

# Turkey in a State of Political Tumult vis-à-vis Its Accession Process, Freedom of Press and Human Rights Record

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## Abstract

The aim of this paper is to assess the impact of current internal developments in Turkey on the local situation of human rights and freedom of press. Furthermore, this article examines these issues within a context of the European Union (EU) accession process. In order to provide an in-depth analysis, this paper implements and combines process tracing and controlled comparison methods. The data are mainly collected via several non-governmental and international organizations, specifically making use of human rights reports, progress reports, official statements and expert analyses. This article is divided into two key parts: the first part focuses on the Turkish internal political development and its external ramifications and the second part analyses Turkey's human rights records and media freedoms. The article concludes that the significant deterioration in human rights and freedom of press was not triggered, but only significantly exacerbated by the 2016 coup attempt and that the current trend is unlikely to be reversed in a short-to-mid-term period.

## Keywords

Turkey, Coup attempt, Human Rights, Freedom of Press

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## **Introduction**

It is widely recognised that the modern history of Turkey traces back to the year 1923, when the country with a prevailing Muslim population turned into a secular Republic of Turkey under the leadership of Mustafa Kemal Atatürk (Sambur, 2009). However, the events of the recent years suggest that a new Turkish era has begun. In this respect, Recep Tayyip Erdoğan has emerged as the key figure.

Erdoğan founded the Justice and Development Party (Adalet ve Kalkınma Partisi - AKP) in 2001 and has won every general election which took place in Turkey since then. He served as the Prime Minister of Turkey between the years 2003-2014 until he was elected President of Turkey in the very first direct presidential elections that took place in August 2014 (Presidency of the Republic of Turkey, 2018).

The aim of this paper is to analyse the impact of current internal developments in Turkey on the local situation of human rights and freedom of press and to examine these issues within the context of the European Union (EU) accession process over the period of 2014-2017. The tool of this qualitative analysis is the process of tracing method, as this paper seeks to analyse the trajectories of change and causation between the Erdoğan policy on the one hand, and the protection of human rights and Turkish relations with the EU on the other. Process tracing focuses on the unfolding of events or situations over time and, consequently, captures the key steps in the process which will allow for a good analysis of change and sequence (Collier, 2011). Therefore, for the purpose of this research, the key stages of the political process are defined as follows: (1) Erdoğan assumes the presidential office on August 28<sup>th</sup> 2014; (2) coup d'état attempt on July 15<sup>th</sup> 2016; (3) constitutional referendum on April 16<sup>th</sup> 2017.

## **The Dynamics of Turkish Political Development**

Turkey has always played a vital role in Europe. Turkish economic significance is predominantly given by the size of its population, which, according to the data of the Central Intelligence Agency (CIA), counted over 80 million at the end of July 2017. Furthermore, Islam is a dominant religion as 99.8% of its residents adhere to it

(CIA, 2017). As a result, the European Union (EU)\* – Turkish mutual cooperation and trade has always been reciprocally beneficial, with a whopping potential to continue growing. For instance, between the years 2014 and 2016 the EU imports of goods rose by 22.6% accounting for 66.7 billion EUR in 2016 on the one hand, and the EU export of goods rose by 4.4% accounting for 78 billion EUR in 2016 on the other; making Turkey EU's 4<sup>th</sup> largest export market and 5<sup>th</sup> largest provider of imports (European Commission, 2017).

In political terms, Turkey is a founding member of the United Nations and a member of the Council of Europe. However, its strategic position within the European continent stems primarily from its geographical location and the size of its army, placing it among the biggest military forces in the North Atlantic Treaty Organization (NATO). To be specific, in 2015 Turkey had an estimated strength of 639,551 military, civilian and paramilitary personnel placing it just after the United States of America (USA), which is the largest standing military force in NATO (Forces Network, 2016). However, the American population is four times larger than the Turkish one. Therefore, a better example for comparison seems to be the United Kingdom with a population of almost 65 million, and a military strength of roughly 332,000 personnel (CIA, 2017; Forces Network, 2016). This data undoubtedly demonstrates Turkish military strength, not only in the European, but also in the global perspective.

The EU has been always aware of both political and economic Turkish significance. Unsurprisingly, the EU-Turkey relations date back to 1959, not to mention that already in 1963, an Association Agreement was signed. In 1987 Turkey applied for EU membership. Consequently, during the years 1999 and 2004 Turkey had a blitz on reforms implementation as required by the EU in the fields of the state institution stabilisation, rule of law and the protection of human and minority rights. More specifically, the reforms covered issues such as gender equality in marriage (November 2001), allowance of broadcasting in languages other than Turkish (August 2002), freedom of press (May 2004), abolition of State Security Courts (May 2004), etc. (Bac, 2005: 22). This pro-reform period, peaking in 2004, resulted in the abolition of the death penalty (Embassy of the Czech Republic to Turkey, 2017). Subsequently, accession talks with the EU were launched the following year.

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\* This paper also uses the term European Union for its legal predecessors: European Economic Community and European Communities.

Nevertheless, according to Pérez-Solórzano Borrágán and Juncos, the possible Turkish membership in the EU has always been a rather controversial issue given (1) its knotty relations with Greek Cypriots with no political will for a new approach; (2) its geographical and geopolitical situation; (3) its predominantly Muslim population which questions Turkey's European identity; and (4) increasing concerns about the democracy, rule of law and the protection of human rights under the leadership of Erdoğan (Pérez-Solórzano Borrágán and Juncos, 2013).

### **Internal Development**

When Erdoğan took over the presidential office, Turkey had a parliamentary political system within which a president is typically politically impartial and serves a maximum of two consecutive five-year terms, and the prime minister is appointed by him. President Erdoğan's effort to extend his executive power within the country both *de facto* and *de jure* resulted in a constitutional reform referendum which eventually took place in April 2017. According to the Czech leading television news channel 'Česká televize' (ČT), which provides political and economic analyses, the reform package encompassed, for instance, the following changes: (1) the president appoints ministers, public officials and numerous judges in both the Constitutional and the Supreme court; (2) the president may issue decrees, declare a state of emergency or dissolve the parliament; (3) the president may be politically linked to his party; (4) the parliament loses its right to interpellation; (5) the parliamentary and presidential elections are to be held simultaneously (Česká televize, 2017).

According to Professor of Political Science Vladimíra Dvořáková these constitutional changes represent a clear intention to remove checks and balances from the Turkish political system and, as such, suggest a Turkish path into a non-democratic regime (Česká televize, 2017). Similarly, the Venice Commission\* raised its concerns about the Turkish political development and issued an opinion on the constitutional amendments in March 2017. The opinion reads that the proposed constitutional changes would "lead to an excessive concentration of executive power in the hands of the President and the weakening of parliamentary control of that power and, further, finds that they 'would introduce in Turkey a presidential regime

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\* The Council of Europe's advisory body on constitutional law.

which lacks the necessary checks and balances required to safeguard against becoming an authoritarian one" (Venice Commission, 2017: 12, 29). In addition, Professor of Turkology Petr Kučera argues that Turkey, although still a democracy, is approaching an authoritarian system, epitomized by a prominent presidential status, and that the following two years, including the results of the next general elections, will prove whether or not Erdoğan will manage to complete Turkey's system transformation into a dictatorship or not (Kučera, 2017).

It needs to be understood that the coup attempt, which took place in July 2016, was subsequently largely (ab)used as a pretext for the referendum itself. Jakub Szántó, foreign correspondent to Czech Television in the Middle East, clarifies that Turkey is a country where two main powers continue to clash: (1) political Islam currently epitomized by the current president Erdoğan; and (2) secular powers represented by the military (Česká televize, 2016). On Friday evening July 15<sup>th</sup>, 2016 parts of the military attempted to oust Erdoğan from his office and to take control over the country via a coup d'état. Their failure to do so then triggered large-scale purges as delineated below. Ultimately, according to the Report on Turkey provided by the Economist Intelligence Unit (EIU), the coup attempt led to the declaration of a state of emergency which "allows the president and the cabinet to pass laws without the approval of parliament and without recourse to the Constitutional Court, effectively allowing Mr Erdogan to govern as a president with executive powers" (EIU, 2017: 3). Under this rule, the constitutional referendum was also held.

President Erdoğan presented the need for the constitutional reform as the only way to ensure future stability. However, according to researchers Sinan Ekim and Kemal Kirişci from the Brookings think tank, the proposed nationwide referendum on several constitutional amendments would, if passed... "institutionalize a populist, one-man system that jeopardizes legislative and judicial independence and consolidates them in the office of the president" (Brookings, 2017a). According to Human Rights Watch (HRW) and Professor Kučera, the campaign for 'yes' ('evet') dominated the public space, while the reasons for 'no' ('hayır') was hardly heard (Human Rights Watch, 2017c; Kučera, 2017). Moreover, the president marked his - both political and public opponents - as terrorists, effectively suppressing their voices in the public sphere (Kučera, 2017), "...the state of emergency has created a climate of fear that could deter people from voting against the reforms" (EIU, 2017: 3).

In sum, the constitutional referendum in Turkey was designed to provide its president with sweeping constitutional powers. In the final results merely 51.4% supported the change, indicating a relatively weak support for the suggested reforms (Reuters, 2017). Moreover, international observers, just like the Turkish opposition, have questioned the legitimacy of the referendum itself (Česká televize, 2017).

### **External Ramifications**

Political elites and scholars have carefully monitored Turkish development with some pundits, claiming that the reform measures, as stipulated in the referendum, have finally closed the Turkish EU membership prospectus (Kučera, 2017). Steven A. Cook, a senior fellow at the Council on Foreign Relations think tank, said: “Recep Tayyip Erdogan didn’t just win his constitutional referendum – he permanently closed a chapter of his country’s modern history” (Foreign Policy, 2017).

In addition, the Parliamentary Assembly of the Council of Europe\* (PACE) approved a resolution on April 25<sup>th</sup>, 2017 to re-impose a monitoring procedure on Turkey over concerns about the current democracy and human rights development. It is worth noting that the Council of Europe only applies its human rights monitoring procedure to countries when they are being admitted, thus the re-implementation of monitoring mechanisms in the case of Turkey is largely unprecedented. Unsurprisingly, this has provoked a fierce Turkish reaction supplemented by a predictable rhetoric of the Turkish government which stated that PACE’s resolution serves as an evidence of ‘islamophobic’ and ‘xenophobic’ sentiments across Europe (The Guardian, 2017). To sum up, serious concerns regarding further Turkish political development were raised.

Kemal Kirişci states that Turkey found itself in an environment where it faces two main challenges which, consequently, affect its foreign policy: (1) fragile pro-EU integration atmosphere rocked by Brexit, rising populism, and Cold War-like rivalry with Russia; and (2) instability in the Middle East. His colleague from Brookings Torrey Taussig perceives Turkish attempts to improve ties with Russia as a merely pragmatic political step, “Turkey uses

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\* The Council of Europe is a leading human rights organization in Europe founded in 1949.

its relationship with Russia as leverage vis-à-vis its European and NATO partners”, she adds (Brookings, 2017b). Moreover, Turkey and Russia share common interests as far as the Syrian question is concerned, since instability and chaos in their neighbourhood threatens their own stability and security to a certain extent.

Possible rapprochement with Russia could further negatively affect EU-Turkish relations. Nonetheless, Turkey can ill afford further deterioration of its relations with the EU because, firstly, it is its main trading partner, since 44.5% of its export is, in fact, directed to the European market (European Commission, 2017). Secondly, “chaos in the neighborhood has resulted in the loss of lucrative markets for Turkish exports – which, in return, increases the value to Turkey of Western markets” (Brookings, 2017b). To put it differently, the European Union and Turkey are to a certain extent mutually interdependent, both economically and politically, regardless whether Turkey ever becomes an EU member state or not.

### **Analysis: Human Rights and Freedom of Press**

There are numerous ways how human rights violations in Turkey could be and are assessed. Ranging from the calculation of casualties caused by the clashes between the security forces and Kurdistan Workers’ Party (PKK) to the erosion of media freedom, different, both local and international, agencies and non-governmental organizations focus on varying aspects that human rights encompass. In spite of a relatively high publicity and reporting that surrounds such a controversial issue, there is, particularly from the perspective of Western public, a tremendous gap in understanding the degree of human rights violations before the July coup attempt and after it. In other words, there is oftentimes a prevailing myth that human rights violations were tolerable before the coup attempt and that only with the introduction of a state of emergency did Turkey’s human rights record deteriorate considerably.

Although it is appropriate to say that the July coup attempt allowed Turkish government to significantly strengthen its repressive vigour, particularly in regard to local human rights, it would be wrong not to underline a steady increase in such a vigour prior to the coup attempt itself (United Nations Human Rights, 2014). Hence, it is important to stress that from a certain perspective the attempted coup can, and should be seen as nothing but a catalyst

for a plummeting record in local human rights – not an initiator as it is oftentimes the case.

### **Human Rights and Freedom of Press Prior to the Coup Attempt**

As indicated above, the unfavourable record in local human rights violations has been steadily increasing several years before the coup attempt itself. This has been most significantly epitomized by Erdoğan's rise to power and AKP's policies undermining local rule of law and human rights. The intensification of governmental interference in the criminal justice system, efforts to clamp down on internet freedoms or attempts to increase government control over the local judiciary branch can all serve as *Prima Facie* evidence (Human Rights Watch, 2015).

Nonetheless, the starkest and highly medialized violation of human rights in the period prior to the coup attempt began on May 30<sup>th</sup>, 2013, when the Turkish police cleared the Gezi Park in Central Istanbul of protesters who opposed its destruction. Apart from denying these protesters their right to a peaceful protest, the abusive approach (tear gas, violence, burning of protesters' tents etc.) used by the local police triggered large-scale protests across almost all of Turkey's 81 provinces (Amnesty International, 2013). In total, the security forces dispersed 1,134 protests which resulted in killing eight protestors and injuring over 8,000 people. Furthermore, numerous protestors were subjected to arbitrary arrests and detentions, not to mention that a number of human rights activists has been similarly persecuted for alleged links to terrorist organizations. In fact, up to 255 protesters were accused of producing propaganda for terrorist organizations or of possession of an illegal substance (United Nations Human Rights, 2014). Nevertheless, for instance, the Joint NGO Submission to the UN Universal Periodic Review stated already in 2014 that a number of civil society groups, advocating and supporting issues such as minority or LGBT rights, have been targeted since 2010 (Universal Period Review, 2014). Inferring from these examples, it is clear that governmental intolerance towards both protests and active civil society existed prior to the coup itself, and that it was perhaps even steadily increasing.

It is worth noting that 2013 also marked the year when strong rhetoric between the so-called Güllenists (generally supporters of the Hizmet movement led by the US-based cleric Fethullah Güllen) and Erdoğan's circles within the AKP culminated. It was precisely



this dispute, representing a long-running rivalry, which was later used by Erdoğan as an explanation for who was behind the July coup attempt (The Guardian, 2016). In effect, the government blamed the movement for exerting its influence within the state institutions, the police, and the judiciary before the coup attempt took place (Human Rights Watch, 2015). Such rhetoric, generating an image of an external threat, was overall congruent with the government's increasing anti-protest sentiments.

The mounting human right violations were during this period negatively affected by the collapse of a two-and-half-year long ceasefire between the PKK and Turkey. This marked the deadliest episodes of this conflict so far. According to the International Crisis Group (ICG), between July 2015 and July 2016 more than 1,700 people were killed. Furthermore, the cycle of violence resulted in the displacement of more than 350,000 civilians and the imposition of 85 curfews of different durations in 33 major Kurdish south-eastern districts (International Crisis Group, 2016).

Overall, it needs to be highlighted that already in the years prior to the July coup attempt the Turkish government, under the Erdoğan leadership, significantly tightened its political control and was becoming increasingly repressive, particularly toward anti-government protesters. The breakdown of the ceasefire between the PKK and Turkey only strengthened that approach and made the deterioration of local human rights conditions more visible. Furthermore, as cited in the Human Rights Watch World Report: Since 2015, the aforementioned political tightening in Turkey has also been evident in the government's clampdown on media freedom, epitomized by criminal defamation cases against journalists, disciplinary fines applied to anti-government media, blocking content on social media websites, and firing of several prominent journalists (Human Rights Watch, 2015). Finally, it is worth noting that on January 1<sup>st</sup>, 2016 – several months before the actual coup attempt took place – the European Court of Human Rights (ECtHR) in Strasbourg registered 8,648 pending applications against Turkey, also reflecting the fact that Turkey is a state against which the highest number of inter-state complaints have been filled over the years (Bílková, 2016).

### **Human Rights and Freedom of Press after the Coup Attempt**

On July 15<sup>th</sup>, 2016 the already increasingly authoritative government faced a coup d'état attempt, which, although ultimately un-

successful, left approximately 241 people killed and 2,194 injured. In its media statements, provided to the local news channels, the government subsequently blamed the failed coup attempt on the aforementioned Fethullah Güllen and his followers (Al Jazeera, 2017). The ramifications for local human rights have nonetheless been staggering as the coup attempt itself served largely as a pretext for strengthening the government's influence over the press and the political atmosphere in general. A state of emergency was declared on July 20<sup>th</sup>, and on July 21<sup>st</sup> the government informed the Secretary General of the Council of Europe about its decision to apply a derogation from the European Convention on Human Rights – allowing it in 'times of emergency threatening the life of the nation' to derogate from some of their obligations to secure human rights under the Convention (Lattmann, 2016).

According to the Human Rights Watch, under the state of emergency numerous provisions were passed, some allowing for dismissal from public service without an investigation, police custody of up to 30 days or confiscation of property without judicial review. Subsequently, over 100,000 public officials and civil servants were dismissed or suspended, including 28,000 teachers alleged to be Güllen supporters. Similarly, roughly 2,200 judges and prosecutors were jailed with 3,400 permanently dismissed and their assets frozen, thus, the purge within the Turkish judiciary system overall removed one-fifth of its key personnel (Human Rights Watch, 2017a).

The state of emergency and administrative purges strongly affected local media and freedom of press in general. On July 27<sup>th</sup>, 2016 via one emergency decree the government ordered the closing of overall 131 media outlets, including radio stations, newspapers, TV channels and publishing houses. Subsequently, on September 28<sup>th</sup>, 2016 a similar decree shut down 23 radio and TV stations popular particularly among Kurds and opposition parties. The overall purges left 2,500 media workers and journalists unemployed (Human Rights Watch, 2016).

The overall ramifications of the coup attempt for the local human rights conditions have been shocking, as the government, particularly via the state of emergency and numerous decrees, managed to successfully usurp more power and direct control, effectively infiltrating and governing larger space in public life. Nonetheless, taking all the aforementioned information and data into consideration, it needs to be realized that the coup attempt itself did not initiate the worsening of local human rights conditions. The

increase in human rights violations has been steadily growing under Erdoğan's leadership for years before July 2016 as demonstrated in the 'Human Rights and Freedom of Press Prior to the Coup Attempt' section. Thus, the coup attempt served both as a catalyst by merely speeding up the pace at which local human rights are being violated, and as a pretext for allowing the government to erode local freedom of press.

### **Human Rights and Freedom of Press after the Referendum**

Undeniably, the local situation was characterized by heightened political tensions prior to the referendum vote. In fact, such an atmosphere might also have had a galvanizing effect on the local electorate. Although some might argue that the post-referendum situation was politically less emotional, it needs to be recognized that the local human rights conditions and freedom of press have remained largely unchanged. On July 17<sup>th</sup>, 2017 – a year after the failed coup attempt – the Turkish government has for the fourth time decided to extend the state of emergency (France 24, 2017).

The fact that the situation would not necessarily change for the better after the referendum was already hinted on April 16<sup>th</sup>, when Turkey's Central Election Committee (CEC) declared 'yes' to be the majority vote, and when Erdoğan made statements that his first task following the referendum result would be to bring back the death penalty – a move which would effectively block the country's accession process into the EU (Radio Free Europe Radio Liberty, 2017).

Both the violations of human rights and the violations of freedom of press remain staggering. Recently, on July 5<sup>th</sup>, 2017, ten prominent human rights defenders were arrested in Istanbul, accused of colluding with terrorist organizations. Among the detainees were, for instance, Amnesty International's Turkey director İdil Eser and its founder Özlem Dalkıran (Human Rights Watch, 2017b). Similarly, Reporters Without Borders clearly indicate that Turkey's ranking within the World Press Freedom Index has plummeted significantly, as Turkey currently occupies the 155<sup>th</sup> place – it is worth noting that in 2002, Turkey was ranked on the 99<sup>th</sup> place but has since been steadily falling behind. Not to mention that Reporters Without Borders labelled Turkey, due to the common journalist imprisonment without trial, the world's biggest prison for media personnel (Reporters Without Borders, 2017).

Overall, the post-referendum period has in fact not indicated any attempts to reduce the degree of human rights violations and freedom of press repression. The continually extended state of emergency has only strengthened the current executive branch, providing it with unprecedented powers, while significantly diminishing an already weak judicial branch, making its independence dubious.

## **Conclusion**

In conclusion, it is important to note that the significant deterioration in human rights and freedom of press was not triggered, only significantly exacerbated by the 2016 coup attempt. In this regard, the worsening of the local conditions was becoming strikingly apparent even in years leading up to 2016, as demonstrated by the government's reaction to the Gezi Park protests or by its gradual elimination of media freedom as noted by the Human Rights Watch's World Report from 2015. The steady worsening of local freedom of press before the coup attempt can also be corroborated by the continuous deterioration of Turkey's World Press Freedom Index – ultimately hitting its lowest point so far in 2017.

Taking these data and information into consideration, it needs to be recognized that the failed coup d'état only served as a pretext for speeding up the process that had started many years prior to this event. Consequently, it cannot be expected that such a negative trend in human rights conditions and media freedom can reverse in a short time, as its origins are not based on, or in any other way linked to the July coup attempt or to the subsequent state of emergency – as often wrongly assumed. In fact, it is more likely that the current trend will keep on systematically advancing, deliberately strengthening the role of the executive branch and undermining any opposition efforts, whether they be represented by human rights organizations, political opposition, or other branches of the government.

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