights Policy (<http://europa.eu.int.comm/dg/la>).

⁸ Human Rights Bulletin of EC, 7/8-1986.

⁹ Luxembourg European Summit, Human Rights Declaration Duparc, a.e.g. içinde, s.49-52, Maastricht Treaty article F and page F.2.

The EU, starting from 1998, started negotiations with Hungary, Poland, Czech Republic, Slovenia, Estonia.¹⁰ These states have problems concerning basic rights and freedoms. For instance, Hungary and Estonia are two countries that could not meet the European standards regarding detention procedures. Hungary also has difficulties due to the humiliating treatment of the police towards people under arrest. Hungary and Estonia are criticised by the EU due to their low standard prison conditions. Poland and Cyprus are criticised due to their inability to sign the EHRC 6th additional protocol concerning 'abolition of death penalty'.¹¹ In spite of all deficiencies, the EU launched membership negotiations with Romania, Slovakia, Latvia, Lithuania and Bulgaria in 1998.¹² Moreover the Cologne Summit stipulated the acceleration of the process.¹³

Human rights issues are problematic in these candidate member states. They have deficiencies in their legislation concerning the *acquis* approximation. Arrest procedures and prisons do not meet the European Standards. Moreover, in Romania, Slovakia and Bulgaria, the police's inhumane or degrading treatment to people under arrest is recorded.

In Turkey, the recognition of human rights goes back to the beginning of 19th century. Fundamental rights and freedoms are involved in our constitutions beginning from the first Ottoman Constitution in 1876. It is a dynamic continuous process. In other words, the place of fundamental rights and freedoms is enlarged and is more detailed in the constitution. It involves all the rights in contemporary democracies. The 1982 Constitution regulates the Fundamental Rights and Freedoms under four different headings. The freedom of conscience, religion, expression, education, which the EU prioritise, already exist in the Turkey-EU Constitution (1982). The Constitution is based on the Human Rights and Freedoms. Article 2 of the Constitution mentions Human Rights in terms of the international agreements and conventions that Turkey is a signatory to, especially referring to the Universal Declaration of Human Rights. (10

¹⁰ IKV, AB Bilgi Ağı, Bülten No:13, 23 Aralık 1997.

¹¹ Based on the information data take on November 1998.

¹² IKV, AB Bilgi Ağı, Bülten No:13, 23 Aralık 1997.

¹³ 3-4 Haziran 1999 AB tarihli Köln Zirvesi Sonuç Bildirgesi, IKV Bülteni, 1-15 Haziran 1999.

December 1948) and Convention for the Protection of Human Rights and Fundamental Freedoms (Rome 1950).

Turkey, by signing the Convention for the Protection of Human Rights made a political choice and put forth the ultimate goal of integration with the `west` .

Additional Protocol No: 11, of the Convention, which amends the scope of rights and freedoms, was also signed by Turkey. Thus, it is clear that Turkey has the legal framework of a liberal and democratic order. The EU also identifies Turkey as signatory of international conventions regarding protection of Human Rights and guaranteeing the fundamental rights and freedoms within the constitution.¹⁴ However Turkey is regarded as having problematic human rights applications and abuses. The European Parliament, as well as the European Commission and European Council, criticise Turkey on the following issues:

Turkey has problems in the perception of freedom of expression and thought, hence, freedom of press is also impeded. Some amendments were made in Turkey-EU Penal and Civil Code. Another problematic issue for Turkey is the `under detention process`. ¹⁵ Although torture and inhuman, degrading treatment or punishment are prohibited by Turkey-EU Laws, the EU claims that people under arrest or under detention are subject to torture or to inhumane, degrading treatment or punishment. Turkey permanently works on the improvements of the standards and attempts to guarantee the individual rights and freedoms of people under detention. Constitutional amendments and regulations all aim to meet the standards of international agreements.¹⁶

The Death Penalty is another problematic issue for Turkey. The EU abolished the death penalty as to do so is considered to be `common civilisation`. ¹⁷ Like all other candidate

¹⁴ Regular Report 1998 from the Commission on Turkey's Report Towards Accession, Bulletin of EU, Supplement 15/98.

¹⁵ EU Progress Report

¹⁶ Yakalama , Gözetilme ve İfade Alma Yönetmeliği, Resmi Gazete Sayı :23480, 01/10/1998. S.13-27ç

¹⁷ Resolution on the abolition of death penalty in the European Community, OJC 177/77.

members the EU also requires Turkey to abolish the death penalty. This requirement is repeated more frequently since Abdullah Öcalan's death sentence.

The Turkey-EU Republic has created administrative regulations and amendments in order to improve and protect Human Rights nationwide. To accomplish this departments have been formed within the Ministers Human Rights Presidency, within TGNA and Missing Persons Search Bureau, within General Directorate of Security and Human Rights departments for the harmonisation to EU and within the body of the ministries. Moreover, human rights training programmes are intensified to increase people's awareness. Work is underway.

National Committee Decade on Human Rights Education and the Ministry of Education projects are being carried out for that purpose. In order to solve the problems concerning deficiencies in the field of fundamental rights and freedoms, the EU stipulated 'dialogue' which should be based upon concrete evidence. The future relations can only be established in case of effective political dialogue and debates.

Concerning Accession Partnership Document and National Programme, Progress Report 2001 evaluated Turkey's attempts to accomplish its obligations. Strategy Document and Progress Report list the improvements so far made. Some items in short term are considered to be unaccomplished and extended to medium term. On the other hand some items in the short term are accomplished. These are; Freedom of Thought and Opinion, Freedom of Assembly and Association, Training of Law Enforcement Personnel and other Civil Servants on Human Rights. Some items of political criteria to be realized in the middle term are also considered positive steps. These are; enhancement of the fight against torture, constitutional arrangements in compliance with European Human Rights Convention, the status of National Security Council. Some items envisaged to be realised in the medium term are already complied with, in the short term. Some examples are the adjustment of detention conditions in prisons to bring them in accordance with the UN Standards Minimum Rules for the Treatments of Prisoners and other international norms. Also in Laeken Summit (December – 2001), some improvements were assessed positively. Some examples are; Cyprus issue, Common

Security and Defence Policy- Rapid Reaction Force etc. In Laeken Summit, Turkey's constitutional amendments were regarded as positive, too. Another positive improvement was the acceptance of Turkey's participation to 2002 European Convention. Turkey is regarded to be the first candidate country invited to the European Convention even if the related negotiation process has not yet launched. In the medium term the efforts should be accelerated and the negative items in Progress Report should be fulfilled.

Turkey is a democratic state having belief in the protection and improvement of fundamental rights and freedoms and sharing the same values and objectives with the contemporary world. Recently, with the increasing significance given to the issue by the relevant State institutions, ` Human Rights Consciousness in Turkey-EU Society` is increasing.

Turkey should make the necessary arrangements to satisfy both public opinion and the international society. Implementation of legislative amendments will help in its path to Western Civilisation.

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APPENDIX-1

Human Rights Instruments of the United Nations, The Council of Europe and The Organisation for Security and Cooperation

1) United Nations' Instruments:

a) Instruments Related to the Rights to Education

- Universal Declaration of Human Rights (1948)
 - Article 26
- International Covenant on Economic, Social and Cultural Rights (1966)
 - Article 26
- Convention on the Elimination of All Forms of Discrimination against Women (1979, ratified in 1985)
 - Article 3
- Convention on the Rights of the Child (1989, ratified in 1994)
 - Article 29

b) Instruments Related to of Human Rights Education

- Universal Declaration of Human Rights (1948)
 - Preamble Article 26
- International Covenant on Economic, Social and Cultural Rights (1966)
 - Article 13
- Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples (1965)
- Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1975)
 - Article 5
- The Geneva Conventions (International Conventions on Humanitarian Law, 1949, ratified in 1953)
 - Articles 47,48,127 and 144
- Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (1984, ratified in 1988)
- Convention on the Rights of the Child (1988, ratified in 1994)
- Vienna Declaration and Action Programme (1993)

- Education Related to Human Rights Paragraphs 78,79,80,81,82

2) Instruments of the European Council:

a) Instruments Related to the Right to Education

- Protocol No.1 to the Convention for the Protection of Human Rights and Fundamental Freedoms(1954)

b) Instruments related to the Right to Human Rights Education:

- Resolution on Teaching of Human Rights (78) 41 (1978)
- Annex: Declaration on the Police
- Paragraph B-3
- Recommendation of the Committee of Ministers to member states on Teaching and Learning about Human Rights in Schools (85) 7 (1985)
- Appendix to Recommendation No R (85) 7, Suggestions for Teaching and Learning about Human Rights in Schools
- Human Rights in the School Curriculum
 - Paragraphs 1.1, 1.2, 1.3, 1.4, 3.3

3) Instruments of the Organisation for Security and Cooperation in Europe:

a) Instruments Related to the Right to Human Rights Education

- Helsinki Final Act (1975)
- Concluding Document of the Vienna Follow-up Meeting of the CSCE (1989)
 - Paragraphs 13.4 and 13.6
- Document of Copenhagen Meeting of the Conference on the Human Dimension of the CSCE(1989)
- Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE(1990)
 - Paragraphs 22, 42, 42.1, 42.2, 42.4, 42.5 and 42.6

APPENDIX-2

Regulations of the National Committee on the Decade for Human Rights Education¹

Objective

Article 1 – These regulations set forth provisions governing the establishment, functioning and responsibilities of the National Committee on the Decade for Human Rights Education which will function as an advisory body during the United Nations Decade for Human Rights Education (1995 – 2004)

Scope

Article 2 – These regulations cover provisions applicable to the establishment, functioning and responsibilities of the National Committee on the Decade for Human Rights Education.

Basis

Article 3 – These regulations have been drafted on the basis of articles 2 and 33 of the Law amending the Statutory Decree No.3056 Governing Prime the Ministry 's Organisation.

Foundation

Article 4 – A National Committee shall consist of fifteen members including one representative each from the Prime Ministry and ministries of Justice, Interior, Foreign Affairs, Education, Health and Culture and four representatives from non-governmental organisations carrying out activities in human rights as well as four university staff members known for their work in this field. Representatives of the ministries shall be selected by their respective ministries, while university staff members and representatives of non-governmental organisations shall hold office for two years. They may be re-appointed upon expiry of their term. In its first meeting the National

¹ Published in the Official Gazette No.23362, dated 4.6.1998 and came into force on the same date.)

Committee shall elect a chairperson and a deputy chairperson for a term of two years. Any chairperson or deputy chairperson may be re-elected upon expiry of his term in office.

Responsibilities

Article 5 – The National Committee on the Decade for Human Rights Education shall prepare a proposal for the national programme in order to ensure the implementation of the United Nations Human Rights Education Decade Action Plan in Turkey, and to review training programmes carried out under the Action Plan and the National Programme and communicate its assessments to the High Coordination Board for Human Rights. In addition, it shall carry out other work to be assigned by the High Board about current events.

Functioning

Article 6 – The National Committee shall meet once a month on a regular basis or more frequently when deemed necessary. The National Committee shall use the services of the Secretariat of the High Coordination Board for Human Rights in connection with its meetings and work. The National Committee may set up sub-units if it would get the Higher Board's approval.

Effective date

Article 7 – These regulations shall go into effect on the date of their publication.

Execution

Article 8 – Provisions of these Regulations shall be executed by the Minister of State in charge of issues related to human rights.²

² These regulations were published in the Official Gazette No.23362, dated 4.6.1998 and came into force on the same date.)