

# EUROPEAN UNION'S HUMAN RIGHTS POLICY: AN ANALYSIS FROM EXTERNAL RELATIONS PERSPECTIVE

HATİCE YAZGAN

*Çankırı Karatekin University*

## ABSTRACT

European Union (EU) aims to protect and promote human rights both in its internal policy and the external relations. Through this objective, the EU constitutes various mechanisms in order to protect its citizens' rights. Regarding its external relations, the Union enacts human rights clauses in trade and more comprehensive agreements with third countries. Moreover, it uses the conditionality principle as an effective tool to Europeanize the countries in terms of human rights practices that aspire to join the EU. In order to achieve its objective, the EU establishes strong links with civil society and aims to empower the democratic ground for human rights and democracy in third countries. However the EU's human rights regime is criticized from various aspects and the general discontent has escalated with the current refugee crisis and some deteriorating circumstances of the EU's widening and deepening in recent years. Against this background, this article aims to elaborate the EU's human rights regime and examine the current effects of this regime on the basis of Turkey, a candidate country to the EU since 1999.

**Keywords:** Human Rights, Enlargement, EU, External Relations, Turkey

## AVRUPA BİRLİĞİ'NİN İNSAN HAKLARI POLİTİKASI: DIŞ İLİŞKİLER PERSPEKTİFİNDEN BİR DEĞERLENDİRME

### öz

Avrupa Birliği'nin (AB) amacı, insan haklarını iç ve dış politikasında korumak ve yaymaktır. Bu amacı yerine getirmek üzere AB, vatandaşlarının haklarını korumak için çeşitli mekanizmalar geliştirmiştir. Dış ilişkileri bakımından ise Birlik, üçüncü ülkelerle aktedilen ticari ve daha kapsamlı anlaşmalara insan hakları maddeleri koymaktadır. Bunun da ötesinde Birlik, AB'ye katılmak isteyen ülkeleri insan hakları uygulamaları bakımından Avrupalılaştırmak için koşulluluk ilkesini etkili bir araç olarak kullanmaktadır. Bu nedenlerle AB, sivil toplumla güçlü bağlar kurmakta ve üçüncü ülkelerde insan hakları ve demokrasiyi güçlendirme amacını dile getirmektedir. Ancak AB'nin insan hakları rejimi çeşitli yönlerden eleştirilmektedir ve bu eleştiriler mülteci krizi ve son yıllarda Birliğin genişleme ve derinleşmesinde yaşanan kimi sorunlar nedeniyle artmaktadır. Bu arka plana dayanarak bu makalenin amacı, AB'nin insan hakları rejimini incelemek ve bu rejimin mevcut etkilerini Birliğe 1999 yılından beri aday ülke olan Türkiye örneğinde ele almaktır.

**Anahtar Kelimeler:** İnsan Hakları, Genişleme, AB, Dış İlişkiler, Türkiye

EU attributes considerable importance to human rights both in its internal and external policies. Therefore the Union can be regarded as a “human rights actor” with the recent legal arrangements of the Lisbon Treaty provisions. However the EU is also criticized for the “double standards”, and the discrepancy between its internal and external practices. (For example, The EU demands the candidate countries to sign various Conventions for the protection of minorities, while some member states have not ratified these Conventions) (De Búrca 2011). Regarding its external policies, the literature refers the dichotomy between the EU’s “values and interests” (see King 1999:315-322) in some occasions and the human rights issues have been among the principles ignored when the vital EU interests are at stake. This article aims to elaborate the EU human rights policy applied in its external relations taking into account these critical points.

Currently the EU is challenged with various crises and in this respect the refugee crisis is the most puzzling issue before for the EU. Furthermore, the EU experiences a difficult period in its deepening and widening processes. On the one hand, the EU continues to deepen despite the questions raised by the Brexit issue for the future of the EU and on the other hand, the enlargement process advances. One also needs to keep in mind that the current candidates and potential candidates including Turkey and the Western Balkan countries have various difficulties in their EU processes. This article tries to examine the human rights aspect of the EU’s external relations in light of these deteriorating circumstances.

In this respect, firstly the legal base and the main aspects of the EU human rights policy will be evaluated and secondly human rights practices applied in the EU’s external policies will be analysed. In this section, the EU’s human rights policies applied to the candidate countries, European Neighbourhood Policy countries and the other third countries will be scrutinized. As a candidate country since 1999, Turkey’s situation with regard to the alignment to the EU *acquis* on human rights will be the main case to be analysed.

### **EU’s Human Rights Policy**

The internal and external dimensions of the human rights policy can be regarded as “two sides of the same coin”. In other words, external dimension of the human rights policies is implemented through the internal institu-

tions and practices and the coherency between internal and external policies reflects the “universal and indivisible character of human rights” (Alston & Weiler 1998:664), (also see Brandtner & Rosas 1998), (European Union External Action 2016). Therefore, as the EU’s role increases in international arena, need for a coherent approach in human rights issues with regard to the external relations becomes inevitable (Alston & Weiler 1998:671).

The EU has established a set of instruments of its own in order to protect human rights. Furthermore, the Union refers to the other European legal arrangements such as the “European Convention of Human Rights” (ECHR) when developing and implementing its human rights regime. For example, the main document that protects the fundamental rights of the EU citizens, the “EU Charter of Fundamental Rights”, adopted in 2000 and binding since 2009 with Lisbon Treaty is “consistent” with the ECHR (European Union 2016). As such, adoption of the specific European Council Conventions concerning the minorities has been regarded as a precondition for the accession of the countries to the EU. Therefore, the EU human rights mechanism is a part of a wider human rights system.

The EU has a concrete legal base for the protection of human rights. The Founding Treaties refer to “human rights” in various aspects. Articles 2 and 3 of the “Treaty on European Union” (TEU) stipulate “human rights” as one of the “EU values” and as an “objective” to be protected respectively. Article 6 of the same Treaty cites the “Charter of Fundamental Rights” and the “European Convention on Human Rights” as reference points of the EU in its practices including the external relations. Article 21 of TEU lays down the general principles concerning “human rights” to be applied in external relations of the EU. Besides, the EU institutions have been assigned various roles in adopting and implementing human rights law (European Parliament 2016).

As one of the institutions responsible for the human rights issues in the EU, the “Fundamental Rights Agency” (FRA) established in 2007, helps to protect the fundamental rights across the EU and works with the other international institutions, member states and civil society organisations. As an independent agency, the FRA conducts surveys and research, produces documents and establishes close links with the related civil society organizations (European Union Agency for Fundamental Rights 2016).

Various legal instruments support EU human rights policy. Carozza considers subsidiarity, placed in the human rights arena by the adoption of Charter of Fundamental Rights, as a “structural policy” of “international human rights law” (Carozza 2003:38-39).

The EU defines human rights, rule of law and democracy in “broad and holistic”, in other words, in a “thick/substantive” way (Häusler & Timmer 2015:232). In fact this approach is highly contested. According to some critics, this ambiguity may give rise to some problems. Wetzel and Orbie analyses these concepts with regard to the EU’s “democracy promotion” and come to a conclusion that the EU needs to conceptualize and clarify the relationship between democracy and human rights (Wetzel & Orbie 2012).

Despite this lack of clarity, the EU attributes a considerable importance to these concepts and as one of the “EU value(s)”, “human rights” is protected through various mechanisms applied both to the member states and the candidates. One of the protection mechanisms is the “sanctioning mechanism” envisaged in article 7 of the TEU. This mechanism entails the implementation of sanctions including the suspension of some rights, if an EU member state fails to respect the values (European Parliament Briefing 2016:2). Similar procedure exists for the candidate countries as well to be applied during the accession negotiations.

Despite these mechanisms and the legal background established with the Treaties, the EU has been criticised from various aspects. In their article dated back to 1998; Alston and Weiler argue that the EU lacks a “comprehensive” and “coherent” human rights policy both in internal and the external policy levels (Alston & Weiler 1998:658). Furthermore, Hillion argues that the discrepancy between internal and external practices of the EU with regard to the fundamental rights including the human rights could damage the EU’s credibility (Hillion 2013). In a similar vein, Lerch and Schweltnus entail the incoherence between internal and external approaches of the EU on the issue of “minority protection” and conclude that the incoherence damages the EU’s normative power in this field (Lerch & Schweltnus 2006).

In fact, EU’s deficiencies become evident when its performance regarding human rights has been evaluated in its external relations through the cases below.

## Human Rights in The EU's External Relations

Starting from 1970s the EU has formulated its foreign policy according to the common values due to the lack of a common European identity. Then “respect for human rights” has been identified as a basic principle among others to “guide” the European foreign policy. Until 1990s, the EU applied some sanctions to the countries that violated human rights only when the member states’ interests converged to an extent and circumstances impose as some cases like Poland, South Africa and China have shown. Although the end of Cold War raised hopes for a change, Common Foreign and Security Policy has proved to be ineffective in responding to the human rights violations in various places (King 1999).

To this end, some cases namely Syria, Iraq and Bosnia could illustrate this argument. The EU policy in Syria is usually evaluated through its approach regarding the so-called refugee crisis. Although the EU provides a considerable amount of humanitarian aid to Syria since the beginning of the crisis, an EU-wide protection has not been provided to the refugees and lack of a uniform policy is a problem in handling the crisis (Öner 2015:153).

EU policies both in Iraq and former Yugoslavia can be portrayed as the other cases of incoherent policies applied by the EU member states and the lack of coherence between the EU members in these two cases undermines the credibility of the EU as an international actor (Kaya 2008). Furthermore, the EU policy in Bosnia is often cited as a policy with deficiencies including the lack of providing enough effort to end the humanitarian crisis during the war. After the war, as Keil and Kudlenko argue, the EU has not been able to promote the democratic reforms in Bosnia including the judiciary reforms. This result has also been affected from various factors such as the peculiarities of Dayton agreement and the attitude of the local actors (Keil & Kudlenko 2015: 484). This indicates that the EU had limited impact in order to relieve the human rights situation in the country.

In fact, these criticisms take their roots from some of the internal problems of the EU. According to King, “...economic competition and conflicting national interests continue to restrict Europe’s common foreign policy on human rights issues to declarations of concern rather than action” (King 1999:313).

Indeed, the EU settled the human rights at the centre of its Common Foreign and Security Policy and the subsequent documents such as the “Eu-

ropean Security Strategy” of 2003 reinforced the status of human rights in the external relations of the EU (Council of the European Union 2009:3). In 2012, the EU adopted “EU Strategic Framework on human rights and democracy” in order to “guide” the EU efforts regarding human rights in its external relations. In the Strategic Framework document, it is underlined that “respect for human rights, democracy and the rule of law” are the “principles (that) underpin all aspects of the internal and external policies of the European Union” (Council of the European Union 2012:3). With this document, the EU ensures that it will promote human rights in its external relations, prevent the human rights violations, set up mechanisms to combat the human rights abuses and work effectively with partner countries, civil society and the other international organizations (Council of the European Union 2012:5). Subsequently, the EU issued an “Action Plan” and adopted various Council conclusions that demonstrate the significance attributed to human rights in the EU’s external relations (Wouters & Hermez 2016:4). Additionally, the first “EU Special Representative for Human Rights” has been appointed in 2012 whose mandate is to promote EU human rights policies in external relations.

Moreover, “EU Human rights guidelines” became the main instruments of promoting human rights in this field. Ranging from “death penalty” and “torture” to the “children affected by armed conflict” and “violence against women”, these guidelines can be regarded as “practical tools” of the EU human rights policy. Death penalty is the first guideline introduced in 1998 (Council of the European Union 2009:3-11). In their assessment of these guidelines as “foreign policy instruments”, Wouters and Hermez argue that the EU does not apply some guidelines strictly and some certain fields exist that guidelines have not been prepared for yet. All in all, these guidelines could serve to enhance coherence within the EU (Wouters & Hermez 2016).

### **Enlargement Countries, European Neighbourhood Policy Countries And The Third Countries**

EU’s performance in the candidate, neighbouring and third countries with regard to promoting human rights provide a framework to assess the EU as an international actor. The EU as a “normative power” is a concept that has been discussed at length in this context (Manners 2002), (Manners 2006), (Bicchi 2006), (Sjursen 2006). Practically the “death penalty” together with “minority protection” could be regarded as the main policy areas that

the “EU has proactively promoted normative policies externally” (Lerch & Schweltnus 2006:308).

De Búrca depicts the EU enlargement as one of the significant developments that extended the scope and substance of the EU’s human rights policy (De Búrca 2003). For the candidate countries, European values are considered as a part of the “accession criteria” as stipulated in Article 49 of TEU (European Parliament Briefing 2016:2) In the European Council meeting held in Copenhagen in 1993, the Copenhagen Criteria have been decided. These include political criteria namely, “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities”. (EUR-Lex 2016a) This criterion is prerequisite for the initiation of accession negotiations. The other criteria constitute an integral part of the whole accession process and are related with the economic conditions and the ability to take over the obligations of the EU *acquis*. Protection of the values including the human rights is enhanced through the conditionality mechanism that envisages that the progress in the EU process of the candidate country is conditional upon the implementation of these criteria. The EU has institutionalized the accession process through “conditionality”, “pre-accession strategy” including “accession partnerships”, “national programmes” and the monitoring mechanisms such as the “progress reports” and “benchmarks”. These mechanisms evolved with the lessons learned from the experiences of the previous enlargements. For example, conditionality evolved to comprise the post accession period of the EU member state. (Gateva 2013)

Hillion describes fundamental rights as a part of the EU’s “constitutional identity” and argues that the fundamental rights and/or “respect for human rights” have been reinforced with regard to the candidate countries through various mechanisms. These mechanisms including the “Pre-accession strategy”, “Chapter 23- Judiciary and fundamental rights” of the accession negotiations and the “new approach” that envisages the elaboration of this chapter at the beginning of the negotiation process could be regarded as the main stages of enhancing protection of human rights in the accession process (Hillion 2013:1-2).

Literature has extensively demonstrated that the conditionality was effective enough to induce changes in the candidate countries. Nevertheless the effectiveness is dependent on various factors (Schimmelfennig & Sedelmei-

er 2004), (Schimmelfennig, Engert & Knobel 2003). Currently Turkey and the Western Balkan countries are in the enlargement process and these countries have different experiences with regard to the EU process. The EU impact on the latter is a contested issue in this respect. Noutcheva argues that the EU policy in Western Balkans seems to fail due to the EU's lack of "normative justification". Accordingly, the EU member states approached the region with "rational motives" (Noutcheva 2009). In a similar vein, Bieber underlines the ineffectiveness of the EU conditionality in state building mainly due to "lack of commitment of the elites" to the EU process and the "persistence of status issues" on the agenda of the Western Balkan states (Bieber 2011). As such, dominance of the "national identity" issues in these states prevented the effectiveness of the EU according to Freyburg and Richter (Freyburg & Richter 2010). On the contrary, the EU impact was more apparent especially in the Central and Eastern European countries as they became EU members in 2004 and 2007 respectively.

While the EU impact on the candidate and accession countries produces controversial results, enlargement process has also affected the EU itself. Therefore enlargement has become a process that directly affects the human rights policies of the EU. While the discrepancy between domestic and external practices of the EU with regard to the human rights is evident and damages the EU's credibility, increasing significance attributed to these rights during the accession process also has the potential to re-arrange the internal practices. As Hillion argues, despite the structural deficiencies of the internal EU practices, "enlargement may ..catalyse internal adaptations in the field" to an extent, especially through enforcing monitoring mechanisms for the member states (Hillion 2013:2-10).

Ultimately the conditionality mechanism produces mixed results even in the current candidates and potential candidates of the Western Balkans despite the EU commitment. Therefore the EU strategy towards the European Neighbourhood Policy (ENP) countries<sup>1</sup> and the third countries is likely to be contested as well. The EU applies the policy of "more for more" to the ENP countries. This policy envisages that the EU grants more financial support and other incentives to the countries that demonstrate more progress. With this policy, the EU has established extensive relations with some of

---

1 ENP includes 16 countries namely: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine in the East and Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Syria, Palestine and Tunisia in the South.

the ENP countries. Currently the Eastern Partnership countries including Ukraine, Moldova and Georgia have concluded extensive association agreements with the EU. (See EEAS 2016). Nevertheless, during the Arab spring, the European Parliament issued resolutions criticizing the EU for ignoring the human rights in its southern neighbours. Accordingly, the EU accepted the presence of these dictatorships in order to keep the stability in the region and to avoid the religious groups to take over the power (Häusler & Timmer 2015:239). Therefore the dichotomy between the interests and values of the EU was evident with regard to these countries.

Apart from the candidate and the ENP countries, the EU's human rights policy depends on the agreements with "human rights clause(s)" concluded with third countries (over 120) and "human rights dialogues" established with some countries and international organizations. These arrangements have been supported by a financial programme namely "European Instrument for Democracy and Human Rights" (European Union 2016). Inclusion of "human rights clause" to the agreements has started in 1990s. Accordingly, when the country violates human rights, the EU takes some measures against it ranging from visa denials to the suspension of the agreements. However in practice "dialogue" and "persuasion" is preferred instead of imposing restrictions when human rights violations take place within these countries (European Commission 2007:13).

EU's main tools for the protection of human rights in third countries have been constructed in the framework of its Common Foreign and Security Policy and include "common strategies", "common positions", "joint actions", "demarches", "declarations" and "dialogue with third countries". "Human rights dialogues" has been conducted with Russia and China and these dialogues also take place at local level through Cotonou Agreement signed with African, Caribbean and Pacific Countries (ACP) (European Commission 2007:9). However it is obvious that EU policy on third countries suffers from the general deficiencies of the EU's human rights regime such as the dichotomy between values and interests.

### **The Turkish Case: An Extraordinary EU Candidate**

Among the EU candidates, Turkey is one of the most criticized candidates in terms of its human rights standards. According to Rumford, deficiencies of Turkey regarding democracy and human rights could be re-

garded as the main “barriers” for Turkey’s entry to the EU as a member (Rumford 2001:93).

In fact, Turkey’s candidacy process that started in 1999 “stimulated” the adoption of the extensive political reforms (Müftüler Bac 2005:16), although the history of the relations goes back to 1950s. Ankara Agreement, the cornerstone of the relations dating back to 1964, paved the way for the establishment of the Customs Union between Turkey and the EU in 1996. Despite its deficiencies, the Customs Union indicates economic integration of Turkey with the EU. Turkey’s political integration with the EU has been accelerated with the candidacy process that gave rise to reforms in order to align Turkish legislation with the EU *acquis*.

Hale elaborates the progress in Turkey’s human rights record during the EU accession process mainly in four areas, namely: “freedom of expression”, “situation of ethnic minorities”, “abolition of death penalty” and “civil-military relations”. Starting from late 2001, Turkish Parliament has passed laws in order to align with the EU *acquis* in the aforementioned areas. However this process was not free from problems and initially the domestic opposition resisted granting cultural rights to all citizens “irrespective of their origin” and abolishing death penalty (Hale 2003). In other words, domestic politics always played a significant role in Turkey’s Europeanization process. Although the EU triggered the political reforms as an external driving force, the “endogenous factors” evoked by the accession process led the positive change in Turkey (Tocci 2005:82), (also see Öniş 2003). Debate about the EU reforms continued in the society and during the initial reforms “struggle” between the pro-European elites and the anti-European “conservative” parts of the society designated the pace of the reforms (Müftüler Bac 2005:16). Ultimately, in October 2004, the European Commission declared that “Turkey sufficiently fulfilled the Copenhagen Criteria” and recommended to open the accession negotiations (EUR-Lex 2016b).

According to the Progress Report released in 2004, the areas that Turkey has shown progress include, the abolition of death penalty, elimination of “torture and ill-treatment”, alignment with the EU *acquis* on “fundamental freedoms” such as the “equality of men and women”, legal arrangements to enhance “freedom of press”, “freedom of religious belief”, granting “cultural rights” and measures to activate civil society and etc. (Commission 2004:174-176).

Currently the political reforms mainly including human rights and democratization standards have been negatively affected from the general controversial aspects of the relations between Turkey and the EU. Although the beginning of accession negotiations on Oct 3rd, 2005 opened a new era in the history of relations, problems continue to prevail. The EU has blocked the negotiations in eight chapters in 2006 due to the European Council decision referring to the obligation of Turkey to extend the customs union to the new member states that became members in 2004. This stalemate will continue until Turkey opens its airports and ports to planes and ships from Cyprus. Currently the accession negotiations continue on 16 of the 35 chapters.

Turkey's membership has been much disputed in the EU despite the start of the accession negotiations. Some EU members like Austria, backed by some other members were among the supporters of alternative models for Turkey other than full membership and their proposal was formulated as "privileged partnership". In fact the idea of "privileged partnership" goes back to 2002 and was discussed by some conservative circles in Germany, France and Austria with the idea of granting some privileges to Turkey in some specific areas instead of full membership (Karakas 2006:312, 319-320).

Moreover, the discourses of Turkey's "de-europeization" are currently on the agenda. Yılmaz argues that, Turkey's European path could be categorised as Europeanization in the early stages between 1999 -2004 when the EU conditionality was effective and the pro-EU actors were influential. Then between the years 2005-2010, the trend has changed as "selective Europeanization" and recently as "de-Europeanization" (Yılmaz, 2016:86-87).

Despite the stalemate in the negotiations, refugee crisis enforced the EU to cooperate with Turkey and this process seems to accelerate Turkey-EU relations and break the deadlock that continued for a considerable time. However recent summit and the refugee agreement of 18 March 2016, gave rise to a number of controversial promises and expectations in Turkey-EU relations among which offer of opening of new negotiation chapters and visa free travel to Turkish citizens take place.

Therefore the recent refugee agreement caused debates both in the EU and Turkey. According to Şenyuva & Üstün, supporters of Turkish membership to the EU in Turkey are disappointed with the results of the EU-Turkey Summit held on November 29, 2015 (before the agreement).

The results of the summit indicate the “importance of strategic geopolitics” and consequently Turkey’s role resembles to its position as a “buffer zone” during the Cold War years. The Turkish government has also used this deal as leverage in the EU process. The disappointment among pro-EU circles stems from the fact that converging perceptions of both sides regarding the summit results reduce the impact of the EU in Turkey’s democratization process (Şenyuva & Üstün 2015). There is opposition to the summit results and the agreement from the European side as well. According to these views, some aspects of the agreement bring forward some legal concerns regarding human rights (Carrera & Guild 2016).

The relations between Turkey and the EU deteriorated again when the European Parliament voted to temporarily suspend the accession negotiations with Turkey on November 24, 2016. The reason for this resolution has been defined as the backsliding in Turkey’s reform process, debates about reintroduction of death penalty and the measures taken by the government after the failed coup attempt in July 2016 (European Parliament, 2016). Turkey immediately reacted to the Parliament resolution. Although the Parliament decision is not legally binding, it will have an impact on the relations. According to some analysts, suspending the negotiations may “jeopardize the fragile deal reached with Turkey” on refugees. Subsequently, the EU member states (except Austria) are not in favour of invoking the formal and binding procedure to suspend the accession negotiations with Turkey (The New York Times, November 24, 2016).

Before the Parliament resolution, the failed July 15 coup attempt could be analysed as a significant milestone in Turkey-EU relations. Turkey mainly criticised the EU for its lack of solidarity with Turkey during the failed coup attempt. EU’s slow reaction to the attempt disappointed Turkey and questioned the “EU’s sincerity in supporting democracy and its solidarity with the Turkish people” which also fuelled Euroscepticism in Turkey (İçener, 2016:70-74). In a similar vein, Ataman & Shkurti critically analyse the West’s stance on 15 July coup attempt through comparing its record on the coups including the one in Egypt in 2013 and conclude that neither the Western elites, nor the Western media openly supported Turkish people and democratic government during the coup attempt. On the contrary, the West mainly focused on the concerns regarding the measures to be taken by the democratic government rather than the coup attempt itself. Western media coverage could also be described as “misleading” and according to Ataman &

Shkurti, the West has lost the moral high ground over Turkey on democracy and human rights during and after the coup attempt of July 15, 2016 (Ataman & Shkurti, 2016:51-73).

In fact, Turkey's EU process, specifically the negotiation phase is an opportunity to ameliorate the criticized points concerning the democracy and human rights by the EU in Turkey. However some of the main negotiation chapters have been blocked by the EU itself or some member states and this raises questions about the credibility of the EU from the viewpoint of Turkish public opinion. Therefore, lack of a common ground hinders the solution of the problems.

### **Conclusion**

The EU has established a human rights mechanism both within and outside the EU over the years and the internal and external dimensions of this policy reciprocally affected each other from various aspects.

Despite the existence of various deficiencies in practice, the internal dimension of the system has a strong legal background and the external dimension progressed in parallel to the evolution of the EU as a "normative power". The EU promotes democratic values and human rights standards through strict conditionality in the case of enlargement countries. Depending on the domestic circumstances and interaction between the EU and the candidate/accession country, these standards have been implemented in varying degrees. Although the EU has become a significant actor to strengthen the human rights situations of some candidate countries through conditionality, some controversial results exist depending on various factors. Turkey is an example to illustrate this argument. The EU had an impact on Turkey in terms of human rights after the proclamation of candidacy in 1999 and the Turkish Parliament passed various laws to implement the EU *acquis*. Nevertheless this process deteriorated due to the controversial relations between Turkey and the EU in recent years. Therefore the EU impact has decreased to a great extent. Recently, the relations have revived thanks to the refugee agreement between Turkey and the EU. However the agreement is not directly related to Turkey's EU process and thus does not have a potential to consolidate the human rights reforms initiated with the accession process. Subsequently, July 15 coup attempt, the initial reactions

of the EU elites to the attempt and the European Parliament decision deteriorated the circumstances for Turkey's EU process.

Concerning the ENP countries and the third countries, the EU includes "human rights clause(s)" in the agreements which stipulate the implementation of human rights criteria in return for applying the advantageous trade related legal arrangements. These mechanisms also include the establishment of links with civil society through various monitoring mechanisms. However the EU's human rights regime has produced mixed results for the third countries as well. Besides, the Union is criticized for ignoring values when the interests are at stake in some cases. However, "protection of human rights" still remains one of the main themes of the EU accession process and relations with third countries.

Furthermore, bearing in mind the need for consistency between internal and external dimensions (Alston & Weiler 1998:674) of the human rights policies, it is obvious that the internal problems might have repercussions in the external dimension of EU's human rights policies. Currently this inconsistency mainly stems from the human rights practices within the EU. From this point on, recent developments including the rise of far right political parties carry the risk of jeopardizing the EU's human rights regime. Populist rhetoric used by these parties on refugees, Islam, enlargement countries and cultural differences (see Atikkan 2014) contradicts with the general discourse of the EU as a "human rights actor". Currently, the refugee crisis has become a new challenge for the EU's human rights regime and both the member states and the EU itself have been exposed to various criticisms. The refugee agreement concluded with Turkey basically aiming to restrict the flow of refugees to the EU and reactions of some EU member states to the crisis invoke debates with regard to the human rights practices in the EU. This crisis exacerbated the incoherence between the internal and external dimensions and it may reinforce the debate on the criticized points of the policy. Therefore the EU's handling of the refugee crisis carries utmost importance for its human rights policy.

## REFERENCES

- Alston, Philip & Weiler J.H.H. (1998), "An 'Ever Closer Union' in Need of a Human Rights Policy", *EJIL*, 9:658-723.
- Ataman, Muhittin & Shkurti, Gloria (2016), "Batının Darbe Sicili ve 15 Temmuz Darbe Girişimine Tepkisi", *ADAM AKADEMİ*, 6/2:51-73.
- Atikkan, Zeynep (2014), *Avrupa Benim, Batı Avrupa'da Aşın Sağın Yükselişi*, Metis Yay., İstanbul.
- Bicchi, Federica (2006), "Our size fits all: normative power Europe and the Mediterranean", *Journal of European Public Policy*, 13/2: 286-303.
- Bieber, Florian (2011), "Building Impossible States? State-Building Strategies and EU Membership in the Western Balkans", *Europe-Asia Studies*, 63/10:1783-1802.
- Brandtner, Barbara & Rosas Allan (1998), "Human Rights and the External Relations of the European Community: An Analysis of Doctrine and Practice", *EJIL* 9: 468-490.
- Carozza, Paolo G. (2003), "Subsidiarity as a Structural Principle of International Human Rights Law", *Scholarly Works*, 564:38-79, Retrieved from: [http://scholarship.law.nd.edu/law\\_faculty\\_scholarship/564](http://scholarship.law.nd.edu/law_faculty_scholarship/564). (13.08.2016)
- Carrera, Sergio & Guild, Elspeth (2016), "EU-Turkey plan for handling refugees is fraught with legal and procedural challenges", *CEPS Commentary*, Retrieved from: <https://www.ceps.eu/publications/eu-turkey-plan-handling-refugees-fraught-legal-and-procedural-challenges> (25.09.2016).
- De Búrca, Gráinne (2003), "Beyond the Charter: How Enlargement Has Enlarged the Human Rights Policy of the European Union", *Fordham International Law Journal*, 27/ 2:1-38.
- De Búrca, Gráinne (2011), "The Road Not Taken: The European Union As a Global Human Rights Actor", *The American Journal of International Law*, 105/4: 649-693.
- Freyburg, Tina & Richter, Solveig (2010), "National identity matters: the limited impact of EU political conditionality in the Western Balkans", *Journal of European Public Policy*, 17/2: 263-281.
- Gateva, Eli (2013), "Post-accession conditionality – translating benchmarks into political pressure?", *East European Politics*, 29/4: 420-442.
- Hale, William (2003), "Human Rights, the European Union and the Turkish Accession Process", *Turkish Studies*, 4/1:107-126.
- Häusler, Katharina & Timmer, Alexandra (2015), "Human Rights, Democracy and Rule of Law in EU External Action: Conceptualization and Practice", *European Yearbook on Human Rights*, 231-246.
- Hillion, Christophe (2013), "Enlarging the European Union and deepening its fundamental rights protection", *SIEPS European Policy Analysis*, 11:1-16.
- İçener, Erhan (2016), "Turkey-EU Relations after the Failed July 15 Coup Attempt", *bilig*, Autumn, 79:69-87.
- Karakas, Cemal (2006), "Gradual Integration: An Attractive Alternative Integration Process for Turkey and the EU", *European Foreign Affairs Review*, 11:311-331.
- Kaya, Taylan Özgür, (2008), "A Coherent and Effective Foreign and Security Policy For the European Union?: The Cases of the Yugoslav Crisis and the Iraq Crisis", *Journal of Yaşar University*, 3/12: 1743-1759.

- Keil, Soeren & Kudlenko, Anastasiia (2015), "Bosnia and Herzegovina 20 Years after Dayton: Complexity Born of Paradoxes", *International Peacekeeping*, 22/5: 471-489.
- King, Toby (1999), "Human Rights in European Foreign Policy: Success or Failure for Post-Modern Diplomacy", *EJIL*, 10/2: 313-337.
- Lerch, Marika & Schweltnus, Guido (2006), "Normative by nature? The role of coherence in justifying the EU's external human rights policy", *Journal of European Public Policy*, 13/2:304-321.
- Manners, Ian (2002), "Normative Power Europe: A Contradiction in Terms", *JCMS*, 40/2: 235-258.
- Manners, Ian (2006), "Normative power Europe reconsidered : beyond the crossroads", *Journal of European Public Policy*, 13/2:182-199.
- Müftüleri Bac, Meltem (2005), "Turkey's Political Reforms and the Impact of the European Union", *South European Society & Politics*, 10/1: 16-30
- Noutcheva, Gergana (2009), "Fake, partial and imposed compliance: the limits of the EU's normative power in the Western Balkans", *Journal of European Public Policy*, 16/7:1065-1084.
- Öner, Aslı Şirin (2015), "Avrupa Birliği'nin İnsani Yardımları: Suriye Örneği", *Marmara Avrupa Araştırmaları Dergisi*, 23/1: 137- 157.
- Öniş, Ziya (2003), "Domestic Politics, International Norms and Challenges to the State: Turkey-EU Relations in the post-Helsinki Era", *Turkish Studies*,4/1:9-34.
- Rumford, Chris (2001), "Human Rights and Democratization in Turkey in the Context of EU Candidature", *Journal of European Area Studies*, 9/1:93-105.
- Schimmelfennig, Frank & Sedelmeier, Ulrich (2004), "Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe", *Journal of European Public Policy*, 11/4: 661-679.
- Schimmelfennig, Frank, Engert, Stefan & Knobel, Heiko (2003), "Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey", *JCMS*, 41/3:495-518.
- Sjursen, Helene (2006), "The EU as a 'normative power': how can this be?", *Journal of European Public Policy*, 13/2:235-251.
- Şenyuva, Özgehan & Üstün, Çiğdem (2015), "A New Episode in EU-Turkish Relations: Why So Much Bitterness?", *The German Marshall Fund of the United States (GMF)*, Retrieved from: <http://www.gmfus.org/publications/new-episode-eu-turkish-relations-why-so-much-bitterness> (25.08.2016).
- The New York Times, (2016), "European Parliament Votes to Suspend Talks With Turkey on EU Membership", (By James Kanter) November 24, 2016.
- Tocci, Nathalie (2005), "Europeanization in Turkey: Trigger or Anchor for Reform?", *South European Society & Politics*, 10/1: 73-83.
- Yılmaz, Gözde (2016), "From Europeanization to De-Europeanization: The Europeanization Process of Turkey in 1999-2014", *Journal of Contemporary European Studies*, 24/1: 86-100.
- Wetzels, Anne & Orbie, Jan (2012), "The EU's Promotion of External Democracy: In search of the plot", *CEPS Policy Brief*, 281:1-6.

Wouters, Jan & Hermez, Marta (2016), "EU Guidelines On Human Rights As a Foreign Policy Instrument: An Assessment", *Leuven Centre for Global Governance Studies Working Paper*, 170:1-20.

### **Official Documents:**

Commission (of the European Communities) (2004), "2004 Regular Report on Turkey's progress towards accession", Retrieved from: [http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/2004/rr\\_tr\\_2004\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/2004/rr_tr_2004_en.pdf) (14.09.2016).

Council of the European Union (2009), "EU Guidelines, Human Rights and International Humanitarian Law", Retrieved from: [http://eeas.europa.eu/human\\_rights/docs/guidelines\\_en.pdf](http://eeas.europa.eu/human_rights/docs/guidelines_en.pdf) (14.09.2016).

Council of the European Union (2012), "Annex II, EU Strategic Framework on Human Rights and Democracy", Retrieved from: <http://data.consilium.europa.eu/doc/document/ST-11855-2012-INIT/en/pdf> (30.08.2016).

EEAS (2016), "European Neighbourhood Policy", Retrieved from: [https://eeas.europa.eu/topics/european-neighbourhood-policy-enp\\_e](https://eeas.europa.eu/topics/european-neighbourhood-policy-enp_e). (30.08.2016).

EUR-Lex (2016a), "Access to European Union Law, Glossary of Summaries", Retrieved from: [http://eur-lex.europa.eu/summary/glossary/accession\\_criteria\\_copenhagen.html](http://eur-lex.europa.eu/summary/glossary/accession_criteria_copenhagen.html) (10.09.2016).

EUR-Lex (2016b), "Turkey: the Commission recommends opening accession negotiations", Retrieved from: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Ae50015> (10.09.2016).

European Commission (2007), "Furthering Human Rights and Democracy Across the Globe", Retrieved from: [https://eeas.europa.eu/human\\_rights/docs/brochure07\\_en.pdf](https://eeas.europa.eu/human_rights/docs/brochure07_en.pdf) (10.09.2016).

European Union Agency for Fundamental Rights (2016), "Introducing FRA", Retrieved from: <http://fra.europa.eu/en/about-fra/introducing-fra> (10.09.2016).

European Union External Action (2016) "Human Rights and Democracy", Retrieved from: [https://eeas.europa.eu/topics/human-rights-democratisation/414/human-rights--democracy\\_en](https://eeas.europa.eu/topics/human-rights-democratisation/414/human-rights--democracy_en) (15.06.2016).

European Union (2016), "Human Rights", Retrieved from: [https://europa.eu/european-union/topics/human-rights\\_en](https://europa.eu/european-union/topics/human-rights_en) (10.09.2016).

European Parliament Briefing, (2016), "Understanding the EU rule of law mechanism", Retrieved from: [http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/573922/EPRS\\_BRI\(2016\)573922\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/573922/EPRS_BRI(2016)573922_EN.pdf) (10.09.2016).

European Parliament (2016), "Human Rights Fact Sheet", Retrieved from: [http://www.europarl.europa.eu/ftu/pdf/en/FTU\\_6.4.1.pdf](http://www.europarl.europa.eu/ftu/pdf/en/FTU_6.4.1.pdf) (10.09.2016).

European Parliament, (2016), "Joint Motion For a Resolution", Retrieved from: <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P8-RC-2016-1276&language=EN>, (30.11.2016).