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Turkey

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I. Methodology and consultation process

1. The Ministry of Foreign Affairs (MFA) coordinated the preparation of this report based on the guidelines issued by the Human Rights Council (HRC). Relevant public institutions, national human rights institutions (NHRIs), civil society representatives, universities were consulted in the preparation process and contributed to the content of the report.
2. The civil society consultations were held in two stages. The MFA convened a consultation meeting on 30 September 2019 with participation of civil society stakeholders and public institutions. All stakeholders were also invited to contribute to the process via a link created on the website of the MFA. Civil society contributions provided decisive input in establishing priority issues in the national report. The report is published at MFA's website.
3. The recommendations that Turkey received in the second cycle of the Universal Periodic Review (UPR) in 2015 were translated to Turkish and sent to all relevant public institutions and NHRIs and brought before the Reform Action Group (RAG) with a view to monitoring their implementation.
4. This report will focus on the developments in the field of human rights since Turkey's last UPR and the recommendations accepted by Turkey in the second cycle of the UPR.

II. Context

5. In order to accurately reflect on the period under review, it is important to put things into their full context at the beginning of the report. On 15 July 2016, Turkey was faced with an unprecedentedly large-scale and brutal coup attempt organized and perpetrated by the Fethullahist Terrorist Organisation (FETÖ). The coup attempt targeted the Turkish democracy and constitutional order, fundamental rights and freedoms, including first and foremost the right to life (killing more than 250 people, injuring thousands).
6. State of Emergency (SoE) was declared shortly after the terrorist coup attempt in order to ensure the continuity of the Turkish democracy and to protect the rule of law, rights and freedoms of our citizens and to effectively combat the FETÖ posing a grave threat to the security of the state through its clandestine infiltration into state organs along with its presence in private sector and media. The decision was endorsed by the Turkish Parliament¹ on 21 July 2016.
7. Following the declaration of SoE, Turkey resorted to the right of derogation from the obligations under the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR). Notifications of derogation were duly submitted to the Secretary-General of the Council of Europe (CoE) in accordance with Article 15 of the ECHR and to the Secretary-General of the United Nations (UN) in accordance with Article 4 of the ICCPR, concerning the rights permitted by these Conventions.
8. During the SoE period, 32 Decree-Laws were enacted. All Decree-Laws as well as the decisions concerning the extension of SoE were duly endorsed by the Parliament.
9. Pursuant to the recommendations of the CoE, "Inquiry Commission on State of Emergency Measures" (the Commission) was established with Decree-Law no. 685 and started functioning on 22 May 2017 in order to assess and conclude the applications concerning administrative acts which were carried out directly by the Decree-Laws within the scope of the SoE.
10. The Commission started to receive applications on 17 July 2017. The Commission received 126.200 applications. As of 9 October 2019, the Commission issued 90.000 decisions, of those 7.600 were decisions of acceptance of the claims. Domestic legal remedies are available against the decisions of the Commission.

11. The Commission was recognized as a domestic remedy by the European Court of Human Rights (ECtHR).

12. Turkey acted in full awareness of its obligations under international law throughout the implementation of the SoE. Turkey paid full respect to the rule of law and observed the principles of necessity and proportionality.

13. SoE was terminated on 19 July 2018. Notifications of derogation were duly revoked as of the same date.

14. Following the termination of SoE, Turkey focused on its reform agenda. RAG meetings were held respectively on 29 August 2018, 11 December 2018 and 9 May 2019, which demonstrate Turkey's determination to continue with reforms in judiciary and fundamental rights.

A. Legal framework

15. Turkey continues to review its legislation in line with its commitment to the international human rights obligations. Legal reforms that have been carried out since the second cycle of the UPR are presented below.

16. The Constitution was amended by the referendum of 16 April 2017. Presidential system, which provides stronger emphasis on the principle of separation of powers, was introduced with the Constitutional amendment.

17. Accordingly, the President of the Republic of Turkey became the head of government as well as the head of state, "Prime Ministry" was abolished, executive power is exercised by the President along with the Deputies and Ministers.

18. In line with the amendment, the President may only issue presidential decrees on matters relating to executive power. Presidential decrees are open to the judicial review of the Constitutional Court. Fundamental rights and freedoms cannot be regulated by presidential decrees.

19. Judicial review is available against all acts and actions of the President.

20. Military justice was abolished. Impartiality of the judiciary was strongly emphasized in the Constitution along with the independence of the judiciary. "High Council of Judges and Prosecutors" was restructured as a council with 13 members and two Chambers, renamed "Council of Judges and Prosecutors". (**Recommendations 149.22, 23, 24, 25, 26, 29**)

21. Judicial Reform Strategy (JRS) was drafted by the Ministry of Justice (MoJ) for 2019-2023. JRS was made public by the President on 30 May 2019².

22. JRS consists of 9 aims, 63 objectives and 256 activities which were prepared with the participation and contributions of the relevant institutions and non-governmental organizations (NGOs). In drafting process, regular meetings were held with the participation of all stakeholders. Opinions of higher courts, judges and prosecutors, Union of Turkish Bar Associations and lawyers, relevant Ministries and institutions, NGOs, law faculties, academics and writers were duly considered. Meetings were held with representatives of the European Union (EU), CoE and the ECtHR and their assessments were reflected in the document. Reports and recommendations of the EU, CoE and the European Commission for Democracy through Law (Venice Commission) and case-law of the ECtHR were taken into consideration. (**Recommendations 148.54, 106**)

23. Main pillars of the strategy are strengthening the rule of law, protecting and promoting rights and freedoms more effectively, strengthening the independence of the judiciary and improving impartiality, increasing the transparency of the system, simplifying judicial processes, facilitating access to justice, strengthening the right of defense in criminal proceedings and protecting the right to be tried within reasonable time more effectively. (**Recommendations 148.6, 7, 9, 30, 37, 107**)

24. Legislative arrangements envisaged within JRS are being drafted. First legislative package is approved by the Committee of Justice of the Parliament on 8 October 2019.

25. With a view to monitoring the implementation of the JRS, MoJ will issue annual monitoring reports. These reports are planned to be in Turkish and English and will be public.

26. “Judicial Reform Strategy Monitoring and Evaluation Board” will be established. The Board in which all stakeholders will participate, is expected to organize meetings periodically and draft monitoring and evaluation reports which will be public.

27. As reflected in JRS as well as in second 100-Day Action Plan of the Presidency, Human Rights Action Plan is being drafted by MoJ. A working group within MoJ analyzed the case-law of the ECtHR and Constitutional Court as well as reports and recommendations of CoE bodies, UN human rights mechanisms and EU progress reports. Various workshops were held with the participation of judges of higher courts, representatives of Ministries, NHRIs, NGOs, bar associations and academics. Close cooperation was maintained with the CoE and the EU.

28. The Action Plan is based on three thematic pillars: “harmonization of legislation”, “awareness-raising and training”, “institutional capacity building on human rights”. Drafting process is ongoing.

29. Various amendments were introduced with a view to improving effectiveness of the judiciary, enhancing access to and administration of justice. Significant developments are summarized below:

- “Target Time in Judiciary” process was initiated. Accordingly, maximum periods to be followed within judicial processes were identified for each types of proceedings as well as investigations.
- As of 1 January 2019, electronic notification system was introduced to expedite legal proceedings.
- Regional Courts of Appeal were established in 7 provinces on 20 July 2016 and their number was increased to 15 in 2019.
- In civil proceedings, alternative dispute resolution (ADR) methods were promoted. In 2018 mandatory mediation in labour law and in 2019 mandatory mediation in commercial law disputes were introduced. Within this period, number of disputes resolved by mediation has increased significantly. Similar ADR methods in criminal proceedings have also increased.
- Reopening of proceedings and investigations pursuant to ECtHR decisions based on friendly settlement or unilateral declarations were made possible.
- Shortcomings in legal aid system were identified through the “Strengthening the Legal Aid Services in Turkey EU-Twinning Project” which was completed in July 2018. Allocated budget has increased 36% from 2015 to 2018.
- The Law on International Judicial Cooperation in Criminal Matters (Law no.6706) entered into force in 2016. Thus, diverse provisions in national legal arrangements were incorporated within Law no.6706.
- National Judiciary Informatics System (UYAP) was integrated with other national public institutions. Mobile Information System for Lawyers was launched to facilitate pursuing legal proceedings.
- Application of Audio and Visual Information System (SEGBIS) was expanded in judicial proceedings.
- The Code of Judicial Ethics for judges and prosecutors was published on 14 March 2019.

B. Institutional framework

30. Turkey continued its efforts to enhance compliance with the recommendations of international human rights mechanisms both in law and practice. Strengthening the NHRIs is an important component of these efforts.

31. In this respect, independence and efficiency of the Ombudsman Institution which was established in conformity with Paris Principles, is guaranteed both in the Constitution and its founding law no.6328.

32. The Institution is easily accessible by all segments of the society, in particular the vulnerable groups. As a complaint mechanism, applications lodged with the Institution are mostly individual claims. Number of applications from NGOs and professional organizations has significantly increased. This reflects the importance and the credibility of the Institution.

33. Compliance by public institutions with the decisions of the Ombudsman Institution increased. While compliance rate was around 20% in 2013, it was up to 70% in 2018.

34. Furthermore, the Institution strengthened its international cooperation through memberships to a number of Ombudsman networks such as International Ombudsman Institute (IOI), European Network of Ombudsmen (ENO).

35. The Ombudsman Institution published annual reports, which were duly submitted to the Parliament pursuant to principles of transparency and accountability. According to the semi-annual activity report of 2019, in the first half of the year, 10.712 applications were lodged with the Institution and examination of 12.087 cases was completed. These reports are public.

36. The Institution published three special reports on occupational health and safety in coal mining, problems in judicial system of Turkey and Syrians in Turkey, which are public.

37. The founding law of the Human Rights Institution of Turkey was revised to include the duties of anti-discrimination and equality. Therefore, Human Rights and Equality Institution of Turkey (HREIT) was established in conformity with Paris Principles with the Law no. 6701, which entered into force on 20 April 2016. **(Recommendations 148.18, 20, 23, 24, 25, 26)**

38. Accordingly, HREIT is mandated to carry out activities for protecting and improving human rights, ensuring the right to equal treatment of persons, preventing discrimination on the enjoyment of rights and freedoms. More information on the anti-discrimination mandate of the HREIT is provided under paragraphs 53–62.

39. HREIT is also designated as the National Preventive Mechanism (NPM) within the context of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). **(Recommendation 148.32)**

40. Since 2014, HREIT is a member of the European Network of National Human Rights Institutions (ENNHRI). One of the aims of the Institution is to be accredited to the Global Alliance of National Human Rights Institutions (GANHRI). HREIT has not yet initiated application process for the accreditation. Nevertheless, with a view to evaluating its capacity, HREIT is conducting a capacity development assessment, which is considered as a roadmap on the accreditation of HREIT to the GANHRI, in collaboration with the United Nations Development Programme (UNDP), Office of the High Commissioner for Human Rights (OHCHR) and ENNHRI. **(Recommendations 148.21, 22)**

41. Human Rights Compensation Commission was established in 2013 with a view to providing an accessible domestic remedy for applications pending before the ECtHR regarding the length of proceedings. Since its establishment, competence of the Compensation Commission expanded four times, respectively in 2014, 2016, 2018 and 2019. The Commission was endorsed by the ECtHR as an effective domestic remedy.

42. In accordance with the Law on the Protection of Personal Data (Law no. 6698), Personal Data Protection Authority was established.

43. Presidency's Communication Center (CİMER), established for enabling individuals to submit their opinions, demands and information requests, received the "WSIS Prize 2019 Champion" award in the "Access to Information" category of the World Summit on the Information Society organized by the UN International Telecommunication Union as well as the first prize in the "Public Affairs" category in the Golden World Awards for Excellence organized by International Public Relations Association (IPRA).

C. Conformity with international obligations and cooperation with international mechanisms

44. Turkey continues to uphold its international obligations deriving from treaties and conventions it has ratified as well as customary international law, while maintaining its long-standing cooperation with international mechanisms, in particular, UN human rights treaty bodies and the special procedures of the HRC.

45. Since the last UPR cycle, Turkey has submitted its State Party Reports to the Committee on the Rights of Persons with Disabilities, Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child. **(Recommendation 148.5)**

46. In order to enhance the rights of all persons and in line with its goal of acceding to the core International Human Rights Instruments, Turkey has ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure³ and the Optional Protocol to the Convention on the Rights of Persons with Disabilities⁴ since the last UPR cycle. **(Recommendation 148.53)**

47. Turkey has also ratified several CoE Conventions⁵ since 2015. As of 15 September 2019, Turkey is a party to 121 out of 225 CoE Conventions.

48. Turkey has a standing invitation to the Special Procedures of the HRC since 2001. Accordingly, the Working Group on Enforced or Involuntary Disappearances, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment conducted official visits to Turkey since the last UPR cycle. **(Recommendation 148.55)**

49. Other international human rights bodies have also continued to carry out their visits to Turkey. Subcommittee on Prevention of Torture (SPT) visited Turkey in October 2015 while the European Committee for the Prevention of Torture (CPT) carried out one periodic and five ad hoc visits to Turkey in the last five years. CoE Commissioner for Human Rights visited Turkey 3 times since the last cycle. **(Recommendation 148.54)**

50. Turkey maintains a constructive dialogue with international mechanisms. It has meticulously provided replies to the communications sent by the Special Procedures of the HRC, even during the SoE. Turkey's constructive dialogue with the Special Procedures is best demonstrated in the reports and statistics issued by the Working Groups and the Special Rapporteurs. **(Recommendation 148.52)**

51. As explained in detail in Paragraph 7, Turkey resorted to the right of derogation, as provided for in the ECHR and the ICCPR, from its obligations under the said Conventions in order to efficiently combat terrorism during the SoE. All measures taken during the SoE were in accordance with Turkey's notifications of derogation, without prejudice to the non-derogable rights under the above-mentioned Conventions.

III. Promotion and protection of human rights

Non-discrimination

52. The constitutional system of Turkey is based on the equality of all individuals without discrimination before the law, irrespective of “language, race, colour, gender, political opinion, philosophical belief, religion and sect, or any such consideration”.

53. Turkey has an extensive legal framework against discrimination. In addition to the Constitution, variety of laws, including the Turkish Criminal Code (TCC) (Law no. 5237), Civil Servants Law (Law no. 657), the Law on Political Parties (Law no. 2820), the Labour Code (Law no. 4857), and the Basic Law of National Education (Law no. 1739), specifically recognize the equality of all persons before the law and prohibit discrimination on all grounds. It is important to underline that Article 122 of TCC entitled “hatred and discrimination” provides a penalty for hate crime.

54. Turkey has institutionalized its efforts to guarantee individuals’ rights to equal treatment and prevent discrimination in exercising legally recognized rights with the establishment of HREIT in 2016. **(Recommendations 148.150, 149.13)**

55. The founding law of HREIT (Law no. 6701), designates “anti-discrimination” as one of the three mandates of the Institution, which has administrative and financial autonomy in addition to a private budget. **(Recommendation 148.17)**

56. The Law no. 6701 serves as a comprehensive law against discrimination, prohibiting discrimination on the grounds of sex, race, colour, language, religion, faith, sect, political or other opinion, ethnicity, property, birth, marital status, state of health, disability and age; while listing forms of discrimination falling under the scope of the law: Segregation or isolation, giving instructions to discriminate against someone and following such instructions, multiple discrimination, direct discrimination, indirect discrimination, mobbing, not providing reasonable accommodations for persons with disabilities, harassment and discrimination based on presumed grounds (a situation in which a person is discriminated because he/she is wrongly presumed to have one of the discrimination grounds mentioned in the present law). **(Recommendations 148.10, 18, 150.12, 26, 32)**

57. According to Law no. 6701, all persons, public institutions and private entities providing services to the public, such as justice and law enforcement, education, health, communication, accommodation, tourism or sports, are prohibited from discriminating against persons who wish to benefit from or obtain information regarding such services.

58. In case of a violation of prohibition of discrimination, the Law no. 6701 imposes an obligation on all public institutions as well as private entities to take all necessary measures to terminate the said discrimination, provide compensation, prevent repetition, and pursue legal and administrative remedies against it.

59. Anti-discrimination duties assigned by law to HREIT include; informing the public, through mass media, against discrimination; contributing to the preparation of national education curriculum relating to anti-discrimination and the content of vocational training courses for public employees; investigating, *ex-officio* or upon applications made, violations of prohibition of discrimination and rendering decisions on such cases; providing assistance regarding administrative and legal remedies to persons who lodge an application before the Institution claiming to have been subjected to discrimination; preparing annual reports on combating discrimination. **(Recommendation 148.16)**

60. All persons claiming to have been subjected to discrimination can lodge an application before HREIT. The application is free of charge and can be made through governorships or district governorships. Identities of applicants are kept secret if requested so, while the identities of children applicants are kept secret in all cases. The Law no. 6701 specifies that any adverse treatment against persons for lodging an application before HREIT also constitutes discrimination. The Institution can also lodge an *ex-officio* investigation into all allegations of discrimination. **(Recommendation 149.32)**

61. Contrary to the general principle of burden of proof, in applications made to HREIT regarding the violation of the prohibition of discrimination, the person, public institution or private entity accused of such violation must prove against the claims of the applicant if the applicant presents strong indications supporting his/her claim. Thus, the person who claims to have been subjected to discrimination has a favoured position in the proceedings before HREIT.

62. If it determines, upon the investigation made, that the prohibition of discrimination has been violated, HREIT issues fines against persons, public institutions and private entities that are responsible for the said violation.

63. In 2018, 371 applications were lodged before HREIT under its anti-discrimination mandate. 337 of these applications were overruled for not being based on any of the grounds of discrimination specified in the Law no. 6701, 3 applications were directed to other public institutions, and 37 were sustained and investigated by HREIT.

64. The Ombudsman Institution also has a mandate⁶ to monitor the compliance of public institutions with the principle of prevention of discrimination. 157 applications have been made to the Institution about discrimination since 2015. The Ombudsman Institution has provided a decisive input as a partner to the “Project on Monitoring Gender Mainstreaming”, which is being implemented since 2017, by giving recommendations such as prioritizing anti-discrimination in order to incorporate gender mainstreaming into all central plans and policies. **(Recommendations 148.66, 67)**

65. Furthermore, in order to combat discrimination against LGBTI persons, MoJ has put into practice an “Intervention Program for LGBTI Convicts” within the scope of its “Project on Improving Programs on Evaluation, Intervention Tools and Rehabilitation”. Pursuant to the Intervention Program, LGBTI convicts receive medical, psychiatric, psychological and social assistance from competent professionals.

66. Further information on combating discrimination is provided in related sections.

Minorities

67. Under the Turkish constitutional system, the term “minorities” encompasses only groups of persons defined and recognized as such under the multilateral or bilateral agreements to which Turkey is party. In this context, the Lausanne Peace Treaty, according to which Turkish citizens belonging to non-Muslim minorities fall within the scope of the term “minority”, regulates the rights and obligations of individuals belonging to non-Muslim minorities in Turkey⁷.

68. All Turkish citizens, whether or not they are recognized as a minority, enjoy the same fundamental rights and freedoms in accordance with the principle of “equality before the law” enshrined in the Constitution. In addition, non-Muslim minorities benefit from various additional liberties such as establishing, managing and overseeing their own schools, places of worship, foundations, hospitals and media organizations, in accordance with their minority status. **(Recommendations 148.56, 150, 149.5)**

69. Turkey has further strengthened the rights of minorities on their properties since the last UPR cycle. With the amendments made in the Law on Foundations (Law no. 5737) in 2018, the “Foundations Assembly” which is the decision making body of the Directorate General of Foundations (DGF), adopted a decision on 8 June 2018 on the registration of 56 immovable properties to Assyrian community foundations. Between 2003 and 2018, 1084 immovable properties were registered to foundations belonging to non-Muslim minorities, including Armenian, Assyrian, Chaldean, Greek, and Bulgarian. **(Recommendations 149.40, 150.47)**

70. Preparations for a regulation, which will address the difficulties faced by non-Muslim minorities in electing the board members of their foundations, are underway in consultation with the minority members. In order to ensure that foundations are able to operate smoothly and take decisions regarding their affairs until the adoption of the regulation, all foundations managed by non-Muslim minorities were informed by a circular

issued by the DGF that, if the number of board members decreases due to reasons such as death or resignation, foundation boards may designate new members in place of the old ones. **(Recommendation 148.78)**

71. Students belonging to non-Muslim minorities are able to attend minority schools where they can learn about their culture and language while taking classes that are part of the national curriculum. As of 2018-2019 school year, 59 minority schools, ranging from kindergartens to high schools, carry out their educational activities. **(Recommendation 149.15)**

72. In addition to the Greek elementary school that was reopened in 2013 in Gökçeada (İmroz), “Gökçeada Greek Private High School” was renovated and reopened in 2015. “Gökçeada Greek Private Middle School”, which is the first Greek middle school on the island, was also opened in 2015. Both schools are operational since the 2015–2016 school year. **(Recommendation 148.151)**

Freedom of religion and conscience

73. Turkish Constitution guarantees equality before the law without distinction on any ground including religion or sect. Freedom of religion and conscience is safeguarded by the Constitution, which also states that no one shall be compelled to worship and that no one shall be allowed to exploit or abuse religion or religious feelings.

74. Relevant Turkish legislation also provides an extensive framework for the protection of freedom of religion and conscience in order to ensure that all Turkish citizens are able to freely manifest and practice their religion or belief.

75. Non-Muslim Turkish citizens practice their religion and hold religious ceremonies without any impediments. Accordingly, several places of worship, including the Grand Synagogue in Edirne, (largest synagogue in the Balkans and the third largest in Europe), and the 120-year-old Sveti Stefan Bulgarian Church (known as the Iron Church) in Istanbul, have been restored and reopened for worship since the last UPR cycle. **(Recommendation 148.126)**

76. In December 2018, Bakırköy municipality in Istanbul granted the permission for the construction of an Assyrian Church planned to be built from scratch in Yeşilköy. President Erdoğan’s participation in the foundation laying ceremony of the church in August 2019 demonstrated Turkey’s commitment to maintaining its multi-faith and tolerant social structure. **(Recommendation 148.114)**

77. Following the judgment of the ECtHR regarding the “culture of religion and knowledge of ethics” classes⁸, a working group was established in 2016, composed of representatives from the MoJ, MFA, Ministry of National Education (MNE), Presidency of Religious Affairs (PRA) and the civil society, in order to draft a report comprising recommendations for a new curriculum for the classes. A commission, which also involved Alevi representatives, prepared a new draft curriculum in accordance with the recommendations made in the report that was submitted in 2017. The draft curriculum was then made available online in order to enable NGOs, teachers, students, and their parents to submit their recommendations. The final curriculum, which reflects the recommendations made by the relevant stakeholders, is taught as of 2018-2019 school year. **(Recommendation 150.35)**

78. Questions on the culture of religion and knowledge of ethics class are optional in the national university entrance exams in order to eliminate any injustice that may arise for students who did not take the class. Accordingly, students who were exempt from the class are able to answer philosophy questions instead. **(Recommendation 150.37)**

79. New identity cards for Turkish citizens do not include any indication of the person’s religion, and no institution has authorisation for direct access to the information about religion which is registered, subject to the individual’s specific request, in an electronic chip within the identity cards.

80. Convicts and detainees are able to benefit from religious services, including religious classes and seminars provided by officials appointed by the PRA. Non-Muslim convicts and detainees can also access their religious books and meet with religious officials in order to receive religious or spiritual assistance. **(Recommendation 148.115)**

Freedom of expression and the media

81. Freedom of expression and the media are safeguarded by the Constitution and other relevant legislation. There is an active and pluralistic media community enjoying international standards of freedom of expression and media in Turkey.

82. Turkey is determined to continue its efforts towards expanding the scope of freedom of expression and media. JRS contains a number of measures to this end. In this context, national legislation, including the anti-terror legislation, is planned to be discussed within JRS process. In this scope, legislation and practice regarding freedom of expression will be analysed; provisions for expanding rights and freedoms of individuals will be introduced; assurances for legal remedies against judicial decisions concerning freedom of expression will be strengthened. Furthermore, methods of blocking access on the internet stipulated in Internet Law (Law no.5651) and other laws will be reviewed. **(Recommendations 148.14, 115, 121, 124, 127, 150.16)**

83. EU-CoE joint project of “Strengthening the Capacity of Turkish Judiciary on Freedom of Expression” was carried out in collaboration with MoJ aiming at contributing to the protection of freedom of expression in Turkey and enhancing implementation of the case-law of ECtHR regarding freedom of expression in the Turkish judiciary. In the context of the project conducted between October 2014 and March 2017, in-service and internship trainings for judges and prosecutors, various round table meetings, four international workshops and an international symposium were held and a number of judges and prosecutors were assigned to training programmes in ECtHR. **(Recommendations 148.104, 105)**

84. Furthermore, freedom of expression courses are provided regularly within the curriculum of training of intern judges and prosecutors.

85. Free access to media for both national and international press members were provided and with a view to facilitating their professional works, they were granted with press cards. Press cards are issued in line with the Regulation on Press Card, without any discrimination among press members. Accordingly, as of October 2019, 12.830 national press members were granted with press cards. Accreditations of international press members residing in Turkey are being renewed annually and they are also granted with annual press cards. In 2018, 341 press members from 41 countries were accredited and granted press cards. As of September 2019, 343 international press members from 49 countries were accredited and granted press cards. **(Recommendation 150.41)**

Right to peaceful assembly and association

86. Freedom of peaceful assembly and association is a democratic right safeguarded by the Constitution (Articles 33 and 34) and the relevant national legislation.

87. Within the context of the Democratization Package of 2014, the scope of the freedom of assembly was further expanded.

88. With the Constitutional amendment of 2017, the number of parliamentarians were increased from 550 to 600; minimum age to stand for parliamentary election was lowered from 25 to 18. Presidential election and general elections are to be held on the same day every five years. Better participation on representation is aimed with these amendments.

89. Peaceful assemblies and demonstrations were held without any interference in the event of their conformity with the Constitution and national legislation. Accordingly in 2018 46.389 demonstrations and in 2019 (as of October) 39.918 demonstrations were held.

Law enforcement officials intervened in only 0.8% of them in 2018 and 0.7% of them in 2019 due to their inconformity with the legislation. **(Recommendations 149.35, 41, 42)**

90. “Directive on Tear Gas and Defence Rifles, the Use and Storage of Equipment and Ammunitions relating to them and Training of User Personnel” entered into force in 28 May 2016, thus diverse legal arrangements on this matter were incorporated. The Directive regulates specific rules for proper use of tear gas and defence rifles, use and storing of equipment and ammunitions as well as procedures to be followed before, after or during an intervention.

91. Furthermore, Riot Police personnel in charge of using tear gas rifles and ammunitions were provided with in-service trainings on January 2019. **(Recommendation 149.38)**

92. In 2018 and (as of October) 2019 a total of 1.408 in-service trainings were provided to 36.770 staff of the Directorate General of Security regarding use of tear gas, intervention in public events, human rights and proportionate use of force. **(Recommendation 149.36)**

Prohibition of torture and ill-treatment

93. Turkey has adopted a “zero tolerance against torture” policy since 2003, and introduced a comprehensive set of legislation and other measures in order to prevent, investigate, prosecute and punish all acts of torture and ill treatment.

94. Statute of limitations was fully abolished with regard to crime of torture in 2013.

95. Torture became a ground for dismissal from public service with Decree-Law no. 682 dated 23 January 2017.

96. All allegations of torture and ill-treatment are immediately brought to the attention of the authorities and duly investigated by judicial and administrative bodies.

97. In order to enhance the effectiveness of the investigations, MoJ issued Circular no.158 on 20 February 2015 and established that investigations regarding allegations of human rights violations in particular torture and ill-treatment should be personally conducted by Chief Public Prosecutor or a Public Prosecutor appointed by Chief Public Prosecutor.

98. Additional Article 1 was added to the Code of Criminal Procedure (Law no.5271) stating that, investigations against law enforcement officials regarding torture are investigated personally by the Public Prosecutor and be prioritized. Prosecution and appeal processes are carried out promptly. This amendment gave precedence to judicial proceedings regarding the crime of torture over other proceedings. **(Recommendation 148.109)**

99. CoE project of “Improving the Effectiveness of Investigation of Allegations of Ill-treatment and Combating Impunity” was carried out by MoJ between December 2017–May 2019. The project aimed at contributing to the improvement and strengthening of the judges and prosecutors’ capacity to effectively conduct investigations for combating ill-treatment and impunity. **(Recommendation 148.109)**

100. As for administrative supervision, penitentiary institutions are monitored by inspectors of the MoJ, controllers of the Directorate General for Prisons and Detention Houses and public prosecutors in charge of penitentiary institutions.

101. In relation to ill-treatment allegations, administrative and/or criminal proceedings were conducted against 225 penitentiary institutions’ staff in 2015, 363 staff in 2016, 382 staff in 2017, 638 staff in 2018 and 309 staff in 2019 (as of May). As of May 2019, criminal investigations are pending with regard to 161 staff and prosecutions are ongoing regarding 2 staff. Besides, disciplinary penalties were imposed on 16 staff and administrative investigations are pending regarding 118 staff.

102. Law Enforcement Supervision Commission was established with Law no. 6713 of May 2016. As a supervisory board, it aims to enhance the efficiency and transparency of

the law enforcement units by creating a common database for all prosecutions and disciplinary procedures against law enforcement officials. In addition, Regulation on the Implementation of the Law No. 6713 was promulgated in the Official Gazette on 7 August 2019. **(Recommendations 148.18, 149.11)**

103. In addition to judicial and administrative mechanisms, the Ombudsman Institution and the HREIT investigate complaints of torture and ill-treatment and monitor all places where persons are deprived of their liberty. HREIT, designated as NPM, pays on-site visits without permission from the authorities, whereas the Ombudsman Institution informs the authorities in advance.

104. Pursuant to its NPM mandate, the HREIT paid visits to 27 places in 2018 and prepared 19 reports.

105. In October 2018, the Ombudsman Institution held meetings respectively with public institutions responsible for functioning of the penitentiary institutions and NGOs. In light of the assessments received from these meetings, the Ombudsman Institution visited and investigated Sincan, Silivri, Bakırköy, Maltepe, Ümraniye, İzmir (Aliğa), Diyarbakır, Çankırı and Elazığ penitentiary institutions and held meetings with convicts and detainees. Accordingly, the Institution decided to carry out a workshop with the participation of all stakeholders and prepare a special report on the administration of penitentiary institutions.

106. As part of Parliamentary supervision, members of the Human Rights Inquiry Committee of the Parliament monitor places where persons are deprived of their liberty and holds interviews with convicts and detainees as well as persons under custody.

107. Furthermore, Human Rights Boards of provinces and districts, which are comprised of representatives of NGOs, visit and monitor penitentiary institutions. Monitoring boards of penitentiary institutions also pay visits at least in every two months.

108. In addition to these mechanisms, after the 15 July coup attempt, a unit was established within the MoJ to track all claims in the media regarding torture or ill-treatment in penitentiary institutions, to convey said claims to relevant authorities in order for them to investigate and to declare to the public the outcome of the said investigations.

109. Efforts are ongoing on the improvement of conditions of penitentiary institutions in line with UN and CoE standards. Penitentiary institutions which do not meet these standards are closed down and adequate institutions that provide facilities for physical, social and cultural activities are constructed. In this regard, construction works for penitentiary institutions pursuant to modern execution regime have been included in the 2019 investment programme of the Government. **(Recommendation 149.21)**

110. Furthermore, in-service trainings were provided to penitentiary institutions' staff regarding the rights of convicts. In this context, around 65.000 personnel were trained. Efforts on standardization and enhancement of in-service trainings are ongoing and international and regional cooperation activities are closely followed. Accordingly, Turkey has been actively participating in European Prison Training Academies meetings since 2016. **(Recommendation 148.50)**

111. Pursuant to Law on the Execution of Sentences and Security Measures (Law no. 5275), execution of penalties of the convicts who fail to maintain his/her life in prison conditions due to severe disability or illness can be suspended under certain circumstances. **(Recommendation 149.9)**

Right to education

112. Turkish national education system, which stipulates 12 years of compulsory education for all children, aims to enhance students' abilities such as problem-solving, critical thinking and innovation while respecting and cherishing the distinctiveness of every individual. The curriculum underlines core values such as justice, democracy and human rights.

113. Inclusiveness is among the core principles of the national curriculum at all stages of compulsory education. To that end, all school materials are prepared in accordance with the principle of the universality of human rights and with a view to avoiding any content that may degrade any segment of the society.

114. In order to raise awareness on human rights and democracy in preschool and primary education, MNE started implementing the “Project on Strengthening the Culture of Democracy in Basic Education Institutions” in 2018. Accordingly, a training program on “Human Rights and Democratic Citizenship” was put into place for school teachers. **(Recommendation 148.27)**

115. In the context of promoting education in rural areas, MNE developed a “Mobile Teacher’s Class” program whereby a pre-school teacher travels with a driver and auxiliary staff in a vehicle assigned for this purpose, to remote areas where there are no kindergartens due to inadequate number of pre-school-aged children, in order to provide pre-school education with flexible times. The program is being implemented since the 2017-2018 school year. In the 2018-2019 school year, 37 teachers travelled to 148 remote villages and provided pre-school education to 680 children. With a view to equality of opportunity in terms of access to technology, wireless networks and interactive materials were installed in several rural areas. **(Recommendations 148.134, 138)**

116. Project titled “Increasing Girls’ Schooling Rate”⁹, which was implemented between 2015 and 2017 in 15 provinces in eastern and south-eastern Turkey, aimed at increasing the school attendance of girls and raising awareness among families regarding the importance of girls’ education. In the context of the project, 18.516 local public employees, including teachers, law enforcement and health personnel, and religious officials received trainings on topics such as gender mainstreaming, girls’ education, and communication. Furthermore, “province teams” formed under the project visited 9424 local families in order to convince them to send their daughters to school, as a result of which 3319 students were enrolled in educational institutions¹⁰. **(Recommendations 148.77, 136)**

117. In addition to its efforts to promote the compulsory education of girls, Turkey takes several measures to remove the obstacles faced by women in higher education and academia, and to put women’s lives and experiences at the center of academic study. There are currently 14 master’s or doctorate programs in Turkish universities in women’s studies under sociology and political science departments. In addition, “Women’s Studies in Academy” unit was formed under the Council of Higher Education (CHE) in 2015 in order to take comprehensive measures against challenges faced by female students and women in the academia, such as harassment, violence, and mobbing. **(Recommendation 148.64)**

118. Turkey provides financial support to students who have difficulty in pursuing education and are forced to work due to financial reasons. In that context, 850.733 TRY was provided to 8.760 students in the 2016-2017 school year, whereas 800.960 TRY was provided to 7.930 students in the 2017-2018 school year. **(Recommendation 148.137)**

119. Promoting the education of persons with disabilities is among the key objectives of Turkey’s education policy. “Regulation on MNE’s Special Education Services” was issued in 2018, according to which persons in need of special education benefit from education services both in the same classes with other children, or in “special education classes” equipped with special materials necessary for their education. For instance, in “SERÇEV Inclusive Vocational and Technical High School”, where considerable planning and research were undertaken to develop the curriculum and teaching resources, 200 students with cerebral palsy are integrated with 200 of their non-disabled peers through “cross-harmonization” method. SERÇEV High School was selected a “Major Award Winner” at the 2018 World Cerebral Palsy Day Awards. **(Recommendations 148.139, 141)**

120. Project titled “Inclusive Education Program” is implemented by the MNE since 2015, within the scope of which braille devices capable of storing 300.000 books, including all textbooks, are distributed to schools around Turkey. Over 10.000 visually impaired students benefit from said devices each year. Another MNE project, “Inclusive Early Childhood Education for Children with Disabilities (2017-2020)”, which is implemented through a close partnership with UNICEF, aims at increasing the number of children with disabilities enrolled in early childhood education by using evidence-based data to increase

the awareness of families, caregivers, decision makers and community leaders about inclusive education rights. The project equips teachers, administrators and other education personnel with the essential knowledge and skills to foster inclusive education environments. **(Recommendation 148.145)**

121. As pointed out by the civil society, higher education is essential for persons with disabilities to maintain their adulthood as functioning members of the society. Accordingly, CHE has accelerated its efforts to overcome the obstacles faced by persons with disabilities in higher education institutions. In that context, “Inclusive University Awards” program was first implemented in 2018. In 2019, 28 universities around Turkey won awards under “accessible environment”, “accessible education” and “accessible socio-cultural activities” categories. **(Recommendation 148.146)**

122. Elective classes are offered under the “Living Languages and Dialects” course. In addition to Kurdish (Kurmanji and Zazaki), Circassian (Adige and Abkhaz) and Laz, public schools started offering Albanian and Bosnian classes in the 2017-2018 school year. Number of students that took classes under the “Living Languages and Dialects” course in the 2016-2017 and 2017-2018 school years was 67.144 and 47.624, respectively.

123. Turkey gives utmost importance to raising awareness among public employees on human rights through educational programs. In that context, 10.671 candidate judges and prosecutors received trainings on human rights, ECHR, ECtHR jurisprudence and human rights law between 2015 and 2019. Furthermore, all in-service trainings for police officers include a class on human rights. Accordingly, 54.295 and 103.126 law enforcement personnel received trainings on human rights in 2017 and 2018, respectively. **(Recommendations 148.104, 105)**

Women’s rights

124. Preventing all forms of discrimination against women and ensuring that women enjoy equal rights and opportunities in all spheres of life are among the primary objectives of the 11th Development Plan (2019-2023) and the 10th Development Plan (2014-2018). In that context, various legal arrangements have been made to increase women's employment, to support women entrepreneurs and to enforce the participation of mothers in the labour market. Accordingly, in 2016, part-time working rights for women who have given birth were regulated and parents who choose to adopt a child were granted the same maternity/paternity leaves as biological parents. Furthermore, since 2018, employers are exempt from income taxes for nursery or daycare center benefits that they provide for the children of women employees. Various incentives are provided to employers who hire additional female staff. **(Recommendations 148.57, 65, 68, 71, 72, 80)**

125. “The Strategy Paper and Action Plan on Women’s Empowerment” was put into practice for the years 2018-2023 as a comprehensive study encompassing strategic objectives and activities for a wide range of actors including state institutions, private sector, civil society and universities. It aims to enable women to have access to equal opportunities and facilities and sets out five main policy pillars for their empowerment: Education, economy, health, participation in decision-making mechanisms, and media. Cross-cutting policy areas such as “legislative amendments”, “cooperation with civil society and local administrations”, and “women living in rural areas” were identified and taken into account in all main objectives, strategies and activities set out in the Action Plan. **(Recommendations 148.40, 47, 58, 62, 64, 149.14)**

126. “Third National Action Plan on Combating Violence Against Women 2016-2020” was put into effect to prevent all forms of violence against women including domestic violence and to provide effective protection to victims. Provincial action plans are developed and monitored on a six-month basis to ensure the effective implementation of the National Action Plan in 81 provinces. **(Recommendations 148.46, 73, 74, 96, 97, 98, 111, 112, 149.6, 7)**

127. Institutional support services for victims of violence against women have increased in number. In addition to 145 women’s shelters across Turkey, Violence Prevention and

Monitoring Centers, which are operational since 2012, now deliver services in 80 out of 81 provinces. “183 Social Support Line” operates on a 24/7 basis as a preventive mechanism providing psychological, legal and economic assistance to women and children in need. The support line, which is free of charge, is also available in Arabic and Kurdish, and is hearing-impaired-friendly as it takes complaints via text and 3G. **(Recommendations 148.69, 95, 101, 102, 149.18)**

128. One of the four main policy axes of the National Employment Strategy (2014-2023) and Action Plans (2017-2019) is “increasing the employment rate of groups requiring special policies”, which aims to combat undocumented labour and increase women’s participation in the labour force to 41% by 2023. Accordingly, the first Action Plan on Women’s Employment (2016-2018) was prepared. As a result of these policies, women’s employment rate increased from 26.7% to 29.4% and women’s participation rate in the labour force from 30.3% to 34.2% between the years 2014 and 2018. **(Recommendations 148.57, 72, 80, 133)**

129. Ratio of women members of parliament increased from 4.4% in 2002 to 17.45% in 2018. There are two women ministers (12.5%) in the first cabinet of the Presidential System. **(Recommendations 148.57, 70, 76, 80)**

130. In order to raise awareness and transform social attitudes on gender equality and combating violence against women, trainings were organized for various groups including police officers, health personnel, judges and public prosecutors. The topics were incorporated in the curriculums of various educational levels and institutions. Leaflets on these topics are published each year, both in Turkish and Arabic. **(Recommendations 148.60, 98)**

131. In line with the Sustainable Development Goals, a Memorandum of Understanding was signed between the Ministry of Health and the United Nations Population Fund (UNFPA) on issues including “access to reproductive health services”, “unintended or risky pregnancies” and “sexual and gender based violence” in order to decrease the gap between vulnerable groups and rest of the society in gender equality and access to reproductive health services. **(Recommendations 149.44)**

132. “Lifelong Learning Strategy (2014-2018)” was put in place to increase the efficiency of the lifelong learning system and to support disadvantaged women’s access to education, including distance education and open learning. In that context, illiteracy rate among women (over the age of six) decreased from 19.4% in 2000 to 5.4% in 2017. For the 2017-2018 academic year, schooling ratio of girls is 91.6% in primary education (boys: 91.4%), 83.3% in secondary education (boys: 83.7%), and 47.3% in higher education (boys: 43.9%). **(Recommendations 148.64, 77, 135, 136)**

133. “Harassment” is specifically listed as a form of discrimination in the Law No. 6701 dated 2016. Accordingly, women who claim to have been subjected to harassment or any other form of discrimination in any context, whether by public or private service providers or at workplaces, can lodge an application before HREIT which can impose penalties on public institutions or private entities. **(Recommendations 148.17, 60, 66, 67, 150.12, 26)**

Children’s rights

134. Turkey submitted its “Combined 4th and 5th Periodic Reports” as per Article 44 of the Convention on the Rights of the Child to the Committee on the Rights of the Child on 29 March 2019.

135. Turkey ratified the "Optional Protocol to the Convention on the Rights of the Child on a communications procedure" in 2017. The decree (no.2017/10836) on the approval of the Optional Protocol was published in the Official Gazette on 7 December 2017 and entered into force on 26 March 2018, finalizing the domestic legal process concerning its ratification. **(Recommendations 148.1, 3, 4)**

136. "National Strategy Document and Action Plan on the Rights of the Child (2013-2017)", which introduces nine concrete goals for making tangible enhancements in every

aspect of children's lives, was implemented. In order to observe the best interest of the child in every aspect of governmental policy, various policy documents such as development plans, Presidential annual programs and the Strategy Document Paper (2019-2013) of the Ministry of Family, Labour and Social Services (MoFLSS) include provisions on the enhancement of the rights of children. The Coordination Strategy Paper on Child Protection Services (2014-2019) continues to be implemented in order to provide protective and preventive services for children. **(Recommendations 148.28, 44, 49)**

137. "National Program (and Action Plan) for Combating Child Labour" was prepared for the years 2017–2023. The program sets out comprehensive measures to eliminate child labour, in particular, worst forms of child labour and identifies priority target groups such as "children working on the streets", "children employed in heavy and dangerous works in small and medium-sized enterprises" and "children employed in migratory and temporary agricultural works"; while the Action Plan designates specific goals for all relevant public institutions in order to take the necessary measures to eliminate child labour. **(Recommendations 148.86, 87, 88, 94, 137)**

138. "Expert Intervention Teams", which were formed in order to prevent or to respond on time to cases of neglect or abuse of children or violence against them, began their work in 81 provinces in December 2018. **(Recommendations 148.89, 149.17)**

139. "Third National Action Plan on Combating Violence Against Women 2016-2020"¹¹ also encompasses comprehensive measures to prevent violence against children; while the "183 Social Support Line"¹² provides emergency assistance to child victims of all forms of abuse and violence. **(Recommendations 148.82, 111)**

140. Draft "Provincial Action Plan on Combating Early and Forced Marriage" was prepared after extensive interviews were carried out in 2017 with representatives of relevant public institutions and organisations in provinces with a high rate of early and forced marriage. Accordingly, in line with the Sustainable Development Goal 5.3, preparation for the "Strategy Document and National Action Plan on Combating Early and Forced Marriage (2018-2023)" began in cooperation with all relevant stake-holders including local administrations and NGOs. **(Recommendations 148.99, 100, 103, 149.20)**

141. "Working Group on Social Media", which operates under the MoFLSS, works in cooperation with Information and Communications Technologies Authority and the Department for Combating Cyber Crimes under the Directorate General of Security in order to prevent exploitation and abuse of children online. **(Recommendation 148.39)**

142. "Social and Economic Support Service" is provided to families who are unable to financially support their children. This service enables children, who would otherwise be put under institutional care due to their families' lack of financial resources to support their basic needs, to live in a family environment while also providing psycho-social support to their families. The Service also ensures that children who had dropped out of school due to financial difficulties continue their compulsory education. **(Recommendations 148.39, 113, 137)**

Rights of the persons with disabilities

143. Turkey ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD) on 26 March 2015. **(Recommendations 148.1, 4)**

144. "Project for Supporting the Implementation and Monitoring of the CRPD", which was put into practice in 2013, was carried out until 2016. The project aimed to promote the rights of persons with disabilities as set forth in the CRPD in all public institutions through various awareness-raising activities. Indicator charts were also created in the context of the said project in order to determine the level of realisation of each right in the CRPD. **(Recommendation 148.140)**

145. Preparations for drafting the "National Strategy Document and Action Plan on the Rights of Persons with Disabilities" are underway under the auspices of the MoFLSS. The process, which is being carried out in coordination with all stakeholders including the civil

society, aims to compose a comprehensive document comprising legislative, institutional and practical measures to enhance the rights of persons with disabilities in accordance with the CRPD, along with methods for the implementation thereof. **(Recommendation 148.142)**

146. “Accessibility Monitoring and Auditing Commissions”, which were formed in 2013 in all 81 provinces in order to monitor practices on the accessibility for persons with disabilities, started issuing fines in 2015 to all public service providers such as public transportation vehicles and public buildings which do not offer services accessible to persons with disabilities. Furthermore, “Regulation on Making Intercity and Tourism Transportation Services Accessible” entered into force in 2017. **(Recommendation 148.143)**

147. A separate budget scheme was assigned for all accessibility-related expenditures, which was utilized by public institutions in their expenditure plans for the 2018 budget. 7.758.000 TRY and 4.430.000 TRY were transferred to accessibility projects in 2015 and 2016, respectively, whereas 38 government offices and 35 hospitals were designated as pilot areas for the said projects. **(Recommendation 148.147)**

148. “Guidelines for Accessibility of Built Environment for Children” was prepared in 2017 in order to establish the standards of accessibility for children with disabilities. **(Recommendation 148.145)**

149. Between 2013 and 2018, trainings on accessibility were given to 5000 local administration and public institution personnel. Furthermore, in order to raise awareness on the issue of accessibility in higher education, five seminars titled “Accessible Universities” were held in 2018 with the participation of representatives from 183 universities. **(Recommendation 148.146)**

150. In order to enhance the right of persons with disabilities to vote, mobile ballot boxes are brought directly to the persons who are unable to leave their house due to disability since 2018. 22.951 persons benefited from this service so far. 78,05% of all voters with disabilities were able to cast their votes in the general elections held on 24 June 2018. **(Recommendation 148.142)**

151. As the “Project on Improving the Services for Persons with Disabilities (2011-2014)” proved very effective in enabling persons with disabilities to voice their demands regarding public and institutional services provided to them and take part in the planning of future services, a follow-up project titled “Social Inclusion of Persons with Mental Disabilities” has been implemented since 2018. The follow-up project, which specifically targets persons with mental disabilities, aims to strengthen their social inclusion. **(Recommendation 148.147)**

152. Extensive research was carried out between 2015 and 2017 in order to extend the use of the Turkish Sign Language. In that context, data was collected from 116 individuals who are native in sign language. The research formed the basis for the “Dictionary on Turkish Sign Language” and the book on “Turkish Sign Language Grammar” which was published in 2017 along with its translation in English. **(Recommendation 148.142)**

153. Project titled “Accessibility of Passenger Transportation Services in Turkey (2017-2019)” is being implemented by the Ministry of Transport and Infrastructure (MTI) in order to enhance the accessibility of passenger transportation services and the technical and institutional capacity of the MTI in this regard. The Project, which will be finalized by the end of 2019, comprises the drafting of a national action plan and strategy paper on accessibility as well as the implementation of pilot projects and awareness raising activities. **(Recommendation 148.144)**

Refugees, asylum seekers, international protection and human trafficking

154. Turkey has opened its doors for Syrians without any form of discrimination since 2011. As of October 2019, 3.671.553 Syrians are granted temporary protection in Turkey, whereas 63.204 Syrians are placed in temporary accommodation centers.

155. With regard to implementation of Turkey-EU Statement of 18 March 2016, Syrians taken back from Aegean islands are also granted temporary protection status.

156. In respect of temporary protection, Syrians can benefit from free health care services. Vulnerable groups, especially unaccompanied minors, have priority in benefiting from healthcare services, psycho-social support and rehabilitation. Furthermore, best interest of the child is observed in all actions concerning children. Syrians can apply for working permit six months after their registration. Legal aid can be granted in the event of their application to the Bar Association located in the province of registration. **(Recommendation 148.153)**

157. Currently, 1.082.172 Syrians are considered being within educational age. Subsequent to the closure of temporary education centers, Syrian children were enrolled in public schools as from 2016-2017 school year and obligation of registration for the students of first, fifth and ninth classes were introduced. As of September 2019, 63.23% of Syrian children (684.253 students) were enrolled in education. **(Recommendation 149.45)**

158. “Promoting the Integration of Syrian Children into Turkish Education System (PIKTES)” project is being carried out by the MNE and the EU. Within the context of the project, trainings are held and courses are given to teachers and administrative personnel of schools where Syrian students are mostly enrolled.

159. Furthermore, integration of Syrian students into vocational education is promoted. In this sense, 1.300 foreigners under temporary protection are studying in vocational education centers and are given the opportunity to work in respective fields **(Recommendation 149.45)**.

160. Diploma equivalence procedures for higher education were also simplified. Accordingly, equivalence applications of asylum seekers who failed to submit originals or copies of their diplomas are accepted and they are admitted to the process of equivalence since January 2017 in line with international regulations. As of October 2019, around 7.400 equivalence applications are submitted by Syrians. Pursuant to the equivalence documents, asylum seekers can either perform profession or continue their academic studies.

161. Moreover, in line with the decisions of the CHE Executive Board, students admitted to associate degree, undergraduate or postgraduate programs (other than specialty in medicine and dentistry programs) in Syria before 2013-2014 academic year, were allowed to be transferred to Higher Education Institutions in Turkey as from 2014-2015 academic year. They were also allowed to take courses as special students, in the event of a failure to provide required documents for transfer.

162. Turkey fully complies with the principle of non-refoulement. Syrian nationals are not urged or forced to return to Syria. Safe and voluntary returns are strictly observed. If a Syrian is willing to return to Syria voluntarily, a request form for voluntary return is drafted both in Turkish and Arabic, signed by the requesting person, an interpreter, a public official conducting return processes and a representative of the office of the UN High Commissioner for Refugees (UNHCR). Furthermore, Syrians are allowed to leave Turkey through submitting a valid visa and residence permit from third countries.

163. In relation to resettlement of Syrians to third countries, Resettlement Commissions were established in Provinces. These commissions identify needy and vulnerable Syrians and submit related information to UNHCR via Directorate General of Migration Management. As of October 2019, 15.692 Syrians are resettled in this framework. Further 24.507 Syrians are resettled according to Turkey-EU Statement which foresees that for every Syrian being returned from the Aegean Islands to Turkey, another Syrian will be resettled in the EU.

164. In 2018, the Ombudsman Institution published a special report titled “Syrians in Turkey” which analyses situation of the foreigners under temporary protection. The report examined services provided by public institutions as well as NGOs and made suggestions, *inter alia*, on enhancing the efficiency of the services and improving domestic legislation.

165. Measures against human trafficking are provided under Law on Foreigners and International Protection (Law no. 6458). Moreover, Regulation on Prevention of Human Trafficking and Protection of Victims entered into force on 17 March 2016. The Regulation provides procedures and principles for preventing and combating human trafficking, protecting victims of human trafficking, providing residence permit as well as supporting services for victims of human trafficking. **(Recommendations 148.11, 12, 15, 19, 90, 91, 93)**

166. Pursuant to the Regulation, all victims of human trafficking are provided with a support program without discrimination, taking into account the special needs of vulnerable groups such as children. The program includes access to various services such as, accommodation, health, psycho-social support, social services and social relief, legal assistance and counselling, translation, guidance on educational services as well as vocational education and access to labour market, counselling services provided by related NGOs and international or intergovernmental organizations. Also, embassy or consulate of the country of the victim is informed upon the victim’s consent and the victim is provided with the opportunity for meeting with the embassy or consulate officers. Work permit is granted to the beneficiaries of the support program according to Law on International Labour Force (Law no.6375). Upon the consent of the victim, voluntary return to country of origin or a safe third country is ensured according to Voluntary and Safe Return Program. **(Recommendations 148.83, 84, 85, 91)**

167. Residence permit is granted for victims of human trafficking by the Governorates. Residence permit is issued for 30 days and may be renewed for periods of six months. However, total duration cannot exceed three years. Victims of human trafficking are exempted from residence fee.

168. Coordination Commission of Combating Human Trafficking was set up with the aim of preventing crime of human trafficking and determining the policy and strategies on combating human trafficking. Coordination Commission held its meetings on 1 March 2017 and 28 February 2018 with the participation of related Ministries and public institutions as well as international organizations and NGOs. Pursuant to decisions taken in these meetings,

- sub-working groups are established; sub-working group for children held meetings on 27 April 2017 and 21 September 2018 and sub-working group for labour held its meeting on 27 September 2018,
- an information booklet aiming at awareness-raising of the personnel in charge of combating human trafficking was prepared and distributed to all Provincial Directorates of Migration,
- contact officers were designated in 15 provinces where victims of human trafficking are mostly found,
- 2017 Report on Combating Human Trafficking in Turkey was published. **(Recommendations 148.83, 84, 85, 92)**

169. “National Action Plan for Irregular Migration” is being drafted and workshop on Strategy Document on Irregular Migration and National Action Plan was held in 30 April 2019 with the participation of all national stakeholders.

170. With the aim of developing coordination on promotion of regular migration and effectively combating irregular migration, Turkey conducts close cooperation with countries of origin such as Afghanistan, Pakistan and Iran. **(Recommendation 148.152)**

171. Turkey has also put in place a broad array of mechanisms to disrupt or stop the flow of foreign terrorist fighters (FTFs). Turkey is enhancing security measures to stop and intercept FTFs at airports and other border crossing points through Risk Analysis Units established specifically for this purpose and other border security measures. Turkey has

been calling for source countries to take necessary legal and administrative measures to prevent departure and travel of FTFs from their countries. In the context of measures against FTFs, between 2011 and October 2019, entry bans were issued in respect of 76.621 foreigners and 7.606 foreigners were deported. Risk Analysis Units checked over 30.500 passengers, interviewed more than 20 thousand people and about 9.500 people have been denied entry to Turkey. Turkey has also developed and made use of mechanisms to bring FTFs to justice and to offer rehabilitation services where appropriate. Turkey ratified the Additional Protocol to the CoE Convention on the Prevention of Terrorism concerning FTFs in February 2018. **(Recommendation 149.46)**

Notes

- ¹ Grand National Assembly of Turkey.
- ² JRS is available at https://www.yargireformu.com/images/YRS_ENG.pdf
- ³ See paragraph 135.
- ⁴ See paragraph 143.
- ⁵ List of CoE Conventions Turkey has ratified since the last UPR cycle: ETS No. 086, 087, 108, 117, 127, 167, 168, 181, 182, 193. CETS No. 197, 198, 209, 211, 212, 213, 217, 219.
- ⁶ According to the Regulation on the Implementation of the Law on the Ombudsman Institution.
- ⁷ Lausanne Peace Treaty, Articles 37–45.
- ⁸ Mansur Yalçın and others v. Turkey (21163/11) judgment of the ECtHR, dated 16 September 2014.
- ⁹ More information regarding the activities carried out under the Project can be found on the Project's website <http://kizlarinegitimi.meb.gov.tr/>
- ¹⁰ For the schooling ratio for both male and female students in the 2017-2018 academic year, see paragraph 132.
- ¹¹ See paragraph 126.
- ¹² See paragraph 127.