

Responses to Recommendations

TURKEY

Review in the Working Group: 10 May 2010
 Adoption in the Plenary: 22 September 2010

Turkey's responses to recommendations (as of 13.01.2011):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
95 REC accepted; 18 rejected; 39 pending	Out of the 39 pending, 24 are accepted (of which 8 are considered already "applied" or "implemented": 102.7 second part and 102.24, 102.25, 102.26, 102.29, 102.30, 102.33 and 102.39 second part), 1 partially accepted (underlined in blue), 22 rejected, 2 commented with no clear position and 1 not commented. ¹	No additional information provided	Accepted: 120 Rejected: 40 No clear position: 2 Pending: 1

List of recommendations contained in Section II of the Report of the Working Group A/HRC/15/13:

100. The recommendations formulated during the interactive dialogue and listed below have been examined by Turkey and enjoy its support:

A - 100.1. Consider ratifying OP-CAT and the Rome Statute of the International Criminal Court (Brazil, Chile);

A - 100.2. Ratify the Optional Protocol to CAT and, in line with its provisions, establish an independent national institution which will operate as the national preventive mechanism for the prevention of torture (Uruguay);

¹ The total number is of pending recommendations is 51 as 11 REC have been split.

A - 100.3. Successfully conclude the process of ratification of the Optional Protocol of the Convention against Torture (Belarus);

A - 100.4. Consider ratifying OPCAT in the near future (Denmark);

A - 100.5. The early ratification and implementation of OP-CAT (Czech Republic);

A - 100.6. Consider adhering to the Rome Statute (Uruguay);

A - 100.7. Continue efforts to increase awareness of the culture of human rights and establish an institutional culture which respects human rights in the country (Bahrain);

A - 100.8. Successfully conclude the second stage of reform in the human rights sphere, in particular the application and practice of the new legislative basis (Russian Federation);

A - 100.9. Continue its efforts aimed at promoting and protecting all human rights and to continue its cooperation with human rights mechanisms, and to work towards the establishment of the national human rights institution and the implementation of national actions plans, in particular regarding equality between the two sexes (Palestine);

A - 100.10. Incorporate the views of civil society in transparent, democratic reform processes; (United States);

A - 100.11. Continue its cooperation with civil society organizations in follow-up to this review (Austria);

A - 100.12. Continue its close collaboration with civil society in its follow-up and implementation of UPR recommendations (Norway);

A - 100.13. Continue efforts to implement strategies aimed at establishing more human rights institutions, including speeding up the process to establish the national human rights institution (Saudi Arabia);

A - 100.14. Expedite the preparatory work to establish a national human rights institution and an ombudsman, and provide the country with such institutions (Algeria);

A - 100.15. Expedite progress in preparing the legal framework for a national human rights institution (Indonesia);

A - 100.16. Continue its efforts to establish a national human rights institution in line with the UN Paris Principles (Bulgaria);

A - 100.17. Implement the Government's intention to establish an independent national human rights institution in conformity with the Paris Principles (Russian Federation);

A - 100.18. Accelerate steps towards finalizing the legal framework for the establishment of a national human rights institution in line with the Paris Principles (Egypt);

A - 100.19. Consider establishing a national human rights institution in line with the Paris Principles (Pakistan);

A - 100.20. Align the national human rights institution with the Paris Principles and adopt a national human rights plan encompassing all agencies of the public administration, with short-term strategies and goals (Spain);

A - 100.21. Continue the process of establishing a national human rights institution (Senegal);

A - 100.22. Give high priority to the creation of an independent national human rights institution in accordance with the Paris Principles and the establishment of an Ombudsman institution; (Netherlands);

A - 100.23. Finalize the process of establishing a national human rights institution in accordance with the Paris Principles as soon as possible (Jordan);

100.24. Speed up the finalization of the preparatory work of the legal framework for the establishment of the national human rights institution (Libyan Arab Jamahiriya);

A - 100.25. Consider inviting the United Nations Special Rapporteur for Human Rights Defenders to visit the country in the near future (Norway);

A - 100.26. Strengthen the existing cooperation with the United Nations and the human rights mechanisms, so as to ensure further promotion of human rights (Libyan Arab Jamahiriya);

A - 100.27. Continue efforts with a view to adopting a comprehensive antidiscrimination legislation as part of its ongoing human rights reforms (Brazil);

A - 100.28. Implement the Government's plan to have a comprehensive legislation against discrimination (Belarus);

A - 100.29. Strengthen anti-discrimination laws, and their implementation, to enhance tolerance and promote inclusiveness in Turkey (Australia);

A - 100.30. Continue its efforts in promoting women's and children's rights, in particular combating child labour and violence against both women and children (Egypt);

A - 100.31. Redouble efforts and undertake efficient measures to implement CRPD, in particular as regards accessibility to public premises and the labour market (Morocco);

A - 100.32. Continue efforts aimed at completing the programme to prevent discrimination based on disabilities (Sudan);

A - 100.33. Ensure non-discrimination on the basis of sexual orientation and gender identity (Norway);

A - 100.34. Further improve the human rights situation of women and girls (Jordan);

A - 100.35. Work to further increase women's participation in political and public life, including at the decision-making level (Algeria);

A - 100.36. Continue to further promote women's rights and increase their participation in all fields of society (Azerbaijan);

A - 100.37. Strengthen efforts to achieve full equality in the enjoyment of all human rights by women, including by elaborating and implementing strategies to encourage greater participation by women in Turkey's political and economic life (Canada);

A - 100.38. Pursue its efforts in the field of promoting gender equality so that the rights of women are a reality in our Muslim world (Tunisia);

A - 100.39. Continue and strengthen its efforts, including through the allocation of sufficient resources, to tackle remaining challenges in the field of women's rights (Norway);

A - 100.40. Continue to promote participation of women in social, economic and political life (Bangladesh);

A - 100.41. Step up necessary measures to promote equality between men and women, strengthen the ongoing efforts in prevention of domestic violence, and ensure the adequate representation of women in high-level policy and decision-making institutions (Ukraine);

A - 100.42. Continue strengthening the promotion and protection of the rights of the child (Kuwait);

100.43. Ensure the protection of religious minorities in accordance with international human rights standards and obligations, and eliminate discrimination based on religious affiliation (Austria);

A - 100.44. Engage to resolutely and impartially investigate – and if necessary prosecute - the authors of violations of all human rights, in particular the members of the security services, in order to guarantee a better combat against impunity (Switzerland);

A - 100.45. Ensure prompt, independent and thorough investigations of all allegations of torture and ill treatment allegedly committed by law enforcement officials and punish those responsible (Denmark);

A - 100.46. Strengthen the system of accountability of all this personnel (members of the police, military, prison and detention staff and judiciary) in order to ensure effective, independent and impartial investigation of any violations of human rights by them (Czech Republic);

A - 100.47. Address the perceived climate of impunity by ensuring that any allegations of abuse are thoroughly investigated and effectively prosecuted (United States);

A - 100.48. Take necessary steps to intensify the judicial prosecution of all cases of alleged torture (Germany);

A - 100.49. Ensure enforcement of domestic legislation and international standards concerning torture and ill treatment, including by appropriately punishing the perpetrators and that evidence elicited through torture or ill treatment be excluded at trial in all cases (Ireland);

A - 100.50. Pursue its efforts to root out any cases of violations of women's rights and domestic violence (Kyrgyzstan);

A - 100.51. Enhance measures aimed at combating violence against women (Philippines);

A - 100.52. Adopt measures to eliminate all forms of violence and discrimination against women (Chile);

A - 100.53. Pursue their efforts to seek appropriate responses to violence against women, in particular through the reinforcement of awareness-raising and prevention activities (Senegal);

A - 100.54. Further improve the protection of women and girls against violence and discrimination (Germany);

A - 100.55. Establish a system of support for its victims and potential victims, including a network of shelters, use awareness-raising campaigns to uproot societal acceptability of violence against women, and ensure strict punishment of all its perpetrators, in particular in cases of so-called honour crimes (Czech Republic);

A - 100.56. Reinforce measures aimed at eradicating gender-based violence and labour discrimination against women (Argentina);

A - 100.57. Reinforce the awareness-raising system to prevent and combat the scourge which is violence against women (Morocco);

A - 100.58. Intensify its effort to prevent and combat problems, such as honor killings and domestic violence as well as early and forced marriages, so that there are no implementation gaps between plans and actions (Japan);

A - 100.59. Pursue its active participation in the international cooperation efforts to fight the trafficking against human beings (Belarus);

A - 100.60. Strengthen its efforts in fully implementing the National Plan of Action on Combating Trafficking in Human Beings (Indonesia);

A - 100.61. Further its efforts focused on combating trafficking in human beings, particularly women and children (Kyrgyzstan);

A - 100.62. Strengthen efforts to prevent and punish human trafficking, as well as to protect trafficking victims through effective assistance provision, elimination of their stigmatization and cooperation with countries of origin (Armenia);

A - 100.63. Implement effectively plans and strategies to combat human trafficking and provide the necessary care and support to victims, including through rehabilitation and social integration (Egypt);

A - 100.64. Strengthen efforts to combat trafficking in human beings with full cooperation of countries in source, transit and destination (Bangladesh);

A - 100.65. Continue its efforts to combat trafficking in human beings and prosecute traffickers (Ukraine);

A - 100.66. Ensure the independence and impartiality of the judiciary, and independent and impartial investigations of all allegations of human rights violations (Australia);

A - 100.67. Take all necessary measures to comply with the pertinent international norms and principles in the area of juvenile justice (Switzerland);

A - 100.68. To take additional measures to improve the situation in prisons, including for juveniles (Sweden);

A - 100.69. Continue to improve the juvenile justice system (Kuwait);

A - 100.70. Step up efforts to reduce impunity for human rights violations (Germany);

A - 100.71. Guarantee freedom of expression and opinion, especially for journalists, writers and editors (Chile);

A - 100.72. Investigate all complaints of harassment and persecution against human rights defenders and non-governmental organizations, and sanction those responsible (Chile);

A - 100.73. Take further measures to ensure an end to violations of the right to freedom of opinion and expression and to create conditions to prevent such violations (Japan);

A - 100.74. Support interfaith dialogue as a means to enhance mutual understanding, peace and tolerance among different religious, ethnic and linguistic communities (Philippines);

A - 100.75. Continue efforts through the Alliance of Civilizations and other initiatives (Azerbaijan);

A - 100.76. Continue with its strategies aimed at expanding the coverage of the right to education (Saudi Arabia);

A - 100.77. Spread a human rights culture through school *curricula* (Saudi Arabia);

A - 100.78. Continue and intensify measures for illiteracy reduction and for the access of girls and women to all levels of education and teaching (Algeria);

A - 100.79. Continue its efforts aimed at promoting education in rural areas, in particular for women, as contained in the Ninth Strategic Development Plan, as well as extending this plan if necessary (United Arab Emirates);

A - 100.80. Maintain education and training in human rights in those programmes for different persons working in the civil service and administration and the population as a whole (Senegal);

A - 100.81. Continue to strengthen its successful educational policy, with a view to achieving full school inclusion for all sectors of the country and, in this way, advance towards achieving the greatest social welfare of its people (Bolivarian Republic of Venezuela);

A - 100.82. Use all the means available to raise the level of human rights awareness (Libyan Arab Jamahiriya);

A - 100.83. Strengthen the combat against traditional practices such as early marriage, forced marriage or polygamy, which persist despite dispositions existing in the Civil Code (France);

A - 100.84. Increase access to health establishments and care by trained personnel, in particular in rural areas and regarding post-natal care (Algeria);

A - 100.85. Continue to provide health care services, focusing particularly on maternal and child health in the remote and rural areas (Bangladesh);

A - 100.86. Harmonize efforts and coordinate the roles and tasks of stakeholders involved in managing access to drinking water and sanitation to ensure provision of drinking water, in particular for rural populations (Morocco);

A - 100.87. Apply the standards of CRC to all cases that involve the investigation, the prosecution and the deprivation of liberty of boys and girls, especially in the context of the enforcement of antiterrorist laws (Argentina).

101. The following recommendations enjoy the support of Turkey, which considers that they are already implemented or in the process of implementation:

A - 101.1. Undertake effective efforts and policies to eliminate discriminatory practices, dissemination of hate speech, including threats on resorting to forceful means such as deportation, to stop persistent hostile attitudes on the part of the general public, including attacks towards Roma, Kurds and non-Muslim minorities, also by taking demonstrable steps to prevent and combat such attitudes through information campaigns, awareness-raising and education, among others (Armenia);

101.2. Take steps to prevent and combat hostile attitudes against persons belonging to non-Muslim minorities, by putting in place awareness-raising campaigns as well as education and training programmes for judges and law enforcement agents (Greece);

A - 101.3. Undertake effective steps to fully ensure all political, economic, social and cultural rights of minorities, including Armenians in Turkey, inter alia, by taking all necessary measures to ensure preservation of their national identity and cultural heritage (Armenia);

A - 101.4. Take legislative and practical measures at preventing and combating violence against women and children, including prohibition of corporal punishment (Armenia);

A - 101.5. Adjust the Penal Code to fully comply with international standards of freedom of expression, and ensure that restrictions imposed in the name of security comply with the character of necessity and proportionality (Switzerland);

A - 101.6. Ensure that the implementation of all articles of the Penal Code and other laws be in conformity with the international standards on the right to freedom of expression (Uruguay);

A - 101.7. Align all articles of the Penal Code and other laws with international standards, particularly with regard to freedom of expression (Australia);

A - 101.8. Re-examine laws on strikes to allow greater flexibility (United States).

102. The following recommendations will be examined by Turkey, which will provide responses in due course, but no later than the fifteenth session of the Human Rights Council, in September 2010:

A - 102.1. Become a State party to the following international instruments: OPCAT, OP-CRPD and R- CED (Argentina);

R - 102.2. Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France, Spain, Uruguay);

R - 102.3. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Uruguay);

R - 102.4. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,

A - and continue its efforts towards ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Spain);

R - 102.5. Consider withdrawing reservations to core international human rights instruments, in particular ICCPR, ICERD and CRC (Brazil);

R - 102.6. Consider lifting geographic limitations to the 1951 Refugee Convention (Brazil);

R - 102.7. Consider withdrawing its reservations to articles 17, 29 and 30 of the Convention on the Rights of the Child,

A - and amend its anti-terrorist law so that children are not tried as adults (Uruguay);

A - 102.8. Consider replying favourably to the requests for a visit of the Special Rapporteur on the independence of judges and lawyers and the Independent Expert on minority issues (Greece);

A - 102.9. Enact comprehensive anti-discrimination legislation and uphold minority rights with a view to fully aligning law and practice with international human rights standards (Denmark);

A - 102.10. Review compliance of its national legislation with the principle of nondiscrimination, in particular with regard to women and gender identity, to adopt a comprehensive antidiscrimination legal framework specifically protecting against discrimination on these grounds, and lead long-term awareness-raising campaign on these issues among the public (Czech Republic);

R - Review compliance of its national legislation with the principle of nondiscrimination, in particular with regard to persons of minority ethnicity, sexual orientation to adopt a comprehensive antidiscrimination legal framework specifically protecting against discrimination on these grounds, and lead long-term awareness-raising campaign on these issues among the public (Czech Republic);

A - 102.11. Take steps to eliminate any discrimination in the enjoyment of all human rights by lesbian, gay, bisexual and transgendered (LGBT) individuals, including by ensuring that their right to freedom of association is fully respected (Canada);

A - 102.12. Revise laws still containing discriminatory provisions, enact comprehensive anti-discrimination legislation and expressly include the prohibition of discrimination on the grounds of sexual orientation or gender identity in such legislation (Netherlands);

A - 102.13. Develop comprehensive anti-discrimination legislation including a clear definition of discrimination against women and racial discrimination in its legislation

R - as well as prohibiting discrimination on the basis of sexual orientation and gender identity (Ireland);

A - 102.14. Adopt a specific law against discrimination consistent with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (Spain);

R - 102.15. Revive initiatives for minorities for developing measures to remove the restrictions on the use of languages other than Turkish in political and public life, and

A - provide possibilities for the teaching of minorities languages (Austria);

R - 102.16. Bring its legal framework on political parties into line with the recommendations of the Venice Commission of the Council of Europe and the relevant provisions of the European Convention of Human Rights (Ireland);

A - 102.17. Adopt a comprehensive and clear definition of racial discrimination into domestic law,

R - further revise article 301 of the Penal Code to fully ensure freedom of expression and non persecution on those grounds or motivated by it (Armenia);

R - 102.18. Amend articles 301 and 318 of its Penal Code with a view of decriminalizing the explicitly non-violent exercise of freedom of expression (Spain);

A - 102.19. Make further efforts to ensure respect for the right to freedom of opinion and expression, R - both by revising Law 5651, and by ensuring that government statements and actions fully respect this right (Canada);

A - 102.20. Ensure that the application of legislation that may limit freedom of expression is in line with relevant international standards and that lawful restrictions on the exercise of the right of freedom of expression on grounds such as national security and public order are necessary and proportional (Netherlands);

R - 102.21. Review the legislation on defamation and slander so that these are not subject to criminal sanctions but only liable to a civil action (Mexico);

P - 102.22. Lift all restrictions regarding the use of Internet by adopting the necessary measures, R - in particular by reforming its legislation (France);

R - 102.23. Continue with the reform of its Penal Code, including article 301, in order to A - suppress all restrictions to freedom of expression and freedom of the press (France);

A - 102.24. Make the necessary legal amendments to guarantee freedom of association in accordance with article 22 of the ICCPR (Ireland);

A - 102.25. Take all necessary measures to find a solution to a number of problems the non-Muslim communities are facing, such as difficulties in training the clergy and difficulties in enjoying their property rights (Greece);

A - 102.26. Allow for the functioning of non-Muslim religious communities, especially the ones that are already recognized as minorities, without undue constraints, in line with the European Convention on Human Rights and the case law of the European Court of Human Rights (Greece);

NC - 102.27. Consider the possibility of re-establishing the Church of Saint Paul in Tarsus, currently functioning as a museum, as a place of worship (Italy);

A - 102.28. Fully respect the right to choose and express religious beliefs freely, including for members of both recognized and unrecognized religious minorities (United States);

A - 102.29. Take steps to combat religious intolerance, as exemplified by the characterization in textbooks of missionary activities as a national threat (United States);

A - 102.30. Work constructively with all religious communities to address undue constraints on designated places of worship, training of clergy, and lack of legal personality (Australia);

R - 102.31. Allow children of Greek citizens working in Istanbul to attend the Greek minority schools. So far, only children of employees of the Consulate of Greece are allowed (Greece);

A - 102.32. Develop human rights education and training to members of the police, military, prison and detention staff and judiciary in order to include specific focus on the protection of the rights of women, children and persons of minority ethnicity or sexual orientation and gender identity (Czech Republic);

A - 102.33. Pursue its efforts for swift implementation of the Law on Foundations, and commit itself to undertake all necessary reforms in order to address the property-rights claims of non-Muslim Foundations (Bulgaria);

R - 102.34. Improve the structures surrounding the situation for refugees, towards ensuring full respect in accordance with Turkey's obligations under international human rights and refugee law for the right of all persons to seek asylum as well as for the enjoyment of other rights of persons seeking asylum (Sweden);

A - 102.35. Take the necessary measures to avoid the return of refugee and asylum-seeker children who have been recruited or involved in hostilities (Mexico);

R - 102.36. Establish a formal system for granting asylum or otherwise recognizing refugee status, and remove the present geographic limitation (United States);

R - 102.37. Ensure that refugees and asylum-seekers are dealt with as defined under international law and standards (Iraq);

NC - 102.38. Establish a mechanism to review the legislation to combat terrorism to guarantee, to the same extent, due protection to human rights and fundamental freedoms (Mexico);

R - 102.39. That Penal Code articles 301 and 318 and
A - the Anti-Terror Law be revised or abolished (United States).

103. The recommendations below did not enjoy the support of Turkey:

R - 103.1. Lift the reservation to article 22 of ICERD as well as the two declarations on the implementation and the territorial applicability of the convention (Greece);

R - 103.2. Withdraw its reservation to article 27 of ICCPR on minority rights, and ratify the Council of Europe Framework Convention for the Protection of National Minorities (Netherlands, Austria);

R - 103.3. Engage in open-ended consultations with the full range of ethnic and religious minority groups on measures to improve respect for all human rights of persons belonging to minorities (Canada);

R - 103.4. Consider reviewing the definition of national "minorities" in order to bring it into line with international standards, and take targeted measures to eliminate discrimination based on national and ethnic origin (Austria);

R - 103.5. Implement further reforms to ensure full recognition of the rights of the Kurdish and other minorities, including by withdrawing its reservation to article 27 of the ICCPR (Ireland);

103.6. Create conditions for the realization of the right to the truth, which is the necessary precondition for the prevention, recognition and punishment of genocide (Armenia);

R - 103.7. Implement the large number of European Court of Human Rights decisions like the one concerning the Orphanage on Prince Island, which belongs to the Orthodox Ecumenical Patriarchate, or the ones that have found that Turkey is liable for numerous violations of ECHR articles in Cyprus, namely in the occupied northern part (Greece);

R - 103.8. Take all necessary measures to return properties to the members of the Greek minority in the islands of Gokceada and Bozcaada that were expropriated (Greece);

R - 103.9. Undertake all necessary steps to ensure just and timely settlement of the property claims of displaced persons of Bulgarian identity from Eastern Thrace in conformity with the United Nations principles on Housing and Property Restitution for Refugees and Displaced Persons and the instruments of the Council of Europe related to the redress for loss of housing, land and property of refugees and displaced persons (Bulgaria);

104. The recommendation contained in paragraph 103, No. 7, did not enjoy the support of Turkey, as Turkey stressed that its presence in the island stems from the rights and obligations within international treaties.

105. The following recommendations did not enjoy the support of Turkey, as Turkey does neither recognize Republic of Cyprus nor accept its claims to represent the whole island:

R - 105.1. Swiftly accede to the Rome Statute of the International Criminal Court (Cyprus);

R - 105.2. Proceed promptly with the ratification of Additional Protocol I and II to the Geneva Conventions of 1949 (Cyprus);

R - 105.3. Ensure impartial and thorough investigations of all allegations of human rights violations carried out by members of its military and security forces, both within its territory and in areas where it exercises effective controls (Cyprus);

R - 105.4. Abolish articles 301 and 318 of the Penal Code, which limit freedom of expression (Cyprus);

R - 105.5. Take effective measures to combat persisting hostile attitudes and discrimination towards the Roma, Kurds and persons belonging to non-Muslim minorities (Cyprus);

R - 105.6. Abide by all relevant United Nations resolutions pertaining to human rights violations that concern Turkey implicitly or explicitly (Cyprus);

R - 105.7. Promptly adopt measures, as the Council of Europe Commissioner for Human Rights recommends, that would effect the return of internally displaced persons in all areas where it exercises effective control (Cyprus);

R - 105.8. Set a time frame within which restrictions with regard to, among others, the enforcement of property rights, training of the clergy, and deprivation of legal personality of non-Muslim minorities, including the Greek orthodox minority, will be lifted so that members of these minorities can fully enjoy their human rights (Cyprus);

R - 105.9. Compliance with the pertinent judgments of the ECHR concerning violations of human rights in the area of Cyprus, which are under effective control of Turkey (Cyprus).

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