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An analysis of the development of the rights of various minority groups
in Turkey by the external incentive model

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Summary

The present paper will focus on the development of rights of four minority groups in Turkey, namely the Kurds, the Alevis and the lesbian, gay, bisexual and transsexual (LGBT) community. Furthermore women rights movement will be considered to constitute a minority movement. Each of these groups is representing a different type of minority. The research will make use of Schimmelfennig and Sedelmeier's (2005) external incentive model of governance according to which, the effectiveness of rule adoption is dependent on the credibility of EU conditionality and the domestic costs of rule adoption. Hence the question that arises is about to what extent changes in minority rights of the above-mentioned minorities can be interpreted by the external incentive model. Certain demanded rights of each minority group will be determined and listed to see how the government has reacted to these demands. To investigate the changes over the years, a longitudinal study will be applied in order to facilitate the observation between the years of 2005 and 2012. To enable such an observation during the mentioned period, qualitative data in form of annually released official reports of the European Commission and Turkish legislation concerning those minorities will be evaluated for their content. Minority rights is a concept that is not consolidated yet within the EU and this research will also help to shed light on the EU's unbalanced emphasis regarding the rights of various types of minorities.

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Chapter 1 Introduction

The research at hand will focus on the development of the rights of four minority groups, each representing another kind of minority in Turkey. The study is limited to the period between the initiation of the accession negotiations in the year of 2005 and 2012. The external incentive model as developed by Schimmelfennig and Sedelmeier will be utilized to interpret the variation in the gained rights of each group. Schimmelfennig and Sedelmeier state that the likelihood of EU rule adoption by the candidate state is dependent on the adoption costs. (P. 11) The external incentive model assumes that adoption of EU rules is always costly for the domestic government; otherwise the adoption of rule had taken place without the incentive of the European Union. (Schimmelfennig & Sedelmeier, 2005)

The actual number of minorities in Turkey is reduced to a number that does not reflect the reality and these communities have become almost invisible in the political history of Turkey. Four different types of minorities will be presented whose commonality is nothing else than demanding the rights they deserve. The Kurdish minority represents an ethnical group desiring to maintain their cultural heritage whereas the Alevi minority, which is a religious minority exercising another interpretation of Islam, is asking for equal treatment with the Sunni majority. The LGBT community as a sexual minority may face legal challenges and discrimination not experienced by non-LGBT resident although homosexuality is not prohibited in the country. In comparison to the Ottoman Empire, women after the establishment of the Republic have obtained rights, which have promoted women's equality but nevertheless criticism arises concerning the implementation of these rules.

To understand why minorities have been denied and neglected in the political history of the Turkish Republic, a closer look on the foundation days of the Republic is helpful to obtain a better understanding of the situation. The foundation of the Republic begins after a long period of independence war after which Mustafa Kemal Atatürk has founded the Turkish Republic in October 1923, based on the "Six Arrows" representing the six ideologies, which the young Republic was established on. One of these six arrows represented the "Turkish nationalism", which aimed to create a nation state from the remnants of the multicultural Ottoman Empire that failed to keep its sovereignty. The multiculturalism was believed to be the reason of the Empire's collapse and caused a historical trauma. The arrow of nationalism defined the Turkish nation by the definition of "the folk, which constitutes the Republic of Turkey". This definition included all the ethnicities that remained from the Ottoman Empire,

including among others Greeks, Armenians, Jews, Albanian etc. and especially the Kurds whose homeland was incorporated into the Republic. The Treaty of Lausanne, which was signed in 1923 as a peace treaty between Turkey and the Allies aimed the recognition of all minorities including Kurds, Circassians and Arabs but Turkey refused any minority status for non-Turkish Muslims and recognized only the non-Muslim communities consisting of Greeks, Armenian Christians and Jews as minority groups. Turkey evolved a state ideology to establish a modern state based on a single secular national identity, which dictated that all Muslims were Turkish regardless of their ethnical background, which based Turkishness on a social and cultural conditioning not ethnicity (Toktas & Aras, 2010). In other words the founders of the Republic neglected the polyethnic and multireligious entity of Anatolia in favour of the new nation-state that was not supposed to have the characteristics of a multi-national state. The state did not recognize any nation other than Turks. Though the new state acknowledged the existence of ethnic groups other than Turks, it still denied recognizing their legal rights (Yegen, 2006).

The Kurdish issue cannot be said to be the only minority issue the country is facing. The term minority incorporates more than just ethnicities. The Alevis, who constitute a grouping within Islam in Turkey, have been demanding for more rights, as did the Assyrian minority that has its roots in Christianity. The array of minorities demanding equality is a wide one in Turkey, which comprises LGBTB members on the one side and women and the ethnical Kurdish minority on the other. Each of these minority groups are positioned differently concerning the rights they have been demanding. Some groups have been able to obtain some of the demanded rights while others are being still heavily discriminated. Hence it would be interesting to observe and find an answer to the question how conditionality functions in terms of minority rights in Turkey. More precisely, to what extent are variations in the rights of various minority groups explainable by the external incentive model?

Turkey has been looking towards the West since its foundation days. Its secular system has been borrowed from the French, its Civil Code is based on the Swiss Civil Code of 1907 and the Italian Criminal Law has been taken as reference in developing the Turkish Penal Code. On the other side the European Union in form of a supranational institution has undertaken several waves of enlargement throughout its history in order to incorporate states that strive to achieve higher standards of living for their citizens. The Article 49 (TEU) sets out the conditions mentioned in Article 6 (TEU) that need to be fulfilled by a European country wishing to join the European Union. Accordingly any European state that respects values

such as human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, can apply for a membership in the European Union. These values are the fundamental rules of legitimate statehood in the European Union. They are the core conditions, which states need to fulfil before they enter the accession negotiations. Political conditionality is the core strategy of the Union in promoting these fundamental rules (Schimmelfennig & Sedelmeier, 2005). Nevertheless EU's direct role regarding minority rights in the member states is still limited. The EU is relying mainly on international law and the protection of national minorities has not developed into a legally binding principle of the Union (Schimmelfennig & Sedelmeier, 2005).

1.1 Research Question

The EU Treaty declares that the Union is founded on various values that emphasize among others freedom, democracy, respect for human rights, including the rights of persons belonging to minorities. The EU once founded by six countries will have 28 members until the end of 2013, which shows the spreading of these core values over the whole continent. Thus in the case of minority rights in Turkey, the present research aims to find an appropriate answer to the question: *"To what extent changes in minority rights of Kurds, Alevis, women and the LGBT community can be interpreted by the external incentive model?"*

The hypothesis is that the adoption of human rights and the application of these rights on various minority groups is varying in practice due to their different adoption costs for the domestic actors. Political actors, whose agreement is necessary for a change in the status quo, are more reluctant to adopt policies that include higher adoption costs (Schimmelfennig & Sedelmeier, 2005).

As it can be derived from the research question above, and in order to illustrate the relationship, *rule adoption* is to be set as the dependent variable whereas *cost of adoption* should be set as the independent variable. Depending on the level of cost a certain minority group can obtain more rights than other minority groups.

To find an appropriate answer to this explanatory question, additional sub-questions need to be posed to offer the necessary overview and knowledge.

1. The very first step should be about determining the wishes of all four groups. Thus the relevant question would be “*what do the four minority groups in Turkey demand from the authorities?*” It can be expected that each of the four minorities demand different sets of rights. The Kurds will ask for more cultural rights to maintain their cultural heritage, whereas Alevis will demand religious rights, which puts them on a similar place as the Sunni majority. Women may favour higher participation in workforce and politics whereas the LGBT community probably aims to gain more civil liberties.
2. After having determined the demands of each group the next step should be answering the question “*to what extent did minority rights change in Turkey for each of the four minorities during the negotiation period?*” When we take the size of each group into consideration and thus their voting power, it can be assumed that Women and Kurds witness the biggest changes in their rights. Alevis on the other hand, and especially the LGBT community may have more difficulties to make themselves heard by the authorities.
3. The last question should try to find out how costs differentiate concerning each of the four minority groups in order to understand the variation in improvement of rights for each group. Hence the question is “*to what extent are the costs and benefits different for policy makers for the four minority groups?*” Since all groups differ in size and type, different costs for veto players are expected.

The present research is organized as following. The *theoretical framework* in the second chapter outlines *the external incentive model* by Schimmelfennig and Sedelmeier to explain how adoption of EU rules works in candidate countries. In order to work with this model it is of high importance to conceptualize minority rights and introduce how conditionality works within the European Union. The third chapter *methodology* will introduce how the research will be conducted by focusing on how the necessary data regarding minorities in Turkey will be collected from progress reports and analysed. Chapter four being the *analysis* part will present the findings about the development of minority rights in Turkey between the years 2005 and 2012. The paper will finish with a concluding part that will present the answer to

the central research question about to what extent the changes of each minority group can be explained by the external incentive model.

1.2 Scientific and Social Relevance

The direct role of the European Union in the area of protection of national minorities is still very limited and it does not own any competences in setting standards in minority protection. An advantage of this research is that it focuses on different types of minorities, each representing one kind ranging from ethnic to religious and sexual minorities. Due to this differentiation this research will shed light on the fact whether the European Commission puts similar emphasis on the improvement of rights of all types of minorities or whether it promotes certain minority rights more than others. If it is really the case that certain groups' rights are stronger promoted than other groups' rights, the European Commission should feel obligated to explain the logic between the different treatments in relation to each group or the Commission should reconsider its policies towards minorities. On the one side the present research will help revealing the attitude of the European Commission towards various kinds of minorities as explained above and on the other side it will unveil the democratization process in Turkey. If the improvement of rights among various groups should show big variation then this fact could be used as an argument to foster further liberalization of minority rights and democratization in the country. It could also increase public awareness about state policies that tend to discriminate certain citizens and result in additional pressure on political parties to cope with the existing problem of unfair treatment regarding certain groups.

Chapter 2 Theoretical Framework

Schimmelfennig and Sedelmeier (2005) study the impact of the European Union on the accession countries. To be more precise, the authors investigate how accession dynamics have affected the domestic politics of the candidate countries and their adoption of EU rules. The underlying theory of this research is based on the three alternative models for the domestic impact of the EU. These models distinguish on two key dimensions. The first dimension is about principal actor of the adoption process. It can be external and thus EU-driven or it can be internal and hence domestically driven. The second dimension emphasizes the different logics of rule adoption, which can be categorized as "logic of consequences" and "logic of appropriateness". The former assumes strategic and rational

actors who are interested in maximizing their own power and welfare whereas according to the latter logic, actors are motivated by internalized identities and values. Thus according to the second logic actors choose the most appropriate and legitimate course of action.

Schimmelfennig and Sedelmeier pair these two dimensions and create a distinction useful for determining the mechanism behind the rule adoption. Schimmelfennig and Sedelmeier distinguish between three models for the domestic impact and rule adoption. Each of the three models can be described as alternative lenses through which someone observes rule adoption in the candidate country. In the present research the approach will be based on *the external incentive model* in which rule adoption is driven externally and logic of rule adoption is based on the logic of consequences.

2.1 The External Incentive Model

According to the external incentive model, the EU sets the fulfilment of its rules for the candidates as a condition in order to receive rewards from the Union. Shortly, it is reinforcement by reward model. The rewards can be categorized as assistance and as so-called institutional ties. The former entails among others aid for the restructuring of national economies to promote economic and social cohesion. The latter ranges from trade and cooperation agreements to full membership. Under the strategy of reinforcement by reward, the EU pays the reward if the negotiating government complies with the conditions set by the Union (Schimmelfennig & Sedelmeier, 2005). EU Conditionality aims to change the status quo in a given country and can work in different ways. First, it may work directly on the candidate government, which is usually comparing the benefits of the EU benefits to the rule adoption costs. It is looking whether EU benefits outweigh the adoption costs. Second, conditionality may work indirectly by empowering relevant domestic actors, which have the incentive to adopt EU rules in their own interest to eliminate their disadvantaged position. Another variation under the strategy of reinforcement by reward is the size and speed of the offered EU reward. Accordingly, the reward should not be merely offering of assistance and closer ties but simply a full membership after the candidate fulfils the expected conditions. Furthermore, temporally seen, the more far away the reward is the lower the incentive for the candidate to comply.

The present paper will try to observe the development of the rights of four distinct minority groups in Turkey based on the assumptions above. Before doing so it should become clear

what constitutes a minority in modern days and how minority rights are dealt with within the European Union.

2.2 Minority Rights

The term minority can be mainly categorized into religious, linguistic, ethnic and national minority, which can also overlap among each other. Religious and linguistic minorities due to their sharp distinction are relatively easy to identify (Pan, 2009). However a clear distinction between national and ethnic minorities cannot be made so easily. A national minority can be described as one that “shares its cultural identity with a larger community that forms a national majority elsewhere, that is, one which makes up the majority of the population and forms its own nation state.” In contrast to this, ethnic minority “refers to persons belonging to those ethnic communities which do not make up the majority of the population in any state and also do not form their own nation state anywhere” (Pan, 2009).

Minority right is a term, which stems from the international human rights law and that refers exclusively to national minorities and their specific demands and interests as a minority group. Minority rights aim to ensure that a specific minority, which is vulnerable and disadvantaged in society experiences equal treatment by law and in practice.

Within the European Union, minority rights fall within the scope of political criteria. During the Copenhagen European Council in 1993 it was concluded that accession to the European Union could take place as soon as the candidate is capable of fulfilling the economic, institutional and the political criteria, which covers the minority rights as stated already. For fulfilling the political criteria a candidate must offer stability of national institutions that can guarantee democracy, the rule of law, human rights and finally respect for and protection of minorities living within the national boundaries. (European Commission) As a matter of fact the European Commission does not have specific laws of its own on minority rights to be implemented by the candidate countries (Ibryamova, 2012). Furthermore, unlike the UN or ECHR, the EU does not own any competences in setting standards on minority protection, which is a strong criticism coming from the minority rights advocates (Twahida, 2011).

Although the EU is lacking the competence to intervene in Members’ domestic policies with regard to their minority policies, there are still some tools left which the EU can make use of in protecting and promoting the interest of minority groups. All candidate countries have been engaged in a process of transformation to approximate their standards to European

practices. By doing so the EU has developed itself to an important external dynamic that contributed to the transformation of domestic policies, including the promotion of minority and cultural rights (Kizilkan-Kizacik, 2010). Even though minority rights do not pertain to the traditional competences of the Union, EU's positive influence on candidate states has been determined. Shortly some essential tools of the EU can be summarized as:

1. Prohibition of Discrimination: The treaty of Maastricht obligates the EU members to protect human rights and calls for constitutional democracy (Art.6 TEU) and thereby also for prohibition of discrimination in accordance with the Article 14 in the European Convention on Human Rights (ECHR) (Pan, 2009).

2. Promotion of Languages and Cultures: During the transformation of the European Community into the European Union with the Maastricht Treaty the term "culture" in Art. 151 in the Treaty of Rome was newly formulated as part of the primary law and members were required to preserve and protect the Europe's cultural heritage. However the EU owns limited competence in the cultural range (Pan, 2009).

3. Promotion of Occupation and Integration: The socio-political agenda covers the employment policy, the social policy and the fight against poverty as stated in the Article 2 of Treaty of Rome. These socio-economical objectives concern in many aspects also the situation of national minorities. An essential part of the new coordinated strategy for employment (Art. 125 EGV) is the integration of disadvantaged groups into the economic life. In this framework the situation of minorities receives high consideration (Pan, 2009).

The literature on minorities reveals various types of minorities and discusses the purpose of these rights. However, as it seems the European Union has not developed a specific legal framework to be implemented by candidate countries and it does not own any competences in setting standards concerning protection of national minorities. (Pan, 2009) The question that arises here is then how the European Union can have a positive influence on minority rights in the candidate countries during the accession process without having developed a legal framework or owing the necessary competences? The answer lies in the EU's bargaining strategy, which rewards candidates that comply with its conditions. The EU conditionality is the key factor here. (Schimmelfennig & Sedelmeier, 2005) Annual Commission reports determine developments in the candidate countries, which the

candidate countries' governments can take as a point of orientation during the accession period.

2.3 EU Conditionality

"The dominant logic underpinning the EU conditionality is a bargaining strategy of reinforcement by reward, under which the EU provides external incentives for a target government to comply with its conditions" (Schimmelfenning et al, 2004).

Hence conditionality is a cornerstone of the EU democratization strategy to force its requirements on candidates to democratize and meet the conditions for joining the EU (Kubicek, 2011). The conditionality works on a cost-benefit analysis, in which the benefit must be larger than the cost of democratizing. According to a simple model of conditionality, domestic elites might cooperate to answer to the demands of the EU but in reality they might be reluctant to do so, especially if reforms such as democratization carry high adaption costs. The reasons for non-cooperative behaviour might be based on the feeling that adaption is jeopardizing the national power, the conception of identity or the integrity of state. Furthermore if a country has other political, economic and security options besides the European Union, like the Middle East or Central Asian Turkic States in the case of Turkey, a cost-benefit calculation may work against the adoption as required by the EU (Kubicek, 2011). Another consideration is that the rewards promised by the EU need to be credible. The credibility suffers in the case the cost of the reward is too costly for the EU itself or if the promised reward is going to be delivered in a long-term period or if the EU members among themselves disagree about the reward (Kubicek, 2011). All these consideration have indeed relevance in the case of Turkey since Turkey's membership is at best a medium-term proposition and many EU members are still showing scepticism even though Turkey meets the Copenhagen criteria.

2.4 Costs

As stated above already, the EU conditionality works on a cost-benefit analysis. Before we continue it is essential to determine what causes a cost for a veto player. For each EU candidate the veto players and their costs may vary. Hence it is of a big importance to determine the costs the veto players need to face in Turkey. According to the veto player theory, the difficulty for a significant change of the status quo in a given country increases with the number of veto players (Schimmelfennig & Sedelmeier, 2005). Hence in order to assess the adoption costs it is helpful to determine the number of veto players.

In this chapter the external incentive model has been presented to the reader in order to understand how the EU contributes to the improvement of minority rights in Turkey. In order to understand the external incentive model essential terms such as minority rights, EU conditionality and costs had to be conceptualized. It has been explained that the EU sets the fulfilment of its conditions as a criteria for the candidates to obtain rewards. For that the EU is using the bargaining strategy of reinforcement by rewards, which works on the cost-benefit analysis. Again, costs occur depending on the veto players in the given country and influence the probability of EU rule adoption by the candidate state.

Two hypotheses can be derived from the literature above. The first hypothesis assumes that the higher the costs are, the lower the compliance is with EU rules as the external incentive model suggests that rule adoption is always costly and that otherwise it had taken place in the absence of EU conditionality. But it is essential to mention that compliance is not dichotomous, which means that it cannot be only categorized as being “there” or “not there.” It could be rather measured along a continuum that indicates different levels of compliance. Hence the hypothesis expects that if costs are higher, then compliance will be lower as a consequence of higher costs. Each of the four groups may have different costs for the policy makers and thus compliance may vary concerning the fulfilment of the various groups’ demands, which will be helpful to explain the variation among the four groups. Another factor, which influences the amount of costs, is the number of veto players included in the decision-making procedure. As a matter of logic, the more players need to be satisfied the more effort is needed. Consequently the second hypothesis proposes; the higher the number of veto players the lower the compliance.

Based on the hypotheses above, various levels of compliance among the four minority groups are expected. Adoption costs for the two relatively larger minority groups, women and Kurds are expected to be lower as compared to the adoption costs of the LGBT community and Alevis. The adoption costs for women and Kurds are expected to be relatively low due to the fact that there is less resistance within the society, which may result in lower costs concerning these two groups. The Kurdish conflict over three decades has cost the country a lot of resources and has not achieved peace or prosperity in the eastern regions of the country. The general perception is that the so-called Kurdish opening led by the current governing Justice and Development Party (AKP) will bring the long-

awaited peace. As a consequence improvement in the rights of Kurds is highly expected. Regarding the situation of women, the costs are expected to be low as well. One reason is simply the fact that half of the population consists of women whose situation will be improved and another fact is integration of women in educational and professional life is contributing to economic prosperity. No serious opposition is expected in the improvement of women's rights either.

On the other side the situation of Alevi and the LGBT community seem to be more problematic. Although the Turkish Republic is founded on the ideals of secularism nevertheless the state has been promoting the interests of the Sunni majority since its foundation (Hunt & Tokluoglu, 2002). There is a deeply rooted perception that the presidency of religious affairs (Diyanet) represents the Sunni majority only. Furthermore there is a historical cleavage between the Sunni majority and Alevi minority since the Ottoman times, which seems to have established itself in the Turkish culture (Köse, 2010). Hence promoting Alevi interests might bring high costs in form of resistance from the population or in form of financial costs by reconstructing the Diyanet, whose annual budget exceeds the budget of most ministries. The number of veto players seems to be high as well. Public institutions such as Diyanet or Ministry of Education tend to favour the Sunni faith, whereas the population does not seem to care really about the situation of the Alevi minority, which is reflected on the attitude of the governing party due to the lack of public pressure. Only three out of hundreds of municipalities are willing to contribute financial aid and apply mosques tariffs to Alevi cemevi. Based on this reasoning not much improvement in the rights of Alevi is expected to be observed. Research and polls show that the majority of the Turkish population tends to have extreme thoughts about homosexuality. A more liberal policy towards the LGBT community would thus mean only higher costs. Hence not much improvement is expected regarding LGBT rights either.

Chapter 3 Methodology

The following part will first introduce the research design of the present paper. Later on it will be explained how to measure the improvement in human rights over the selected period. Beside this an additional paragraph will summarize on which basis the cases have been selected. The last section will report about how and from where the data on the cases is planned to be collected. The European Commission reports, necessary to determine the situation of minority groups, is present in the English language on the website of the European Commission. Organizations or institutes established to represent the interests of

the four groups offer reports or articles in Turkish, which is no burden due to the researcher's Turkish skills.

3.1 Research Design and Operationalization

To find an appropriate answer to the above-mentioned research question, the minority rights development of the above-mentioned four minorities in Turkey will be observed between the years 2005 and 2012. This observation will be made possible by having a closer look on policy documents in form of annually published European Commission reports and passed Turkish legislation concerning these minority groups. Furthermore documents published by NGO's dealing with human rights may be a supplementary source to detect changes in condition of human rights in the country. It follows from the above that the unit of analysis of the present study is the rights of the four minority groups. The unit of observation are the Commission Progress Reports between the years 2005 and 2012.

So that one can measure the improvements of the rights concerning the four minority groups, it is planned to determine the status of the human rights for each of the four minority groups at the beginning of the period, which is the year 2005. Further it will be investigated what rights the groups have been demanding from the authorities in 2005 and which of these demands have received attention by authorities until 2012. Since each minority group is demanding a different set of rights, it is useful to investigate web presentations or annual reports of NGO's or political party manifestos to observe the most essential rights that these groups wanted to obtain. Hence the situation of rights will be measured according to what extent rules were adopted addressing the situation of groups during the period under study. For instance if one group's demands have been completely fulfilled by the political authorities but another group has been denied any rights and no improvement has been made then these two groups can put at the both ends of an imaginary scale.

3.2 Case Selection & Sampling

Four different minority groups in Turkey will be investigated in this research to shed light on the development of each group's rights by adaption of EU conditionality. When selecting cases, one criterion was that all four groups vary in their types. Each of them is representing a different kind of minority group and all four groups demand a certain set of rights. Additionally it was essential that the situation of these four groups is mentioned in the

annual progress report of the European Commission. Beyond that, the second criterion is about the differentiation in their sizes. All of the four groups constitute a different size within the whole population. On the basis of that, Kurds represent an ethnic group constituting the largest ethnic minority in the country. Although there is no official census based on ethnicity in Turkey current estimates assume about 20% of the population having a Kurdish background (Radikal, 2013). Furthermore Alevi constitute with around 11% the largest religious minority in Turkey and are hence chosen as a representative of a religious minority. (minority rights group international, 2013) Women make up approximately 50% of the whole population whereas the LGBT community constitutes a relatively small group compared to the rest.

3.3 Data Collection & Data Analysis

As stated before, qualitative data will be analysed in this research. Qualitative researchers typically rely on several methods for gathering information such as participating in the setting, observing directly, interviewing or analyzing documents and materials (Marshall, 2006), which the last one is the method of gathering information in the case of this research. The use of documents often entails a specialized analytic approach that is called content analysis, which usually consist of written materials. A great advantage of content analysis is the fact that it is unobtrusive and nonreactive and can be conducted without manipulating and disturbing the units of analysis (Marshall, 2006). The data required to determine the development of minority rights in Turkey will be gathered from the European Commission in form of the so-called annual reports on monitoring. These reports are published annually and offer information in which areas the candidate country has reached improvements and in which additional efforts are needed in order to fulfil the EU criteria. Content analysis can be said to be a summarising, quantitative analysis of articles that requires coding operation during which raw data gets transformed into standardized data. The key process in the analysis of qualitative data is coding, which consists of classifying and categorizing data (Babbie, 2007). Furthermore, additionally to the Commissions annual reports, legislation that has been passed by the Turkish parliament concerning minority rights will be examined to see whether minorities gain more rights de jure. Tables will be created, which assess the changes in the minority rights over the mentioned period for each of the four groups. The year of 2005 will be taken as the reference point. Depending on whether there have been changes in any direction between 2005 and 2012, a plus (+), a minus (-) or a plus minus (+/-) will be attributed to the situation of each group. A potential weakness of the content

analysis of written materials is that it entails interpretation by researcher (Mayer, 2001). The chance to misinterpret Commission's reports may not be high but still there is a danger. For instance it can be thought of a case in which a certain criticism is being conceived harsher by the researcher than it was actually meant by the Commission or the opposite situation where improvement is not appreciated by the researcher, as it should be. In order to cope with this problem high attention will be paid to the formulation in the progress reports. For instance if the reports state that improvements have been made, it will be evaluated as a plus (+) and if the conclusion is that no further measures have been taken it will be evaluated as a minus (-). In the case some measures have been taken according to the reports but there is still some room for improvements, it will be evaluated as a combination of both plus and minus (+/-).

Chapter 4 Analysis

The following chapter will deal with the analysing of the data. To do so, the first step is to determine what kind of rights each minority group wants to obtain. Once we know what rights these groups have been demanding, we can assess to what extent the situation of minority rights for each group has changed during the accession period, which will deliver an answer to the first sub-question at the same time.

4.1 The Demands of the Kurdish Minority

The Peace and Democracy Party (BDP) is the political party in the Turkish parliament that represents the interest of the Kurdish minority in Turkey. The party is calling for the PKK to disarm on the one side and demanding equal rights for the Kurds on the political arena on the other side. BDP declares in its party manifesto that Kurdish entity should be visible in all spheres and equal rights should be guaranteed under the new constitution. This demand entails among others TV and Radio broadcasting in Kurdish language and the right to receive education in mother tongue (BDP Manifesto).

The previous paragraph above has answered the first sub-question. After having observed closely what the Kurdish minority demands from the authorities now it is time to focus on the second sub-question and answer to what extent these demands have been granted by the Turkish state during the accession period between the years 2005 and 2012.

4.1.1 The Commission Progress Reports on the Kurdish Minority 2005 – 2012

“The normalisation of the situation in the Southeast should be pursued through the return of displaced persons, a strategy for socio-economic development and the establishment of conditions for the full enjoyment of rights and freedom by the Kurds”(Progress Report, P. 9). This sentence as published in the progress report 2005 is summarizing vaguely what the Turkish state needs to undertake concerning the Kurdish minority.

2005

As for the year 2005 the Broadcasting Law (RTÜK Law) has been frequently invoked to impose heavy penalties, suspension or cancellation of broadcasting licences putting strict limits for broadcasts in languages other than Turkish (Progress Report, P.27). With regard to **broadcasting** limited achievement has been made. The RTÜK law has hindered the Turkish minority to broadcast in their native language, which was one of the minority’s demands. Furthermore as regards **freedom of association** the Kurdish Writer’s association had to face charges on the basis that the association held a meeting with representatives of the European Commission without seeking prior permission, even though a court acquitted the accused members later on (Progress Report, P.28). Furthermore the Commission reports that the Kurdish Democracy, Culture and Solidarity Association was closed based on the reason that a clause in its statute calling for education in native language was in contravention of the Constitution. Concerning the **protection of cultural rights** it is reported that the teaching of the Kurdish language witnessed a serious setback when the owners of all existing Kurdish courses decided to close down their schools motivated by several factors such as lack of financial means and restrictions concerning curriculum and the appointment of teachers (Progress Report, P.37). The Commission also observed that there are still restrictions concerning **the use of Kurdish language** by political parties. In 2005 the deputy leader of the Kurdish party DEHAP was sentenced to six months imprisonment for greeting in Kurdish during a DEHAP conference. The chairman of the Rights and Freedom party (HAKPAR) was accused of reading statements in Kurdish during a party meeting. The year 2005 can be summarized shortly as: “No local broadcasting in Kurdish has yet been authorised. Kurdish language courses have closed down and politicians continue to be convicted for using the Kurdish language” (Progress Report, P.42).

2006

The Progress Report 2005 can be taken as the initial situation concerning the minority rights. In the following reports positive or negative changes in comparison to 2005 will be determined. According to the Progress Report 2006 **freedom of association** kept suffering. A Kurdish association was ordered to close down by a court with the reasoning that its statute included the aim of establishing a Kurdish archive, museum and a Kurdish library (Progress Report, P.16). Some small improvements have been detected regarding **cultural and broadcasting rights**. Two local TV channels and one radio station were granted permissions to broadcast in Kurdish. However there were time restrictions and all programs except songs needed to be subtitled with Turkish, which caused technical difficulties for broadcasters. According to the law of political parties, **the use of languages** other than Turkish kept being illegal in political life (Progress Report, P.21).

2007

Concerning 2007, it was a year that expanded the **cultural rights** a bit more. New TV and radio channels have received authorisation to broadcast in different dialects of Kurdish. As for the year there were four TV and four radio stations that broadcasted in Kurdish. However time restrictions and subtitle requirements were not abolished (Progress Report, P.22). The Commission reports that children of minority groups cannot learn their **native language** in the Turkish public school system but only in private schools, which have all closed down in 2005 due to strict restrictions (Progress Report, P.22). The prohibition of Kurdish in **political life** continued and two further members of HAKPAR were sentenced for having spoken Kurdish at party's general congress.

2008

In the year of 2008 not many changes have been observed. But it is essential to mention that **cultural rights** have kept expanding. Following the amendments in the broadcasting law in June 2008, the public service broadcaster TRT was allowed to broadcast all day long without time restrictions in other languages than Turkish. Additionally new local channels received authorisation to broadcast in Kurdish (Progress Report, P.25). Education programmes **teaching Kurdish** in public schools were still not allowed and all private schools kept being closed down.

2009

Newroz (Kurdish New Year) as a Kurdish cultural event was celebrated peacefully in 2009 by huge masses without any major incidents between the police forces and the demonstrators

(Progress Report, P.19). Concerning more about **cultural rights**, in 2009 the public service broadcaster TRT began operating in Kurdish 24 hours a day with an inauguration ceremony of TRT 6 where the Prime Minister spoke a few words in Kurdish, which had been a taboo in **political life** until then. Although any other language than Turkish was forbidden in political life, during the local election campaign, politicians and political parties used Kurdish in political activities without legal cases being launched. Furthermore governorships in several cities in the southeast of the country began offering **public services** in Kurdish for the first time in history (Progress Report, P.28). In September 2009 the Higher Education Board (YÖK) approved the application from the Mardin University to establish “**Living Languages Institute**” that would provide post-graduate education in Kurdish among others (Progress Report, P.28). Overall Turkey made progress on many issues as seen never before in 2009.

2010

The year 2010 began with a further improvement. The regulation on the Radio and Television Supreme Council (RTÜK) was amended so that all restrictions on **broadcasting** in Kurdish on public and private channels were removed. 14 radio and TV stations were given the permission to broadcast in Kurdish at a local level. Moreover for the first time, the Diyarbakir Municipality Theatre staged a play in Kurdish and a Kurdish literature event took place in the city of Van, which was interpreted as a sign of expanding **cultural rights** (Progress Report, P.32). The election law was also amended in 2010 so that Kurdish in elections campaigns was allowed de facto, which introduced the Kurdish language into **political life** for the first time officially (Progress Report, P.33). Aside from those, in a number of cases Turkish place names were replaced by their original Kurdish names in response to the **public demand** (Progress Report, P.34).

2011

In 2011 further reforms underpinned the **cultural rights**. The opening of a Kurdish Language and Literature Department in a university was authorised by the Higher Education Board (YÖK). The restrictions on **broadcasting** in Kurdish on the local level were removed in the previous year and in 2011 broadcasting in Kurdish was allowed on all nationwide radio and television stations without any restrictions (Progress Report, P.88). With a further amendment adopted in 2011, **political advertisement** in languages other than Turkish was permitted on public and private media channels (Progress Report, P.39). On the initiative of a NGO criminal complaints were filed against the systematic torture and killing of Kurds in Diyarbakir military prison between the years 1981 and 1984, which was the first time that

the Turkish state had to deal with its political past concerning the Kurdish minority (Progress Report, P.41).

2012

Additional improvements concerning **cultural rights** have been observed in 2012. The Ministry of National Education developed a new curriculum for primary schools, which obligates the inclusion of a course on living languages such as Kurdish or any other language or dialect spoken in Turkey if at least ten pupils apply for it (Progress Report, P.32). Several universities have continued or began offering undergraduate elective Kurdish language courses. The number of **broadcasters** in another language than Turkish increased to 25. Another crucial development was seen in the rights of the prisoners. Kurdish in prisons had been prohibited strictly. In 2011 the parliament's Human Rights Inquiry Committee detected fewer restrictions on the use of Kurdish by prisoners during visit and exchange of letters (Progress Report, P.32).

Outcome of the Kurdish opening

A comparison between the years 2012 as compared to the reference point 2005 reveals a positive development in the rights of the Kurdish minority. The first improvements took place in the area of broadcasting in the Kurdish language. The real progress took place in 2009 when broadcasting was allowed 24 hours without time limitation and universities began offering post-graduate programmes. Furthermore the year 2009 was the year when southeastern municipalities began offering public services in Kurdish. Next year, in 2010 Kurdish language was legalized also in political life, which enabled political parties to use Kurdish when appealing to their electorate. 2011 brought some more liberalization. Any kind of technical or regional restriction on broadcasting in Kurdish was removed totally and political advertisement in languages other than Turkish was permitted on national public and private channels. In 2012 the ministry of education began offering among others elective Kurdish courses in primary and secondary education. It is not exactly what the Kurdish minority has been asking for since the demand was to enable education in native tongue but nevertheless Kurdish managed to enter the curriculum of primary and secondary education as an elective course. No real improvements can be detected in the progress report regarding freedom of association. Courts began deciding in favour of the Kurdish defendants but there is no legal framework that enables association for any minority. A

positive aspect is that the Commission didn't report any accusations against Kurdish associations after 2007. It means in practice it has become easier to establish associations.

Table 1: Assessment of development of ethnical rights

Claimed rights by Kurds	2005	2006	2007	2008	2009	2010	2011	2012
Kurdish media (TV, Radio)	-	-/+	-/+	+	+	+	+	+
Kurdish education	-	-	-	-	-/+	-/+	-/+	-/+
Kurdish in political life	-	-	-	-	-/+	+	+	+
Public services in Kurdish	-	-	-	-	-/+	-/+	+	+
Freedom of association	-	-	-	-/+	-/+	-/+	-/+	-/+

4.2 The Demands of the Alevi Minority

The Alevi Bektasi Federation (ABF) is an umbrella organization of approximately 150 Alevi foundations worldwide. The organization has been founded by the initiative of the former Prime Minister Bülent Ecevit in 2002 to bring Alevis under one umbrella in order to ease cooperation with the Turkish state and to listen to their demands. The Alevi Bektasi Federation (ABF) is criticizing that current state policies are aiming to assimilate the Alevi minority and adapt them to the Sunni majority. According to the ABF 2012 report the Alevis demand from the state the official recognition of the Alevi minority as well the recognition of the cemevi as a place of worship. In addition to that Sunni mosques in villages inhabited by Alevis should be destroyed and replaced by cemevi. Furthermore religious days according to the Alevi belief should be declared as national holidays. The federation also demands that Alevi children should not be forced to participate in religion classes, which are designed to promote Sunni values and the content of books regarding Alevis should be changed in order to eliminate discrimination and stereotyping (Alevi Besktasi Federasyonu, 2012).

4.2.1 The Commission's Progress Reports on the Alevi Minority 2005-2012

"The non-Sunni Muslim Alevi community continues to experience difficulties in terms of recognition of places of worship, representation in relevant state bodies as well as in relation to compulsory religious education" (Progress Report, P.29). This one paragraph in the Progress Report outlines the situation of the Alevi situation in Turkey as for the year 2005.

2005

According to the progress report in 2005 there has been no change concerning the situation of non-Sunni Muslim communities. The Alevi minority was not recognized as a religious community so that they were not represented by the Presidency of Religious Affairs (Diyanet). Furthermore the Alevi community had difficulties in opening places of worship (cemevi) and existing cemevi had no legal status, which made it impossible for the community to receive state funding as do the Sunni mosques in the country. The Commission also reported that religion classes mainly designed for the Sunni majority were also obligatory for Alevi children (Progress Report, P.31).

2006-2007

The Commission Reports in 2006 and 2007 reveal that there has been no reaction to the demands of the Alevi community in these years. "However, problems encountered by the non-Muslim religious communities and by Alevis continue to persist" is the conclusion of the Commission in the 2007 Progress Report (Progress Report, P.61).

2008

In 2008 the government announced an initiative that aimed to improve the dialogue between the state and the Alevi community. First time in Turkey's history a municipal council recognized a cemevi as a place of worship and applied mosque tariffs to its water charges. However in a large scale the Alevi community continued to face the same problems as before, especially concerning the education of Alevi children and places of worship. Although the ECHR founded that religion classes provided specific instruction of the Sunni faith, the classes were still compulsory for Alevi children (Progress Report, P.18).

2009

The 2009 report refers to the visit of the Minister of Culture who visited the opening of the first Alevi Institute and apologised to the community for the sufferings caused by the State. In the same year the Prime Minister attended an Alevi fast-breaking ceremony (Progress

Report, P.21). Three other municipal council have recognized cemevi as a place of worship and granted them financial aid as given to the mosques. Administrative courts ruled that Alevi students should be exempted from religion classes. However religion classes remained compulsory in the primary and secondary education. The report's summary is that despite the recognition by the municipal councils of three cemevi as a place of worship there have been no major changes in the situation of the Alevi community as for 2009 (Progress Report, P.22).

2010-2012

The changes between the years 2010 and 2012 can be summarized shortly. Despite the de facto recognition of cemevi by some municipal councils the overall state policy of denying cemevi as places of worship has not changed. The dialogue between the State and the Alevi community has continued but did not lead to any outcome in favour of the community's rights. However in 2011 the Ministry of National Education has prepared new textbook for the religion classes that contained information about the Alevi faith. In exception of some municipalities Alevis had to pay electricity and water bills whereas the State budget covered such expenses for Sunni mosques (Progress Report 2011, P.30). The 2012 report is revealing that the continuation of the opening towards the Alevi community in 2009 did not continue afterwards and hence Alevis kept experiencing difficulties in establishing new cemevi and educating clerics of Alevi faiths. Although new textbooks have been prepared for the religion classes, the classes are designed mostly for the Sunni majority and Alevi children are obligated to participate in the classes against the Court's decision. Furthermore Alevis kept experiencing job discrimination in civil service (Progress Report 2012, P.25).

Outcome of the Alevi demands

Unfortunately it cannot be said that Alevis have gained more rights within the given period. There is not much difference between the year 2012 and the reference point. In 2009 the Minister of Culture has visited the opening of the first Alevi Institute and apologized for the sufferings caused by the Turkish state, which seemed to be a positive development towards recognition of Alevism. But the following years showed that this event was rather an exception and nothing has been done since 2010 regarding recognition of the minority. Some municipal councils began recognizing cemevi as a place of worship and applied mosque tariffs to their water and electricity tariffs in 2008 and 2009. Unfortunately it kept being only a regional policy of some municipalities and did not turn into a national policy. Hence no improvements have been detected after 2009 regarding cemevi. Religion classes

kept being obligatory for Alevi children but some improvements have been made in the curriculum. Since 2010 Alevism is mentioned in the books and books refer more to Alevi faith. It is not exactly what the Alevi community demanded since classes keep being obligatory but nevertheless Alevism is being thought in religion classes now, which is the reason why it is evaluated as a limited development in the table. No policies against discrimination have been prepared and mosques still exist in Alevi villages against the wishes of the minority.

Table 2: Assessment of development of religious rights

Claimed rights by Alevi	2005	2006	2007	2008	2009	2010	2011	2012
Recognition of Alevism	-	-	-	-	-/+	-	-	-
Recognition of cemevi	-	-	-	-/+	-/+	-	-	-
Non-obligatory religion classes	-	-	-	-	-	-/+	-/+	-/+
No mosques in Alevi villages	-	-	-	-	-	-	-	-
Eliminate discrimination	-	-	-	-	-	-	-	-

4.3 The Demands of Turkish Women

Due to the fact that women are not affiliated with a specific country or region their most essential demands are more or less the same around the world. Thus in order to determine what women's demands are and of what exactly women rights consist, reports of international non-governmental organizations dealing with the issue may be a helpful additional source. These reports may contribute to determine the criteria for improving life quality for female citizens. For instance the Global Gender Gap report produced by the World Economic Forum is categorizing countries according to the so-called gender gaps, which gives information about gender imbalances in a country. When doing so the report examines critical areas of inequality in different areas such as economic participation,

educational attainment, political empowerment and health and survival. Each of these four categories has various indicators, which helps to determine what exactly women's demands are. *Economic participation* entails participation level and access to high-skilled employment. *Educational attainment* assesses the access to basic and higher level of education whereas *political empowerment* focuses on the representation of women in the decision-making structure. *Health and Survival* inform about life expectancy and living conditions (Global Gender Gap Report, 2012). Those can be taken as the demands of women in Turkey as well since Turkish women do not show atypical features.

4.3.1 The Commission's Progress Reports on Women in Turkey 2005-2012

The initial report in 2005 gives the following information about women's situation in Turkey. "There has been little progress regarding women's rights. The main area of concern for women in Turkey continues to be domestic violence, honour killings, a high illiteracy rate, and low participation in Parliament and labour market" (Progress Report, P.11).

2005

In 2005 the law establishing the Directorate General for the Status and Problems of Women entered into force and in connection with the cooperation with United Nations Fund (UNFPA) a nationwide awareness campaign concerning violence against women was initiated. Additionally a parliamentary committee on women's rights and gender equality was established in the same year (Progress Report, P.32). But there is an urgent need to ensure the implementation of laws that aim to protect women and further training for security forces and staff dealing with victims of domestic violence. While the number of shelter home increased compared to previous years there is still need of new shelter homes. Municipalities with more than 50.000 are obligated to offer shelter homes since 2004. Although primary education is obligatory, only 75,2% of girls is enrolled in primary education in the Southeast of Turkey (Progress Report, P.33).

2006

In 2006, a report prepared by the ad hoc Parliamentary Committee on honour killings and violence against women has been finalised and received wide media coverage. The provision that all municipalities with a population higher than 50.000 should provide shelter homes is not fully implemented. The cooperation with UNICEF in 2006 ensured the enrolment of 62.000 girls in primary education (Progress Report, P.18). No other serious changes have

been observed in 2006. While the legal framework is overall satisfactory the implementation remains as the main source of the problem (Progress Report, P.19).

2007

In 2007, it has been reported that cooperation between public institutions and civil society has improved which resulted in regular meetings between institutions and women's NGOs to monitor the implementation of the present laws. In 2007, the number of shelter homes increased to 33, which means that most municipalities do not apply the regulation on providing shelter homes (Progress Report, P.18). There has been some positive observation in political life. The number of women in the Parliament almost doubles in the 2007 elections. 51 women out of 550 seats is still relatively low number though.

2008

The year 2008 has been another year where legal improvement took place but implementation was not satisfactory. The Parliament adopted the "Employment Package" to promote women's employment. Accordingly the employers' share of social security premiums for newly hired female workers were to be covered by the Unemployment Insurance Fund for a period of five years (Progress Report, P.61). As stated by the latest statistics in 2008 the participation rate of women in the labour force was 24.8% and decreasing (Progress Report, P.20). The law on municipalities to provide shelter to women was not fully implemented as for the year 2008. Around 30.000 law enforcement officers participated in gender sensitivity training programmes but main problems as found in 2005 remained existing in large (Progress Report, P.21).

2009-2011

In 2009, the legal framework guaranteeing women's rights and gender equality was broadly in place but the application was still problematic as in the previous years. For instance the number of home shelter increased only to 54 since most municipalities did not apply the regulations adopted by the Parliament in 2004. As for 2010 the Commission reported an increase in the number of honour killings and no increase was seen in the number of home shelters. In 2011 a positive development has been observed in the elections. The share of women in the Parliament increased from 9% to 14% but gender equality, violence against, low occupation of women remained being major challenges for the government. The constitutional amendments aiming to provide positive discrimination in favour of women has not produced any result as for the year 2011. Participation in labour force increased to 29.8%, which was 24.8% in 2008 (Progress Report, P.80).

2012

In 2012 the Law on the Protection of Family and Prevention of Violence against Women was adopted which aimed to protect family members and also those in relationship outside marriage. Furthermore the Ministry of Family and Social Policies signed a protocol with the Gendarmerie to prevent violence in rural areas of the country (Progress Report, P.26). Another protocol was signed with the Ministry of Labour and Social security whose aim was to increase female employment, especially those women who were subject to violence.

Outcome of women's demands

Economic participation of women is the lowest in Turkey among all OECD countries. Policies, which cause positive discrimination, have been applied in order to increase the participation rate. The rate, which was 23,5% in 2005, has increased to 29,6% in 2012. The policies seem to work although the rate is still very low. Also the share of seats occupied by women increased from 9% in 2007 to 14% in 2011, which is still low but relatively high compared to the past. Stricter rules and cooperation with international NGO's have led to higher education attainment in primary education, especially in the rural areas of south-eastern Turkey. Women still suffer from violence and honour killings but male offenders are punished more severely now although some problems still occur in the implementation. The number of women shelter is increasing each year but didn't reach the sufficient number yet.

Table 3: Assessment of development of women rights

Claimed rights by Women	2005	2006	2007	2008	2009	2010	2011	2012
Economic participation (% in labour force)	-	-	-	-/+	+	+	+	+
Political empowerment (seats in parliament)	-	-	-/+	-/+	+	+	+	+
Educational attainment	-	-/+	-/+	-/+	-/+	-/+	-/+	-/+
Health and Survival (women shelters, honour killings, application of laws)	-/+	-/+	-/+	-/+	+	+	+	+

4.4 The Demands of the LGBT Community

Istanbul LGBTTT is one of the solidarity associations for lesbians, gays, transsexuals and transvestites in Turkey. The association calls upon the Turkish authorities to guarantee fundamental rights and civil liberties such as same-sex marriages or adoption rights by same-sex couples to all LGBT people. The demands entail furthermore prohibition of discrimination at working place and in daily life. Police brutality on LGBT people is not investigated properly according to the association. Besides the members of the community require constitutional protection and laws against homophobia. (LGBTTT Istanbul)

4.4.1 The Commission's Progress Reports on the LGBT Community 2005-2012

Interestingly the coverage concerning the rights of the LGBT community in the Progress Reports consists mostly of one single sentence. This is especially valid for the reports published in 2005, 2006 and 2007. Later on the awareness about LGBT right increased in the reports but the coverage remains relatively little or even tiny compared to the other three groups.

2005-2007

In the first three progress reports it has been mentioned that there have been several attempts by authorities such as the Deputy Governor of Ankara, who tried to close down the Gay and Lesbian Cultural Research and Solidarity Organisation (Koas GL) with the reasoning of spreading immoral values. The prosecutors did not pursue the cases based on the grounds that homosexuality cannot be equated with immorality (Progress Report 2005, P. 28). The reports mention that gay and lesbian associations were occasionally subject to court proceedings (Progress Report 2006, P.15). The 2007 report stated for the first time that there was no specific protection against discrimination on grounds of sexual orientation and that LGBT community members were subject to physical harassment (Progress Report 2007, P.20).

2008

In year 2008 a court following a case brought by the Governorate of Istanbul closed down a LGBT association (Progress Report, P.17). Provisions of the Turkish Criminal Code on public exhibitionism and offences against public morality are sometimes used to discriminate the LGBT community (Progress Report, P. 23).

2009

The Court of Cassation ruled against the closure of the LGBT association that had been closed down by a court in 2008. However the ruling made the legality of the LGBT association conditional on not “encouraging lesbian, gay, bisexual, transvestite and transsexual behaviour”. This decision was interpreted by the Commission as incompatible with the EU’s rejection of homophobia (Progress Report, P.18). According to the Commission’s report homophobia has resulted in cases of physical and sexual violence and occasionally courts have decided against LGBT members and in favour of perpetrators of the crimes (Progress Report, P.72).

2010-2011

Another attempt to close down a LGBT association was initiated by the Governorate of Izmir in the year 2010. Again the court’s conclusion was against the closure of the association and dismissed the case (Progress Report, P.22). It is also reported by the Commission that there have been several cases of discrimination at the workplace. Many LGBT employees have been fired by their employers solely because of their sexual orientation (Progress Report, P.30). Furthermore the State Minister responsible for women and family made an unfortunate statement concerning gays and lesbians. She labelled homosexuality as a disorder in front of cameras and provoked further discrimination against the LGBT community (Progress Report, P.30). LGBT people witnessed police brutality or arbitrary arrests. Complaints brought against the police did not result in court cases (Progress Report 2011, P.35). At least four attempts to close down LGBT associations have been decided in favour of the LGBT community.

2012

The last Progress Report reveals no surprise. The LGBT community kept suffering discrimination and intimidation. Other spheres of discrimination against LTGB people occurred including access to housing and health services (Progress Report, P.29). High profile public figures did not refrain from using negative stereotyping against homosexuals in public and the Turkish Armed Forces kept labelling homosexuality as a psychosexual illness and declared homosexuals as unfit for military service (Progress Report, P.29). Homosexuality is not declared as a criminal offence but members of the LGBT community kept witnessing violence, discrimination and intimidation as for the year 2012 (Progress Report, P.29).

Outcome of the LGBT demands

For the LGBT community nothing has changed within the eight years. There is no constitutional protection of the community members and discrimination in daily life continues. Members of the community lack the civil liberties, which heterosexuals own and police brutality keeps being reported. There has been no serious development in the rights of the community although the community tries to attract more and more attention by organizing gay parades or pride weeks but authorities seem to be ignoring these. The general perception seems to be that homosexuality is being tolerated rather than being a right to exist.

Table 4: Assessment of development of sexual rights

Claimed rights by the LGBT community	2005	2006	2007	2008	2009	2010	2011	2012
Constitutional protection	-	-	-	-	-	-	-	-
Prohibition of discrimination	-	-	-	-	-	-	-	-
Civil liberties	-	-	-	-	-	-	-	-
Police brutality	-	-	-	-	-	-	-	-

In the previous section the first two sub-questions have been answered. First, the demands of the groups have been determined. Second, it has been investigated to what extent minority rights have changed for each of the four groups during a period of eight years. The third sub-question, which deals with to what extent costs and benefits are different for policy makers regarding the four minorities, will be answered in the following section.

4.5 Veto Players

The external incentive model assumes that rule adoption is always costly for the state. Logically otherwise the adoption had taken place in the absence of EU conditionality if no costs had incurred. The effectiveness of EU conditionality is dependent on the preferences of the home government and of other veto players in various forms. It is depending on the

country, whose agreement is necessary to move away from the status quo (Schimmelfennig and Sedelmeier, 2005).

Veto Players in Turkey

Turkey is a parliamentary republic with an election threshold of 10%, which if Turkey was an EU member would be twice as high as the highest election threshold within the EU members (Freedom House, 2013). Such a high threshold decreases automatically the number of parties and hence the veto players in the Turkish parliament. The high threshold forces voters to accumulate their votes in specific parties. The parties that overcome the threshold and enter the parliament share the votes of parties that did not make it into the parliament. This enabled AKP to occupy 62% of the seats in the Parliament “only” with 46,5% of the total votes in the year 2007. The high threshold is the legacy of the 1982 constitution that was prepared by the military junta, who aimed to keep minorities in the country such as Kurds and Alevis out of the political life. (Global Post) Hence the number of veto players in the Turkish Parliament is restricted.

The Justice and Development Party (AKP) managed three times in a row to win the elections, increasing its votes from the initial 34,3% to 49,8% during the last elections in 2011.

(Haberler, 2011) This success is only explainable by the fact that AKP was able to react to voters’ demands and concerns. To keep the competitive advantage against other parties the party leaders need to know and take into consideration the values of the people. Decisions taken against the wish of the people would automatically lead to an increase of the votes. This reality makes the voters to an essential veto player in politics.

Turkish Armed Forces (TSK) has been seen as the safeguard of the secular state and its Kemalist reforms since the foundation of the Turkish Republic. When the army felt that the republic and its principles were under threat, it did not hesitate to take over the responsibility and dismiss the democratically elected governments. The army took this power from the interpretation of its Internal Service Code, which states that “the duty of the armed forces is to protect and safeguard Turkish territory and the Turkish Republic as stipulated by the Constitution.” The TSK brought down four governments in the modern history of Turkey and was hence a very important veto player in politics. With the accession procedure following the EU reforms the role of the Military began changing. As a result of democratization of civil-military relations the military began subordinating its position to the political power. Several reforms undertaken over the years made TSK more transparent,

accountable and diminished its influence on the politics (Toktas and Aras, 2010) which meant that a highly influential veto player was “tamed” now.

4.6 Adoption Costs

Essential veto players in Turkey have been determined in the previous section. Keeping the hypotheses in mind, it can be now investigated to what extent costs and benefits are different for the policy makers concerning the four different minority groups.

Kurds

The conflict between the Kurdish minority and Turkish state began in the 70's, which ended up with the foundation of PKK in 1979 and the beginning of the armed conflict between two sides. The conflict has affected many aspects negatively in the country and is thus a priority topic in Turkish politics. The socio-economic development in the southeast regions of the country stagnated over several decades due to clashes between the armed forces and PKK and mass migration to the West from the south-eastern regions caused by the instability in the region brought additional socio-economic problems to the Western metropolises. The total cost to the economy of Turkey during the conflict years is estimated between 300 and 450 billion dollars (Crisis Group Europe Report, 2011). The situation of the Kurds until recently can be explained by the Kemalist ideology of “Turkish nationalism” that aimed the creation of a nation-state. In recent years several campaigns increased the awareness of the public and changed the general perception that the existence of the Kurdish identity was a threat to the unity of the Turkish Republic (Radikal, 2009). The so-called “Kurdish opening” as initiated by AKP in 2007 aimed to solve the critical Kurdish issue by constitutional reforms and further democratization as demanded by the Kurdish minority (Middle East Institute). The “opening” had support from various parts of the population. In 2011 elections AKP increased its votes to 49,8%, which can be interpreted that the public began seeking a democratic solution rather than a militaristic one, which did not bring any positive result three decades long. In the case of a negative outcome in the elections AKP had reacted accordingly and slowed down the opening. General perception of public was that the opening benefited the country. Hence it can be said that the benefits of the opening for the government were higher than the costs.

Another essential veto player was the Turkish Armed Forces who was seen as the “safeguard” of the unity of the Turkish Republic. EU reforms have weakened the position of

TSK within the political sphere and subordinated the army to the democratically elected government. The National Security Council (NSC) was established after the military intervention in 1960 to secure the military's role in politics. However during the process of EU candidacy the role of the NSC was diminished and number of civilians in the Council was increased to gain civilian control over the NSC. Furthermore State Security Courts that dealt with political crime were totally suspended and the trials of civilians in military courts were abolished in accordance with the EU reforms (Balkan Analysis, 2010). The role of the TSK, who impeded the development of rights of the Kurdish minority, was not essential anymore concerning policy making. Eliminating a powerful but undemocratic veto player made it easier for Kurds to seek for their rights.

Alevi

Although there has been some kind of "Alevi opening" initiation by the governing AKP, not many satisfactory results have been achieved during the period of the opening. Because of their beliefs Alevi have been target of historical as well as recent oppression. There are various obstacles in the way of satisfying Alevi demands. Beside the legal issues such as the legal situation of cemevi or the obligatory religion classes there are deeper psychological, normative and political barriers that are hindering to reach a political and social reconciliation. There is a lack of mutual trust between the Alevi and the state, and between the Alevi and the Sunni majority, which has its roots in the history of the Ottoman Empire (Köse, 2010). On a request from the Alevi community to recognise cemevi as an official place of worship, the Prime Minister Erdogan has answered with the argument that there is only one kind of place of worship in Islam and that it is the mosque. Cemevi, according to the Prime Minister is only a cultural center and not a place of worship (Haberturk). It is astonishing that the Prime Minister sees in himself the power and the authority to decide whether a certain place is a cultural center or a place of worship. A study conducted by Aykan Erdemir reveals why the Prime Minister can make such harsh statements towards the Alevi community. Erdemir is a social anthropologist and politician who conducted a study across Turkey, which took him 18 months. According to Erdemir Turkey is a place that is home to various ethnicities, religions, believes and citizens with various sexual orientations. Nevertheless the majority of citizens experience discrimination based on their ethnicity, religion, sexual orientation or other various reasons (Erdemir, P.22). According to Erdemir the main aim of his study is to foster democracy, rule of law and develop respect for human rights in Turkey and increase awareness within the Turkish society about the situation of minorities in the country. Furthermore his research is aiming to support NGOs and civil

society at the fight against discrimination by delivering scientific evidence. His work is also supposed to be useful to share knowledge and data that can be used to inform society about the discrimination the Alevi minority has to face. Erdemir has interviewed Alevi citizens vis-à-vis in his study and categorized the discriminations they witnessed into groups. He found out that Alevis are being discriminated in daily life, in education, in business life, during access to public services and during the military service. Erdemir has conducted hundreds of interviews in 18 months, which he has summarized in this research. The research reveals that Alevis are seen as “the others” by a huge share of the Turkish population (Erdemir, 2010). Recep Tayyip Erdogan, who calls himself a moderate Muslim might feel the support of a huge mass for his Alevi policy and might not see any necessity to further democratize the country regarding the Alevi community. Recognizing Alevis as a religious group would lead Alevis to have a share in the state budget on the one side and lead to furious reactions of a huge mass, which is not ready yet to make commitments towards Alevis on the other side. Keeping more or less the status quo with some symbolic gestures towards the Alevi community from time to time seems to be the safest way for the government at the moment. Since the Armed forces lost their political power it is more or less the voters and the government who are the veto players in the Alevi issue.

Women

According to the Gender Gap Report (World Economic Forum) Turkey ranks 124th out of 135 countries on the list. The report ranks countries according to the present gender gaps in the countries. Economic participation and educational attainment is very low among Turkish women. Although political empowerment is on the rise but it is still far away from being balanced. The legal framework is satisfactory for the Commission but lack of implementation is a major problem so that it deserves to be mentioned shortly in one paragraph.

How can the lack of implementation be explained? Do high costs impede actors to take the necessary measures? The case of women seems to be different than the previous minority groups. The problem seems to be deeper and not explainable by the cost and benefit analysis of certain veto players. The issue with women is deeply rooted in the societal values of a huge mass. During an interview conducted between the Human Rights Watch and staff of the Capital City Women’s Organization in Ankara it has been revealed that the common belief in a big part of Turkish society is that “the rise of women is the fall of family” (Human Rights Watch, P.15). This belief, which is widespread among men, can be seen on the reactions of those in responsible of protecting women. Again as reported in the Human Rights Watch report many police officers prioritize preserving family unity and push battered

women to reconcile with the abusing men rather than pursuing criminal investigation (Human Rights Watch, P. 5). Furthermore prosecutors are sometimes reluctant to forward a request to start a process against the abuser or court decisions take often too long in where emergency protection is needed (Human Rights Watch, P.6). That explains also the fact that the legal framework is present but implementation is missing. There are at least 166 cities above 50.000 but only 52 municipalities offer home shelter for women (Human Rights Watch). “The rise of the women is the fall of the family” (Global Gender Report 2012) belief seems also to explain the low employment level among Turkish women. There is a huge cleavage among society. On the one side Turkey’s the female employment rate is lowest among OECD countries and on the other side Turkey ranks second among 34 countries in terms of the number of women occupying top managerial positions of companies (Zaman, 2011). Also the percentage of woman professors in Turkey is 27%, which is better than most countries. Furthermore with 47% Turkey is showing the highest representation of women in academics (Times Higher Education). There seems to be a huge cleavage between the urbanized secular mass and recently urbanized/rural conservative mass in how they position the role of women in society. It seems not to be in the interest of a huge mass to enhance the women’s situation in society, which unfortunately does not result in high pressure on policy makers who fail to implement the existing laws. The individual initiative to implement laws is missing and there is no pressure from above due to the limited interest from society.

LGBT

Although LGBT associations exist in Turkey and Istanbul hosts the largest gay parade in Eastern Europe, the LGBT community keeps witnessing discrimination in all spheres of life. Different researches conducted by various institutions show the same pattern. On average the Turkish citizen does not own a liberal attitude towards homosexuals. *Turkey’s Values Atlas*, a nationwide research conducted by Bahcesehir University reveals that 87% of the population does not wish to have a homosexual as a neighbour (Türkiye Değerler Atlası 2012). Other polls show that 32% say that homosexuals should be even given the most severe punishment whereas only 11% responded that homosexuality should not be a criminal act (KONDA). Any step by the government to enhance the rights of the LGBT community might cause unwanted reactions for the governing party. Furthermore the governing party AKP does not seem to be in favour of changing the status quo. Since the first progress report in 2005 there has been no legal change in the rights of the community. During the debate on the new constitution the Republican People’s Party (CHP) and the Kurdish party BDP openly supported the LGBT community’s demand to integrate sexual

orientation into the clause defining equality on the basis of citizenship. However AKP and Nationalist Movement Party (MHP) have not supported this proposal in accordance with the majority's illiberal attitude towards homosexuals (Radikal). It would be not in the interest of the governing party to follow a more liberal policy against the wish of the majority and put its votes in danger. AKP claims to be a conservative party, which gets a big share of its votes from people with conservative values who might not support liberal policies towards homosexuals. Interesting enough, the Commission Progress Reports put relatively little emphasis on LGBT rights even though it is the community that obtained least rights in the period between 2005 and 2012.

Chapter 5 Conclusion

The conclusion will review the findings of this research and conclude them to obtain an answer to the main research question at the end of the paper. It is also time recall the two hypotheses about compliance with EU rules as mentioned before.

- The higher the costs the lower the compliance with EU rules.
- The higher the number of veto players the lower the compliance.

The governing party, which takes its strategic decisions based on the voters' preferences, advocated a risky move by initiating the so-called "Kurdish opening". This was made possible with the mentality change among the population who began seeking a democratic way to solve the Kurdish issue. Furthermore the Turkish Armed Forces, which used to be a pivotal figure in political life, lost most of its political power in connection with the EU reforms. Turkish Armed Forces, which saw itself as the safeguard of state unity put high emphasis on militaristic solutions, which caused deeper socio-economic problems in the Southeast. With the loss of the political power that the Armed Forces once owned, the government remained the only actor on the field as being accountable only to the citizens. The government continued the "Kurdish opening" through which the Kurdish minority has gained more rights as compared to the beginning of the period in 2005. In the 2011 elections AKP increased its votes also in the Kurdish populated regions of the country. Thus the risk taken during liberalization of policies towards Kurds brought benefits to the government.

In the case of the Alevi community the cost-benefit equation is changing. Provided that the Turkish state recognizes Alevism, it will bring additional financial burden to the budget. The number of Alevi citizens is not known but estimates are between 15-25 million. The Presidency of Religious Affairs with its annual budget of 1,8 billion euros (Diyanet) is serving only for the Sunni majority. If cemevi such as mosques would be recognized as places of worship it would force the government to increase the annual budget of Diyanet to serve also to the Alevi community. Furthermore there is a historical cleavage between the Sunni majority and the Alevi minority (Carkoglu, 2007). Knowing of this cleavage and that there is no strong pressure from the Sunni majority in favour of policy liberalization concerning Alevis, the government is not in favour of spending any kind of resource to improve the rights of Alevis. The costs would not return as benefits since Alevis would maybe also hesitate to vote for a party that defines itself as Sunni conservative. Alevis traditionally affiliate themselves with CHP (Carkolgu, 2006), which is the strongest opposition of the ruling Justice and Development Party.

The development of women rights and enhanced position of women is in the interest of each democratic country. On the basis of this reality the Turkish government took the necessary steps to improve the legal framework. It has been done successfully and some success can be observed. But since Turkey is "at the bottom" concerning the gender gap index the policies need to be implemented more quickly without any hesitation. Unfortunately this is complicated by the social values of a huge mass, which places the position of women wrongly due to some misbeliefs such as that rising of women is the falling of family.

The LGBT community comes worst off regarding improvement of minority rights. The majority of population is not in favour of liberalizing homosexual policies. The conservative AKP is not expected to take any measures, which would ease life for the LGBT community. First, it is not in the personal interest of the party leaders and second it would be against the wishes of the majority when we remember that 32% of the participants in a research wished severe punishments for homosexuals. It would be against the logic of the cost-benefit equation if AKP behaved differently than it did in the given period.

All in one it has been observed that each of the four minorities has witnessed different levels of policy liberalization. The theory stated that adoption of EU rules is dependent on a cost-

benefit calculation. Indeed this research has shown that the minority group with the lowest costs and highest benefits for the veto players has obtained the most improvements. With the elimination of TSK as a veto player and the support of voters, AKP has mostly liberalized the policies towards the Kurdish minority whereas the LGBT community has not witnessed any improvement at all, which was also predictable according to the external incentive model. No benefits from policy liberalization in favour of the LGBT community but lot of resistance from public, which would bring a high cost to the governing party, impeded the development of LGBT rights.

The first hypothesis, which assumes the higher the cost the lower the compliance with the EU rules, can be approved according to the outcome gained in this research. Women and Kurds make up the highest percentage within the electorate. Furthermore women rights are not controversial in society and Kurdish opening has obtained support from the population, which underwent a mentality change and began to look for more democratic approaches. Hence satisfying the demands of these two groups constitute less costs for the governing party and brings benefits in form of votes. Unlike these two groups, Alevis and the LGBT community bring more costs for the veto player. There is still a cleavage between the Sunni majority and the Alevi minority and an established political culture that fosters the Sunni interpretation of Islam. An Alevi opening may bring serious opposition from the Sunni majority and a restructuring of institutions may lead to the need of additional share in the state budget, which would end up with relatively high costs. The same applies for the LGBT community. A more liberal policy towards the LGBT community can cause a negative reaction within the population due to the fact that a huge share of population is even against basic rights of homosexuals as it can be seen from various research and polls. Thus the two groups with higher costs tend to get less attention from authorities whereas Kurds and women with lower costs and higher benefits obtained relatively higher amount of rights. The second hypothesis assumed the higher the number of veto players the lower the compliance. This assumption can be tested especially on the rights of the Kurdish minority. By minimizing the influence of Turkish military in politics during the accession period, an essential veto player has been eliminated in the discussion about the rights of the Kurdish minority. The military, which saw itself as the safeguard of the unity of the nation interpreted its task broadly. The military took rather a militaristic approach in the Kurdish issue and interrupted a more democratic approach. By eliminating this veto player maybe with a high political power, it has been easier for the political actors to negotiate with

Kurdish leaders and exchange views and find agreements. Thus it can be said that a higher number of veto players is decreasing the likelihood of complying with EU rules as expected in the second hypothesis.

Suggestion for further research

The research has revealed two important findings. The first finding is related merely to the candidate country Turkey. The democratization process that began with the negotiations with the European Union seems to have affected only certain groups. This research has mentioned some reasons why some groups might have been affected more positively than others by explaining the occurring costs for the veto players. The purpose has never been going into the detail and explaining why for instance the Kurdish identity is more accepted than the Alevi faith and the LGBT community whereas 15 to 20 years ago the Kurdish topic had been more taboo than anything else. A research could be done to investigate how this huge change took place within the society and find an answer to the question in what way similar changes could be stimulated in favour of other minorities that didn't take advantage of the democratization process. Another interesting research would be to compare Turkey to other countries that went through the negotiation process and see if some of them showed similar patterns regarding democratization of minority rights.

The second finding of this research is related to the European Union itself. As mentioned before already, the emphasis the European Commission puts on minorities is varying. The variation can be clearly seen in the annual reports. Whereas some minorities cover several pages others are only mentioned in one short paragraph or even in one sentence. A further research could investigate the European Commission's attitude on minorities. Does the varying coverage in the reports mean nothing or is there further prove that the European Commission treats various minorities differently? The Commission's emphasize on various minority groups would be an interesting topic to research.

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