

THE TRANSFORMATIVE ROLE OF THE EUROPEAN UNION ON TURKISH CIVIL SOCIETY: A LEGAL FRAMEWORK ANALYSIS FROM RECOGNITION TO PROTECTION*

Resul Köse–Muzaffer Akdoğan–Rabia Akdoğan–Sefa Yıldırım

Introduction

The European Union (EU) is a powerful global actor that wields influence not only through its economic dimension but also through the strategic use of political tools. One of these tools is enlargement, which refers to the process of integrating new member states into the Union. This process carries significance far beyond simple geographical expansion and represents a deliberate strategy aimed at promoting democracy, human rights, and the rule of law on the European continent.

The EU has long recognized the importance of civil society and has increasingly been interacting with key civil society actors in EU member states through their active participation in EU institutions. However, recently, the EU has started to consider civil society as a main element of its enlargement strategy (Zihnioğlu 2013). Enlargement is a powerful policy tool used by the EU (Emmert–Petrovic 2014). Enlargement is not merely a one-way street. It fosters a dynamic of transformation for both the EU and the candidate countries. As candidate countries strive to meet the EU's stringent membership criteria, they undergo significant domestic reforms, aligning their legal frameworks, political institutions, and economic practices with those of the Union. It embodies a multifaceted approach through which the EU exercises its influence not solely via economic avenues, but also strategically deploys political mechanisms. Central to this strategy are various enlargement documents, including strategy papers, progress reports, country reports, and opinions meticulously crafted by the European Commission Directorate-General for Neighborhood and Enlargement Negotiations (DG NEAR). For candidate and potential candidate countries, these documents hold immense significance, forming a cornerstone



of their engagement with the EU. They constitute what scholars such as Sekulić (2020) term an intertextual hierarchy, revealing the power dynamics between the EU, which dictates the terms, and the recipient countries, encompassing both governments and citizens of candidate and potential candidate states.

Moreover, within the discourse surrounding EU enlargement, there exists a contention regarding its characterization as a manifestation of EU soft power, as articulated by Rehn (2006). Under this lens, country reports not only serve as informative assessments but also imply a form of intervention in the policy domains of the candidate countries, as noted by Özdemir (2012). This asymmetrical relationship between the EU and the candidate countries is both deliberate and pronounced. The EU, acting upon conditionality principles, assumes the role of decision-maker, while the candidate countries are tasked with enacting reforms and improvements over time (Sekulić 2020).

Despite this inherent power asymmetry, the legitimacy of the EU's authority is generally acknowledged by both member states and candidate member states. This acceptance suggests that, to a certain extent, both member and candidate countries recognize the EU's prerogative in decision-making and its interference in their political landscapes (Özdemir, 2012). Thus, the dynamics of EU enlargement epitomize a complex interplay of power, legitimacy, and asymmetry, shaping the landscape of European integration and global politics.

To understand civil society in Turkey, it is necessary to distinguish between the period after 1980 and the historical background of traditional association life (İçduygu 2011; Kuzmanovic 2012). After the 1980s, civil society increased its dynamism and began to be perceived as an autonomous actor in shaping policies (Falus–Tunç 2023: 213–218). In contrast, the long history of civil society describes association life and the established tradition of philanthropy since the Ottoman period (Falus 2020: 69). Historically, Turkish civil society has faced certain limitations in terms of access to and participation in the political sphere. Before the 2000s, the autonomy of civil society organizations (CSOs) from the state was rejected, and they were marginalized within a narrow scope of activities (Mardin 1973). However, in the 2000s, various trends and significant transformations in Turkey affected the development of civil society. Particularly in the first decade of the 2000s, the EU membership process and the Helsinki decision created a favorable environment for civil society to increase its activity and mobilization (Rumelili & Boşnak, 2015). In October 2005, Turkey began accession negotiations with the EU. Concerns in European public opinion about the incompatibility of Turkish culture and the state with EU values and practices, as well as mutual lack of information, led the EU to pay special attention to this issue. Since the start of the accession negotiations, the EU's desire to involve civil society elements in Turkey in the process has strengthened, and the EU has placed special importance on civil society policy in Turkey (Zihnioğlu 2013).

Since Turkey began its negotiation process in 2005, empirical studies on the interactions between the EU, the Turkish state, and civil society have increased.



However, these studies focus on different aspects of this trilateral relationship and also differ in terms of the types of CSOs they examine (Sönmez 2019). This research examines the influence of the EU on candidate and potential candidate countries, with a particular focus on how progress/country reports have shaped the legal framework of civil society in Turkey. In this context, an attempt is made to understand the transformative role of the EU by thoroughly analyzing Turkey's progress reports from 2005 to 2023. This study aims to elucidate the specific impact of EU policy on the legal sphere in Turkey, particularly within civil society. Within this framework, an analysis is presented on how EU policy documents directed towards Turkey have influenced and altered the legal structure of civil society. The study seeks to provide a significant contribution towards understanding and debating the role of the EU in shaping Turkey's democratic and legal framework.

Methodology

This study, taking into account the transformative impact of the EU's progress reports, aims to provide evidence on the role of these reports in shaping the legal framework of CSOs in Turkey.

The core research question addressed in this study is: What is the impact of Turkey's progress reports on the formation and strengthening of the legal status of civil society organizations?

The study predominantly employs document analysis methodology to examine the content of EU progress reports issued between 2005 and 2023. This approach involves systematically reviewing and analyzing the textual data contained within these reports to identify key themes, trends, and changes in the legal landscape affecting civil society organizations in Turkey.

The data for analysis primarily consists of EU progress reports on Turkey's accession process. These reports provide detailed assessments of various aspects of Turkey's compliance with EU accession criteria, including developments related to the legal framework governing civil society.

To examine the influence of progress reports on the formation of the legal framework for civil society organizations, a comparative analysis approach is adopted. This involves comparing data from different progress reports over the examined period to identify patterns of change, continuity, and divergence in the legal status and regulatory environment of civil society in Turkey.

The findings from the document analysis are interpreted to assess the extent to which EU progress reports have influenced the legal development of civil society in Turkey. This involves identifying specific policy recommendations, assessments, and observations made in the reports and analyzing their implications for the legal status and functioning of civil society organizations.

It's important to acknowledge potential limitations of the methodology, such as the reliance on secondary data sources (EU progress reports) and the potential



for subjective interpretation of textual data. Efforts will be made to mitigate these limitations through rigorous data analysis techniques and critical reflection on the findings.

The transformative role of the European Union

The most influential analyses regarding the role of the EU in its neighbors and beyond have developed the concepts of soft, normative, and transformative power. These concepts provide a valuable framework for understanding the EU's influence. While soft power, normative power, and transformative power approach the EU's influence from different angles, when compared, they highlight both overlaps and differences. While the EU's role as a transformative power is generally limited to its neighbors and potential candidates, soft and normative power can be projected over a broader geographical area (Dimitrova et al. 2016).

There exists a rich literature affirming the EU's status as a transformative power (Börzel–Risse 2009; Börzel–Pamuk 2012; Börzel–Lebanidze 2017; Dimitrova–Pridham 2005; Grabbe 2004; Lavenex–Schimmelfennig 2009; Vachudova 2005). Analyses typically focus on the EU's role as a transformative power by examining its influence in various spheres within candidates and neighboring countries. In this context, the concept of transformative power involves the EU's rootedness in an integration model where it affects states aspiring to join the EU or develop closer relationships; this influence can be either overt or covert (Dimitrova–Pridham 2005).

The EU's capacity for transformation without resorting to power reflects its unique nature in global politics (Kutlay 2018). Essentially, the EU lacks a method to legally compel candidate countries to comply. The condition of accession provides a powerful leverage tool for the European Commission to pressure candidate countries into adopting comprehensive community *acquis* and implementing institutional reforms (Börzel 2010). Nevertheless, the EU also employs additional incentives and financial resources as policy tools, thereby shaping the willingness and capability for reform in beneficiary countries. EU foreign policy instruments may entail specific benefits to targeted states, such as potential membership, closer cooperation, financial incentives, grant aid, technical assistance, or political dialogue (Karolewski–Sus 2015). This approach underscores the EU's multifaceted approach to fostering change and cooperation beyond traditional power dynamics.

Conceptualizing the EU as a normative European power requires looking beyond traditional civil and military power concepts (Manners 2002). The EU's exercise of power in international politics occurs through non-military means, enabling it to transform target countries according to their norms, values, and preferences (Kutlay 2018). The EU is neither a civil power employing economic tools among governments nor a supranational military power using armed forces; instead, it is a normative power characterized by shared principles and possessing an ideological dimension (Manners, 2002).



Historical, social, and cultural factors can significantly affect the dissemination of ideas within and outside the EU. European ideas are particularly effective when they align with the social, political, economic, cultural, and historical conditions of recipient countries (Börzel–Risse 2009).

While the EU endeavors to implement the necessary reforms for good governance amidst great expectations, these efforts often come to naught due to the obstinacy or inadequacy of governments. Central and Eastern European countries, being willing and capable of complying with EU requirements, serve as a successful example in this regard with the Eastern Enlargement. For countries without the hope or desire to join the EU, neither membership conditions nor pre-accession capacity-building opportunities exist (Börzel 2009). The perspective on the EU's transformative power in the Balkans and Turkey differs significantly from that in Central Europe. The accession process progresses much slower, and the feedback loop between accession expectations, internal reforms, and economic improvements does not operate positively (Grabe 2014). Countries like Hungary, as a member state, and Turkey, as a candidate country, have exhibited similar models in recent years, raising significant concerns about the political and economic attractiveness of the EU. Both countries are increasingly moving away from established EU norms and principles under the influence of strong nationalist-populist leaders (Öniş–Kutlay 2019). As the EU cannot legally or militarily compel third countries to good governance, its power to transform the internal structures of third countries is limited to changing government behavior through incentives and socialization (Börzel–Pamuk 2012).

The Turkey progress reports

Firstly, it should be emphasized that input from civil society organizations is crucial in the preparation of the reports. Upon examination of the reports, it is evident that the statements provided by civil society organizations shape and influence the EU's perception of the candidate country. These statements play a significant role in shaping the EU's policies and reform recommendations for the candidate country. Therefore, the views and contributions of civil society impact the EU's stance and policy approach towards the candidate country. This underscores the effective involvement of civil society organizations as stakeholders in the preparation of the reports and demonstrates the EU's commitment to a participatory approach in the enlargement process.

European countries wishing to become a member of the EU can see their progress through the country reports published every year, which analyze their candidacy process. Country reports are one of the important instruments of enlargement policy. According to the statement of the European Commission, the enlargement policy is valid for countries that currently want to join the EU and potential candidates.



The prospect of membership is a strong incentive for democratic and economic reforms in countries wishing to become EU members (European Commission, 2022). Therefore, country reports prepared by the European Commission evaluate the political, institutional, and economic situation in a country (Casier 2008).

The European Commission assumes a crucial role in assessing and overseeing EU membership applications, as emphasized by McCormick (2015). Within the EU, the European Commission drives supranational economic integration, as highlighted by Özdemir (2012), positioning it uniquely within the EU framework. Mathieu (2006) characterizes the European Commission as a supranational institution blending executive and legislative functions, a pivotal player in advancing integration, as underscored by Tezcan (2007). Through regular evaluations, the European Commission monitors candidate countries' progress towards EU membership, issuing annual reports that scrutinize developments against established criteria. These reports not only signify the European Commission's role in evaluating EU membership but also highlight its central position in the enlargement process. Turkey, a candidate country, undergoes periodic assessments through European Commission country reports, enabling international bodies and CSOs to gauge its progress (EU Delegation 2022). Upon the European Commission's recognition in December 2004 that Turkey met the Copenhagen political criteria, negotiations formally commenced on October 3, 2005 (Düzgit 2011).

When Turkey's progress reports are examined, it is noted that until 2016, these reports were generally referred to as "progress reports", but starting from the report of 2016, they were titled "Turkey Report". In this study, regardless of this difference, the reports are referred to only by their years.

The legal development of civil society in Turkey reports of the European Union

In the EU's Turkey reports, the issue of civil society was addressed in a scattered manner from 2005 to 2013. However, starting from the 2013 report, civil society became a separate topic under the "Political Criteria and Enhanced Political Dialogue" heading within the sub-heading of "Democracy and the rule of law". In the 2015 report, Democracy and the Rule of Law were featured as separate headings. Civil society was examined under the democracy heading, emphasizing that a strong and diverse civil society is an important component of the democratic system, a sentiment reiterated in subsequent reports. In the 2023 report, this emphasis was further strengthened and expressed as follows: "A free, empowered, and diverse civil society is recognized as a key element of every democratic system." (MFA 2023). When considering the entirety of the Turkey reports, the fundamental objectives highlighted by the EU for civil society can be grouped under three main headings: enhancing dialogue with civil society; preparing the ground for the future expansion of CSOs in Turkey; and shaping and strengthening the legal framework of CSOs.



When these objectives are thoroughly analyzed within the reports, it becomes possible to identify the following categories concerning the development of the legal framework for CSOs: establishment and organization of associations; freedom of assembly, demonstration, and press releases; financial assistance and funding; dialogue, policy-making, and participation in the legislative process. In this context, the EU aims to influence civil society in Turkey both by raising awareness and by strengthening its legal structure through the reports. In doing so, dialogue and consultation within the EU-Turkey-civil society triangle are employed as instruments, supported by funding throughout the process.

Identifying the key legal regulations that shape and strengthen the legal framework of civil society in Turkey, as encountered in the EU Turkey Progress Reports, is crucial to the focus of this study. These include the Association Law, the Law on Meetings and Demonstrations, and the Law on Fundraising. These three laws constitute highly significant regulations for the establishment, activities, and financial autonomy of civil society. Additionally, the reports also mention legal regulations that influence the existence and activities of civil society organizations: The Misdemeanor Law, the Tax Procedure Law, the Law on the Regulation of Publications on the Internet and Combating Crimes Committed Through These Publications, and the Law on Preventing the Financing of the Proliferation of Weapons of Mass Destruction.

Globally, CSOs are legally defined by the charitable purposes determined in national legislation. However, according to Turkish legislation, there are five types of CSOs with different legal definitions. These are associations, foundations, unions, cooperatives, and chambers of commerce/industry and commodity exchanges (Ayhan 2020).

Table 1. Civil Society Organizations by Status (2021)

Status	Number
Associations	121.843
Foundations	5.906
Unions	640
Chambers of Commerce/industry and Commodity exchanges	2998
Cooperatives*	84.232
Total	215.619

Source: <https://www.siviltoplum.gov.tr>, * <https://www.ticaret.gov.tr>

Upon examining the numerical change in associations between 2010 and 2021, a continuous increase in the number of active associations is observed. While there were 84,985 active associations in 2010, this number rose to 121,843 in 2021 (Republic of Turkey Ministry of Internal Affairs 2024).



In Turkey, freedom of association is protected by Article 33 of the Constitution in the context of establishing associations and foundations. Besides Article 33 of the Constitution, freedom of association is recognized as a right by Articles 56–117 of the Civil Code No. 4721, the Law on Associations No. 5253, and the Law on Foundations No. 5737. The provisions of the Constitution and the Civil Code provide a sufficient legal basis for the establishment and operation of associations and foundations in Turkey. Nevertheless, while the current regulations provide minimum guarantees for freedom of association and create a legal framework, they also complicate this process. Recently, several laws affecting CSOs in Turkey have been enacted, and some of these laws impose restrictions on freedom of association (Karataş et al. 2023).

Establishment and organization of association

The Associations Law and the regulatory legislation governing the activities of associations have been among the issues that have caught the European Commission’s attention since 2005. In the analysis of the reports, the European Commission’s evaluations regarding the right to establish and organize associations have been presented as findings in Table 2, focusing on a chronological perspective.

Table 2. Establishment and Organization of Association 2005–2023

Report Year(s)	European Commission Evaluations
2005	The adoption of the Associations Law has been considered an important step in terms of the freedom to establish associations and peaceful assembly. The regulation related to the Associations Law has been criticized because it led to some restrictions in practice.
2009, 2011	Restrictions on the registration and operation of associations have continued. Special regulations have been implemented for foreign CSOs.
2013, 2014	It has been stated that the existing legal framework hinders the operation of CSOs and that excessive bureaucracy negatively affects civil society participation.
2015, 2016	It has been expressed that the legal, financial, and administrative environment restricts the development of civil society and imposes restrictions on the activities of some CSOs.
2017	Many CSOs have been shut down following the attempted coup on July 15.
2018	It has been noted that there has been an increase in administrative burdens on non-governmental international organizations and that some CSOs have been subjected to disproportionate scrutiny.
2019	No legal remedy has been provided against seizures of CSOs closed under the state of emergency. Restrictions on the registration and operation of associations have persisted.
2020	The Law on the Prevention of Financing of Weapons of Mass Destruction has increased pressure on CSOs.



2021	Due to the distribution of responsibilities among public institutions and arbitrary practices, there is no clear legal framework for CSOs. The mandatory registration of association members in the Ministry of Interior's information system is not in line with the Council of Europe's guiding principles.
2022	There is continued regression in civil society. The legal framework is not clear and is susceptible to arbitrary practices. Pressure on impartial CSOs has increased.
2023	The implementation of the Law on the Prevention of Financing of Weapons of Mass Destruction has introduced additional restrictions on CSOs. The civil society strategy has not been developed transparently.

Meetings, demonstrations, and press releases

The European Commission's reports present evaluations regarding the rights to meetings, demonstrations, and press releases, which are presented as findings in Table 3 according to chronological order.

Table 3. Meetings, Demonstrations, and Press Releases 2005–2023

Report Year(s)	European Commission Evaluations
2012	It has been stated that the law is used to punish CSOs and human rights defenders, that it is restrictive, and that it violates freedom of expression, organization, and assembly. It has been noted that the rights to issue press releases and organize demonstrations are restricted, and these limitations are regulated by restrictive legislation.
2012, 2015	Civil society continues to be active, but restrictions on the freedom of assembly are a serious cause for concern.
2013, 2023	There have been no changes to the law, and sanctions against CSOs continue. The restrictions persist and narrow the scope of activities for CSOs.
2015, 2016	It has been stated that the legal, financial, and administrative environment restricts the development of civil society and imposes limitations on the activities of some CSOs.
2016, 2023	Increased pressure and restrictions on CSOs have significantly narrowed the space for civil society.

Financial aid and funding

The issue of providing financial aid and funding corresponds to a goal related to preparing Turkish CSOs for future expansion. To achieve this goal, the EU regularly funds Turkish CSOs through various funding mechanisms. This EU financial support aims to enhance the capacities of CSOs. It was stated as early as in the 2005 Report that funds would be allocated for civil society dialogue projects in Turkey (MFA 2005).



It was announced that these funds would be used to support civil society dialogue between the EU and Turkey (MFA, 2007). The EU-Turkey Civil Society Dialogue, funded under IPA, continues within this framework (MFA, 2019).

While project-based financial support provided by the EU is significant, it is undoubtedly insufficient for CSOs to sustain their existence. Therefore, it is clear that CSOs need additional sources of funding. The European Commission’s evaluations regarding financial rights, as reached in the analysis of the reports, are presented as findings in Table 4, taking into account chronological order.

Table 4. Financial Aid and Funding 2005–2023

Report Year(s)	European Commission Evaluations
2006, 2013	The requirement to notify official authorities and navigate complex procedures for receiving financial support from abroad has created challenges for CSOs.
2012	There is a need to strengthen the legislation on fundraising for CSOs.
2013	Legal and bureaucratic barriers that strain the financial sustainability of CSOs persist.
2014	Consultations with civil society have begun for the Charity Fundraising Law and other reforms.
2015, 2016	The existing legislation does not provide specific donation opportunities for CSOs.
2019, 2023	The stringent conditions of the Charity Fundraising Law discourage CSOs. Tax system and legal uncertainties make it difficult for CSOs to operate.
2021	The obligation to report donations received from abroad has been introduced. This has subjected rights-based CSOs to inspections.
2022	Recommendations from the Venice Commission should be considered for CSOs' fundraising activities.
2023	The Law on the Prevention of Financing of Weapons of Mass Destruction should not hinder the fundraising activities of civil society.

Engaging in dialogue, shaping policies, and participating in the legislative process

Understanding the scope and significance of dialogue in the reports is crucial. Dialogue serves as an important platform where civil society is consulted on issues such as legislation, judicial reform, and the public activities of government institutions. It also involves participation in anti-corruption efforts and being recognized as a stakeholder in matters concerning human rights, democracy, and the rule of law. In this context, civil society’s opinions are considered, and collaboration is deemed necessary for progress.

The essence and foundation of dialogue with CSOs are based on consultation, a principle that has been prominent in all reports since 2005.



Starting from June 2005, when Turkey began its negotiations, the European Commission adopted a decision on civil society dialogue between Candidate Countries and the EU (MFA 2005), a commitment it has upheld ever since.

Dialogue on legal regulations that prioritize consultation with civil society is crucial for our topic. Close consultation with civil society during the formation of legal regulations is a desired state for fostering civil society dialogue between the EU and Turkey. The legal regulations mentioned in the reports include Constitutional amendments, the Turkey Human Rights Institution Law, the Law on the Prevention of Financing of Weapons of Mass Destruction, and the Regulation on Combating Human Trafficking and Protecting Victims.

Reports often highlight the driving force behind the formation of these legal regulations and the policy-making process. The European Commission has scarcely hesitated to point out shortcomings in consultation with civil society in the reports. The European Commission’s evaluations regarding the right to participate in the policy-making and legislative processes, as reached in the analysis of the reports, are presented as findings in Table 5 according to years.

Table 5. Engaging in Dialogue, Shaping Policies, and Participating in the Legislative Process 2005–2023

Report Year(s)	European Commission Evaluations
2010	During the preparation of the draft constitutional reform, there was insufficient consultation with political parties and civil society.
2011	It has been stated that more collaboration with civil society is needed during the preparation of the Turkey Human Rights Institution Law draft. The involvement of CSOs in the political process is still inadequate.
2013	Government-civil society and parliament-civil society relations should be enhanced with systematic and structured consultation mechanisms. CSOs have limited opportunities to convey their demands and participate in policy-making.
2015	Structural reforms for the participation of CSOs in policy-making and legislative processes are insufficient.
2018	Comprehensive and inclusive mechanisms should be established for consulting a wide range of civil society organizations on new legislation and policies.
2019	Since October 2018, CSOs have been excluded from legislative consultation processes in parliamentary committees.
2021	The Law on the Prevention of Financing of Weapons of Mass Destruction was adopted without consultation with civil society and without public debate. There is no comprehensive government strategy or mechanism for cooperation with civil society or for the development of a legal framework. There is also no legal framework or transparent and consistent implementation for public consultations.
2022	A comprehensive government strategy for cooperation with civil society or the development of a legal framework has yet to be formulated. There is no legal framework or transparent and consistent practice for public consultations with independent CSOs.



Results

Turkey's EU membership process has a complex and lengthy history. Since the signing of the Association Agreement in 1963, Turkey has made significant efforts to meet the membership criteria. However, this process has faced many obstacles and challenges. Military interventions, economic fragility, issues related to human rights and democracy, and the Cyprus issue are the main obstacles.

Examining the current trajectory of EU-Turkey relations and explaining the challenges these relations face today requires an understanding of this increasingly complex structure and how it influences the preferences of various actors in Turkey and the EU (Zihnioğlu 2020). Turkey's unstable political and economic structure has been a significant factor affecting its relations with the European Community and slowing the negotiation process from the early years. The military intervention in 1960 and the fragility of the Turkish economy raised serious concerns during the membership process (Çalış 2016). Today, concerns about Turkey's EU membership continue. These concerns include Turkey's performance in human rights and democracy, its political stability, and its economic situation.

In this study analyzing the EU Turkey reports, it was concluded that Turkey has not been able to demonstrate a successful performance in the field of civil society, which is a cause for concern. Since the start of the negotiation process in 2005, the importance of civil society has been occasionally understood, but a consistent process of development has not been followed. The latest evaluations by the EU report a serious regression.

Considering that the supremacy of law, the functioning of the economy, the operation of democratic institutions, and the success and progress in public administration reform are decisive for meeting the requirements of EU membership, it is of great importance to show necessary attention to civil society (Reianu 2024). The results obtained in this study, which examined the transformative role of the EU through the civil society promotion strategy within the scope of the EU's enlargement policy (Solórzano, 2016), indicate that the deficiencies in Turkey's civil society performance constitute a significant obstacle in the EU membership process.

The EU has shown a strong commitment to promoting the growth of civil society in Turkey. This dedication is evident not only in the regular recommendations provided in its progress reports but also in the significant financial support extended to CSOs through various projects. This approach highlights the EU's acknowledgment of the vital role civil society plays in a democratic and pluralistic society. However, an analysis of how Turkish CSOs interacted with EU funding and the impact of this support on Turkish civil society a study concluded that the short-term, activity-based, measurable outcome and visibility-oriented structure of EU funding contributed to the depoliticization of CSOs benefiting from EU funds (Zihnioğlu 2019).



Through its progress reports, the EU aims to strengthen the legal framework for CSOs in Turkey. This includes advocating for legal reforms that enhance the enabling environment for CSOs to operate freely and effectively. Additionally, the EU seeks to safeguard CSOs from the adverse effects of existing legal regulations that may hinder their activities. Recognizing the multifaceted nature of civil society, the EU's approach extends beyond the legal realm. The progress reports also monitor the administrative, financial, and political aspects of CSOs in Turkey. EU's progress reports on Turkey provide insights into the evolving stance of the EU towards civil society in the country. The 2005 report expressed optimism regarding the adoption of the Associations Law in Turkey, anticipating its positive impact on the further development of civil society. In contrast, the 2023 report highlights the restrictive effects of the implementation of the law on the financing of the proliferation of weapons of mass destruction, emphasizing the limitations imposed on civil society activities and the targeting of independent rights-based organizations.

The early years of Turkey's negotiation process for EU membership, starting in 2005, were generally viewed as a positive period for civil society. The 2005 report highlighted the adoption of the Associations Law, which aimed to facilitate the establishment and operation of CSOs. However, this optimistic outlook began to shift around 2009, as subsequent EU progress reports raised concerns about the deteriorating environment for civil society in Turkey. The negative aspects highlighted in the reports are briefly as follows: The existence of various legal regulations that hinder the establishment, operation, and funding of associations; CSOs facing complex and time-consuming procedures (excessive bureaucracy) to carry out their activities; CSOs subjected to disproportionate audits to legitimize their operations; CSOs being targeted and their activities hindered by the government for political reasons; CSOs struggling to access adequate funding sources to sustain their operations.

The EU's progress reports serve as a valuable record of the deteriorating situation for civil society in Turkey following the July 15 coup attempt. The EU's progress reports on Turkey consistently highlight the restrictive environment that emerged for civil society following the 2016 year and the subsequent state of emergency period. These reports criticize the suppression of CSOs' existence and activities during this time.

In the last 11 years, there has been a significant regression in terms of civil society and freedom of association in Turkey. This regression has occurred through restrictive implementation of the Law on Meetings and Demonstrations, increasing pressures on CSOs, and other legal regulations and practices that narrow the space for civil society.

In the last 17 years, significant developments have occurred in Turkey regarding the receipt of financial support by CSOs from abroad. However, these developments have not always been in favor of CSOs. Complex procedures, stringent conditions, tax systems, and legal uncertainties make it difficult for CSOs to maintain financial sustainability and access funding from abroad.



Limited progress has been made in the last 13 years regarding the participation of civil society in policy-making and legislative processes in Turkey. Governments have not exerted sufficient effort to establish and enhance consultation mechanisms with civil society. CSOs are often not adequately represented in the processes of law and policy formulation. The bypassing, disregarding, or exclusion of civil society from the formation process of legal regulations is commonly criticized in reports, emphasizing the ongoing importance of consultation processes with CSOs on this matter.

The 2019 Report emphasized the need to strengthen the unit responsible for monitoring civil society activities. It highlighted the establishment of the Directorate General for Relations with Civil Society within the Ministry of Interior as an important opportunity for preparing an inclusive strategy for civil society or improving the legal framework, following the abolition of the Department of Associations. However, concerns were raised about the ongoing uncertainties regarding the authority and priorities of this unit. While the previous unit was at the level of the Directorate, the newly established unit has been elevated to the level of Directorate General and restructured with a preference for the term “civil society”. Additionally, in August 2022, the Ministry of Interior published a draft Civil Society Strategy Document and Action Plan (2023–2027) for consultation. This indicates a shift from previous reports, referencing alignment with the EU and the preparation of an inclusive strategy for civil society or improvement of the legal framework. However, subsequent reports have not found positive developments on this issue.

In their study on the Europeanization of civil society, Rumelili and Boşnak (2015) argue that the EU influences civil society in Turkey through its membership condition regime, financing policies, networks established between Turkish and European civil society organizations, and legitimizing civil society activities and policies. However, these policies cover only a limited number of CSOs and face sustainability issues. EU country reports and civil society documents highlight that civil society is ad hoc included in consultations and disregarded in the implementation process. This situation manifests itself across a wide range of policy areas, from human rights and discrimination (Boşnak 2022) to the environment, gender equality policy, and migration policy.

This study provides evidence of the failure of EU civil society policy in Turkey. The findings of the research support the existing literature. According to the research, the lack of interpersonal trust and the high level of polarization within civil society make solidarity and dialogue increasingly difficult in Turkey. Furthermore, the EU membership process has not been able to change the negative interactions between civil society and public policies (Boşnak 2023). These findings point to the failure of EU civil society policy in Turkey. The underlying causes of this failure include the historical accumulation of state-society relations, the EU’s conceptualization of civil society, and Turkey’s political and social environment (Zihnioğlu 2013).



Conclusions

In EU reports, changes in Turkey's legal and administrative regulations regarding civil society, as well as the challenges faced by civil society, are thoroughly examined. The analyses indicate that the EU initially viewed Turkey's Associations Law as a positive step. However, over time, it has been concluded that restrictions in this area have increased, hindering the activities of civil society. This situation demonstrates that the EU's influence on the development of civil society in Turkey has weakened over time and, in some cases, even regressed. These analyses lead us to the conclusion that there is a need for a deeper understanding of the current challenges faced by civil society in Turkey and for the EU to review its policies and support strategies in this area.

EU reports consistently emphasize that legal and bureaucratic barriers strain the financial sustainability of civil society organizations and that regulations not in line with European standards persist. These obstacles indicate the gradual restriction of civil liberties in Turkey and the consequent narrowing of the civil society's operating space. According to EU reports, the EU's transformative impact in this area is not proceeding steadily, and there is an increasing trend of limitations on freedom of assembly and demonstration in Turkey. These restrictions have damaged fundamental freedoms such as freedom of expression, the right to assembly, and peaceful protest, thereby limiting the effectiveness of civil society. In this context, EU reports vividly illustrate the challenges faced by civil society in Turkey and the need for further efforts to safeguard freedoms.

The results of the study indicate that the EU has not been able to exert the anticipated transformative influence on civil society in Turkey; on the contrary, civil society faces various challenges. This situation may be associated with Turkey's indifference or reluctance towards full EU membership. In this context, the difficulties and uncertainties experienced by Turkey during its accession process to the EU could influence its commitment to and desire for EU membership and may strain the capacity of civil society to respond to demands for freedom and effectiveness.

Documents

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