30 December 2013

The Checks and Balances Network
Weekly Report

For Judicial Reform, the 23rd Chapter Must Be Opened on the Road to Full Membership of the European Union!

As the Checks and Balances Network, we think that a democratic social structure based on the rule of law is essential to create a strong and effective system of checks and balances. To strengthen this structure, it is necessary to establish participatory democracy founded on separation of powers where personal freedoms are the main basis.

The process of accession to the European Union (EU) has an undeniable contribution to the implementation of the reforms that Turkey has long needed for an effective system of checks and balances. In this context, the harmonization policies designed with a view to fulfilling the Copenhagen political criteria, which call for a stable and institutionalized democracy and a state based on the rule of law, make a great contribution to strengthening awareness of democracy in Turkey. The uninterrupted implementation of the EU’s Copenhagen criteria, taking international universal standards as a basis, provides a considerable impetus to the effective functioning of separation of powers and mechanisms of checks and balances.

In this context, as the Checks and Balances Network, we demand that the 23rd chapter on “Judiciary and Fundamental Rights” be opened for negotiations so that the negotiating process with the EU should continue in 2014 toward the goal of full membership.

The Opening of the 22nd Chapter is Encouraging in Turkey-EU Relations

Turkey-EU relations have a long past. The Association Relationship started with the Ankara Agreement signed in 1963, and relations were rested on a stronger foundation with the Additional Protocol executed in 1970 and with the Customs Union introduced in 1996. Turkey’s status of candidacy was recognized at the Helsinki Summit of 1999. Since the accession negotiations that started in 2005, Turkey’s final goal has been full membership.

As the Checks and Balances Network, we are greatly pleased that the 22nd chapter on “Regional Policy and Coordination of Structural Instruments” was opened in November 2013, after an interval of three years. We think that the opening of the 22nd chapter will have very positive results for regional development policies aimed at reducing the regional development gaps in our country.

23rd Chapter on “Judiciary and Fundamental Rights”

The 23rd Chapter on “Judiciary and Fundamental Rights” attaches importance to the establishment of an independent judiciary. The elimination of outside influence on the judiciary, legal guarantees for fair trial procedures, the impartiality of decisions made by courts, and monitoring the efficiency and effectiveness of the judicial system are emphasized in the chapter. The 23rd chapter also calls on Member States to fight effectively against corruption. Drawing attention to the need for a legal framework to establish a coherent policy to prevent and deter corruption, the 23rd chapter stresses that corruption also poses a threat to the stability of democratic institutions and the rule of law.

When we look at the corruption record of our country, we note that Turkey is ranked 53rd among 177 countries in the 2012 Index of the Transparency International, founded to fight corruption. The opening of the 23rd chapter will ensure that policies to be developed in Turkey for the fight against corruption are implemented more effectively.

For detailed information see http://www.abgs.gov.tr/index.php?p=88&l=1
In the light of these facts, we the Checks and Balances Network propose the following:

- The 23rd chapter of the EU Acquis on “Judiciary and Fundamental Rights” should be opened.
- The Judicial Reform Strategy created to ensure the independence, impartiality and effectiveness of the judiciary should be further developed and implemented.
- A more effective legal and institutional framework should be created in the area of fighting corruption based on the principles of good governance.

As the Checks and Balances Network, we think that it is necessary to establish a transparent democratic order in conformity with universal standards and based on the principles of the “rule of law” and “separation of powers”.

Stressing the need to give impetus to the negotiating process with the EU in line with our final goal of full membership for the opening of the 23rd chapter on “Judiciary and Fundamental Rights”, we maintain our belief that the process will result in full membership.