

Turkey

Mid-term Implementation Assessment



*Promoting and strengthening
the Universal Periodic Review*
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 22 February 2013

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/turkey>

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

24 stakeholders' reports were submitted for the UPR. 19 NGOs were contacted. No UN agency was contacted. The Permanent Mission to the UN was contacted. No domestic NHRI could be contacted.

11 NGOs responded to our enquiry. The State under Review provided its statement made under item 6 at the HRC.

IRI: 81 recommendations are not implemented, 41 recommendations are partially implemented, and 26 recommendations are fully implemented. No answer was received for 16 out of 168 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).

2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	Women's rights, Rights of the Child, Right to education,	page 62	partially impl.
2	NHRI	page 80	fully impl.
3	Right to health	page 27	partially impl.
4	Women's rights	page 63	not impl.
5	Counter-terrorism, Rights of the Child, International instruments,	page 64	not impl.
6	International instruments, Enforced disappearances,	page 43	not impl.
7	Torture and other CID treatment, International instruments, Disabilities,	page 43	partially impl.
8	Women's rights	page 64	not impl.
9	Racial discrimination	page 27	not impl.



rec. n°	Issue	page	IRI
10	Justice	page 49	not impl.
11	Racial discrimination, Freedom of opinion and expression,	page 49	not impl.
12	Trafficking	page 50	partially impl.
13	Women's rights, Torture and other CID treatment, Rights of the Child,	page 65	not impl.
14	Racial discrimination, Minorities, Human rights education and training, Freedom of religion and belief,	page 27	not impl.
15	Minorities	page 31	not impl.
16	Freedom of opinion and expression	page 8	not impl.
17	Justice	page 51	fully impl.
18	Racial discrimination	page 29	not impl.
19	Freedom of religion and belief	page 9	not impl.
20	Minorities	page 31	partially impl.
21	UPR process, Civil society,	page 10	-
22	Minorities, International instruments, Freedom of religion and belief,	page 32	not impl.
23	Right to education, Minorities,	page 34	partially impl.
24	Minorities	page 35	partially impl.
25	Minorities, International instruments,	page 44	not impl.
26	Other	page 80	fully impl.
27	Women's rights	page 66	partially impl.
28	Human rights education and training	page 30	partially impl.
29	Women's rights	page 67	partially impl.
30	Women's rights, Rights of the Child, Right to health,	page 68	fully impl.
31	Trafficking	page 51	partially impl.
32	Other	page 80	not impl.
34	Torture and other CID treatment, International instruments,	page 44	fully impl.
35	International instruments, Asylum-seekers - refugees,	page 81	not impl.
36	Torture and other CID treatment, Justice, International instruments,	page 44	partially impl.
37	Rights of the Child, Racial discrimination, International instruments, CP rights - general,	page 45	not impl.
38	General	page 81	not impl.
39	NHRI	page 81	fully impl.
40	Freedom of religion and belief	page 10	partially impl.
42	Minorities	page 36	not impl.
43	Freedom of opinion and expression	page 11	not impl.
44	Freedom of opinion and expression	page 13	not impl.
45	Women's rights	page 68	not impl.
46	Sexual Orientation and Gender Identity, Freedom of association and peaceful assembly,	page 60	not impl.
47	Women's rights	page 69	partially impl.
48	Torture and other CID treatment, Justice, International instruments,	page 44	partially impl.
49	Freedom of the press, Freedom of opinion and expression,	page 14	not impl.
50	Human rights defenders, Civil society,	page 52	not impl.
52	Freedom of opinion and expression	page 15	not impl.
53	General	page 82	partially impl.



rec. n°	Issue	page	IRI
55	International instruments, International humanitarian law,	page 45	not impl.
57	Minorities	page 36	not impl.
58	Justice, International instruments,	page 45	not impl.
59	Minorities	page 37	-
61	Women's rights, Rights of the Child, Human rights education and training,	page 70	partially impl.
62	Sexual Orientation and Gender Identity, Minorities, Human rights education and training,	page 53	not impl.
63	Women's rights, Human rights education and training,	page 53	not impl.
64	Human rights violations by state agents	page 53	not impl.
65	Torture and other CID treatment, International instruments,	page 46	partially impl.
66	Torture and other CID treatment, International instruments,	page 46	fully impl.
67	Minorities	page 37	not impl.
68	Torture and other CID treatment	page 54	not impl.
69	NHRI	page 82	fully impl.
70	Women's rights, Rights of the Child, Labour,	page 71	partially impl.
71	Trafficking	page 50	partially impl.
72	Freedom of the press, Freedom of opinion and expression,	page 54	partially impl.
73	Freedom of opinion and expression	page 15	not impl.
74	Freedom of opinion and expression	page 16	not impl.
75	International instruments, Enforced disappearances,	page 46	not impl.
76	Women's rights, Rights of the Child,	page 55	not impl.
77	Freedom of the press, Freedom of opinion and expression,	page 17	not impl.
78	Women's rights, Rights of the Child,	page 72	partially impl.
79	Impunity	page 55	not impl.
80	Torture and other CID treatment	page 54	not impl.
81	Rights of the Child, Right to education, Minorities,	page 38	fully impl.
82	Minorities, Freedom of religion and belief,	page 38	not impl.
83	Special procedures, Minorities, Justice,	page 46	fully impl.
84	Other	page 83	fully impl.
85	Racial discrimination, International instruments,	page 47	not impl.
86	Freedom of religion and belief	page 17	partially impl.
87	Minorities	page 39	not impl.
88	Minorities, Human rights education and training,	page 39	not impl.
89	NHRI	page 82	fully impl.
90	Trafficking, National plan of action,	page 55	partially impl.
91	Asylum-seekers - refugees	page 40	partially impl.
93	Women's rights, Racial discrimination,	page 56	not impl.
94	Sexual Orientation and Gender Identity	page 61	not impl.
95	Torture and other CID treatment	page 56	not impl.
96	Minorities, International instruments,	page 57	not impl.
97	International instruments, Freedom of association and peaceful assembly,	page 18	not impl.
98	Other	page 83	fully impl.



rec. n°	Issue	page	IRI
99	Women's rights, Rights of the Child,	page 73	partially impl.
100	Freedom of opinion and expression	page 20	not impl.
101	NHRI	page 82	fully impl.
102	Women's rights, Rights of the Child,	page 73	partially impl.
103	Rights of the Child	page 74	not impl.
104	Rights of the Child, Justice,	page 57	not impl.
105	Women's rights, Trafficking, Rights of the Child,	page 75	partially impl.
106	Women's rights, Rights of the Child,	page 75	partially impl.
107	NHRI	page 82	fully impl.
108	Treaty bodies, Special procedures,	page 84	partially impl.
109	Human rights education and training	page 30	partially impl.
111	Freedom of opinion and expression	page 20	not impl.
112	Rights of the Child, Asylum-seekers - refugees,	page 41	partially impl.
113	Right to water	page 41	-
115	Women's rights, Human rights education and training,	page 76	partially impl.
116	Freedom of opinion and expression	page 21	not impl.
117	NHRI	page 82	fully impl.
118	Sexual Orientation and Gender Identity	page 61	not impl.
119	Minorities, International instruments,	page 47	not impl.
120	Special procedures, Human rights defenders,	page 47	fully impl.
121	Women's rights	page 76	partially impl.
123	Sexual Orientation and Gender Identity	page 62	not impl.
124	NHRI	page 83	fully impl.
125	Women's rights, Treaty bodies, Special procedures, NHRI, National plan of action,	page 84	fully impl.
126	Women's rights	page 77	fully impl.
127	Freedom of religion and belief	page 22	partially impl.
128	NHRI	page 85	fully impl.
130	NHRI	page 85	fully impl.
131	Right to education	page 30	partially impl.
133	NHRI	page 85	fully impl.
135	Women's rights, Human rights education and training,	page 78	fully impl.
136	Women's rights, International instruments,	page 58	not impl.
137	NHRI, National plan of action,	page 86	fully impl.
138	Freedom of opinion and expression	page 23	not impl.
139	International instruments, Disabilities,	page 47	not impl.
140	International instruments, Enforced disappearances,	page 48	not impl.
141	International instruments, ESC rights - general,	page 48	not impl.
142	Disabilities	page 42	partially impl.
143	International instruments, Asylum-seekers - refugees,	page 42	not impl.
144	Rights of the Child, Detention conditions,	page 58	not impl.
145	Freedom of opinion and expression	page 23	not impl.
146	Impunity, Human rights violations by state agents,	page 59	not impl.



rec. n°	Issue	page	IRI
147	Rights of the Child, Justice,	page 57	not impl.
148	Women's rights	page 78	partially impl.
149	Trafficking	page 59	not impl.
150	Women's rights	page 78	partially impl.
151	Women's rights, Right to education,	page 79	fully impl.
152	Impunity	page 59	not impl.
153	Asylum-seekers - refugees	page 43	not impl.
154	Freedom of religion and belief	page 24	partially impl.
157	Freedom of religion and belief	page 25	not impl.
158	Freedom of opinion and expression	page 23	not impl.
159	Counter-terrorism	page 60	not impl.
160	Counter-terrorism, Rights of the Child,	page 79	not impl.
161	Justice, International instruments,	page 48	not impl.
162	Rights of the Child, International instruments,	page 48	not impl.
163	Freedom of opinion and expression	page 26	not impl.
164	Torture and other CID treatment, International instruments,	page 48	partially impl.
165	International instruments, ESC rights - general,	page 48	not impl.
166	International instruments, Enforced disappearances,	page 46	not impl.
167	Right to education	page 30	-

3. Feedbacks on recommendations

CP Rights

Recommendation n°16: *Align all articles of the Penal Code and other laws with international standards, particularly with regard to freedom of expression (Recommended by Australia)*

IRI: *not implemented*

International Publishers Association (IPA) response:

The Penal Code still contains articles that infringe upon freedom of expression, in particular Articles 215, 216, 226, 301, and 318, but also the anti-terror legislation (in particular articles 6 and 7) and Law 5816 protecting Atatürk's memory from insult.

CETIM Europe - Third World Centre (CETIM) response:

A ce jour, des dizaines de journalistes croupissent dans des prisons, sans parler des milliers de procès à l'égard des journalistes/écrivains, maisons d'édition, organisations de la société civile, des syndicats, partis politiques et des milliers d'arrestations lors des manifestations chaque année. [...]

Inanç Özgürlüğü Girişimi (Türkiye)[Freedom of Religion or Belief Initiative in Turkey] & Forum 18 News Service (IOGT-F18) response:

Freedom of expression along with freedom of religion or belief continues to be restricted. In particular, Article 216(3) of the Penal Code is used against atheists and critics of religion, especially Islam. Several court cases are ongoing. These include the prosecutions of the pianist Fazil Say, several individuals involved in the publication of "Illallah" Diary by Metis Publications, and caricaturist Bahadır Baruter. These prosecutions have the effect of creating a culture of self-censorship among journalists, artists and others who wish to exercise their right to criticise any or all religious beliefs.

London Legal Group (LLG) response:

A number of the Penal Code articles do not comply with international standards. These include, Article 301, a highly restrictive article, which prohibits the insult of the Turkish ethnicity, nation and government institutions, Article 220, and Article 314

Christian Solidarity Worldwide (CSW) response:

Citizens have been prosecuted under different articles of the Penal Code because they had criticized the armed forces, the position of Armenians and Kurds in Turkey, and ongoing criminal prosecutions. In addition, anti-terrorism laws, carrying higher prison sentences and resulting in pre-trial detention orders, were used to stifle legitimate free expression. Kurdish political activists, journalists and human rights defenders were among those most frequently prosecuted. Arbitrary restrictions continued to be imposed, blocking access to websites, and newspapers were issued



with temporary closure orders. There were continued threats of violence against outspoken individuals.

PEN International (PEN) response:

Partly met. Judicial reforms underway but more needs to be done.

Recommendation n°19: *Work constructively with all religious communities to address undue constraints on designated places of worship, training of clergy, and lack of legal personality (Recommended by Australia)*

IRI: *not implemented*

IOGT-F18 response:

While dialogue with religious communities is important, it is important to underscore the fact that it is the state's obligation to draft and implement legislation that will create the general framework for the enjoyment of the right to freedom of religion or belief, including the right to acquire an adequate form of legal personality, establish and maintain places of worship and train and appoint clergy. In Turkey no religious or belief community may acquire legal entity status. This has been criticised in an Opinion of the Venice Commission of 2010 and the Commission recommended that Turkey provide a legal framework that would allow the non-Muslim religious communities adequate access to courts and the right themselves to hold property, without having to do this through the foundation model. An adequate form of legal personality for religious/belief communities consistent with international human rights obligations should be both drafted and implemented without delay. The property of belief communities that has been lost as a result of their not having legal personality should be restored. The right to establish places of worship is also restricted as a result of unsuitable regulations and the non-facilitating attitudes of public authorities. For example, Jehovah's Witnessed and Protestants have not been able to gain place of worship status for their meeting halls and churches. The Alevi community are denied place of worship status for their cem (gathering) houses because public authorities often rely on an Opinion of the Presidency of Religious Affairs (the Diyanet) which states that Muslims worship in mosques not cem houses. Turkey should take the necessary legislative steps to ensure that places of worship can be established without restrictions. To this end, regulations pertaining to the planning and construction of places of worship should be flexible to accommodate the needs of religious/belief groups. Public authorities must ensure that the process of decision-making pertaining to place of worship status excludes any assessment of the legitimacy of the belief or religion in question. The right to train religious personnel remains highly restricted. This leads many religious communities to send their candidates abroad for training, which imposes an extra financial burden on these communities. Turkey should implement a legal framework to protect the right to manifest religion or belief in teaching, including the right to teach religion or belief to those affiliated with one's religion or belief such as children and young people, as well as the right to train religious personnel.

CSW response:

It is very difficult for Christian groups to build or register churches to worship in and the process is often met with hostility and opposition by local officials. Applications can take many years and are often turned down after a lengthy process. Registration



with the government is not mandatory for religious groups; however, unregistered religious groups have no legal standing and can face greater harassment than registered groups. Religious groups must associate themselves with a charitable or cultural cause in order to register. On the issue of training clergy, all organisations, including religious groups, religious minorities (Greek, Armenian, Jewish) are not allowed to train their own clergy, and only Turkish citizens can be trained. This is despite the government providing religious training for Sunni Muslim clergy, which demonstrates the clear discrimination in government policy.

Recommendation n°21: *Continue its cooperation with civil society organizations in follow-up to this review* (Recommended by Austria)

IRI: -

Anonymous response:

Turkey should strengthen its collaboration with human rights organizations, in particular in the review of these recommendations contributing to a participatory process.

Recommendation n°40: *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* (Recommended by Bulgaria)

IRI: *partially implemented*

Tandem Project (TP) response:

Notably, the government issued a decree facilitating the return of or compensation for property confiscated from religious community foundations in previous decades. – US State Dept. 2011 IRFR

IOGT-F18 response:

While foundations create a legal possibility for members of religious communities to establish institutions that can be instrumental in meeting certain needs related to worship, practice and teaching, these are not owned or managed directly by the belief community as such. No religious community has an independent legal existence or has ever existed in Turkish law – whether Muslim, Jewish, Armenian Apostolic, Greek Orthodox, Syriac Orthodox, Catholic, Protestant, Baha'i, Jehovah's Witness, or any other. So no religious community of any description is allowed legal personality and so the right to own, rent or manage property of any description. This denial of the right to legal personality leads to bizarre situations, such as communities being unable to prove they are liable for the taxes they already pay. Achieving legal status for all would not solve all problems, but the changes in official and social attitudes necessary would help resolve the other problems. To achieve this, the Civil Code must be changed by a new category of legal entity status for religious/belief groups must be drafted. As noted by the Opinion of the Venice Commission of 2010, "a religious community can use alternative forms of organizing their religious life different from establishing an association with legal personality does not change the legal situation". The Venice Commission recommended that Turkey provides a legal framework that would allow religious communities, as themselves, adequate access to court and the right themselves to hold property, without having to do this through the foundation model. The 2011 Decree allowing



non-Muslim community foundations to apply to regain or receive compensation for property the state confiscated from them is best seen as a further step in the process of trying to solve the property problems of non-Muslim community foundations. Yet its scope is narrow, excluding some important categories of confiscated property. The Decree relates only to non-Muslim community foundations and does not address property loss of for example, Muslim and Catholic religious communities – these include Alevi worship places such as dervish lodges, the property of a community that may number as much as one third of Turkey's population . Among other deficiencies, the state body that was mainly responsible for confiscations – the Directorate-General of Foundations – has been given control of restitution as well as being given oversight of any compensation to be paid. The absence of an independent valuation and review process to judge compensation increases the possibility that fair compensation may not be paid.

LLG response:

In October 2012, the UN Human Rights Committee, while recognizing the secular character of the Turkish state and welcoming amendments made to the Law on Foundations, No. 5737, in 2011 and their implementation allowing non-Muslim religious communities to have their property registered, has claimed to be concerned about the restrictions imposed on Muslim communities, as well as non-Muslim religious communities, that are not covered by the 1935 Law on Foundations. (arts. 18 and 26)

CSW response:

There has been progress on property rights, with the adoption of legislation amending the 2008 Law on Foundations. Implementation continues. However, the current legislation still does not cover fused foundations or properties confiscated from Alevi foundations. Council of Europe Resolution 1625 (2008) on Gökçeada (Imvros) and Bozcaada (Tenedos) still needs to be implemented. The ongoing cases against the Mor Gabriel Syriac Orthodox monastery give rise to concerns. Turkey needs to ensure that the property rights of all non-Muslim religious communities and others are fully respected. Despite the decree in 2011 giving way for the return of confiscated property belonging to religious minorities, this is still to be implemented. Despite many promised by the Turkish government to re-open the Hailki seminary, which has been confiscated since 1971, it remains unopened. On 18 August 2012, Turkish Deputy Prime Minister Bekir Bozdağ said: "Reopening Istanbul's closed Halki Greek Orthodox Seminary is not being considered by the Turkish government right now".

Recommendation n°43: *Make further efforts to ensure respect for the right to freedom of opinion and expression* (Recommended by Canada)

IRI: not implemented

IPA response:

No further measures have been taken to ensure respect for these rights.

IOGT-F18 response:

Freedom of expression along with freedom of religion or belief continues to be restricted. In particular, Article 216(3) of the Penal Code is used against atheists and



critics of religion, especially Islam. Several court cases are ongoing. These include the prosecutions of the pianist Fazil Say, several individuals involved in the publication of "Illallah" Diary by Metis Publications, and cartoonist Bahadır Baruter. These prosecutions have the effect of creating a culture of self-censorship among journalists, artists and others who wish to exercise their right to criticise any or all religious beliefs.

LLG response:

According to Amnesty International (2012), a large number of prosecutions were brought which threatened individuals' right to freedom of expression. In particular, critical journalists, Kurdish political activists, and others risked unfair prosecution when speaking out on the situation of Kurds in Turkey, or criticizing the armed forces. In addition to prosecutions brought under various articles of the Penal Code, a vast number of cases threatening freedom of expression were brought under anti-terrorism legislation. Threats of violence against prominent outspoken individuals continued. In November new regulations came into force raising further concerns regarding the arbitrary restriction of websites. In this regard, in December 2012, the ECtHR has condemned Turkey for a violation of article 10 ECHR in relation to a Blanket Internet Access Ban whose "collateral damages" had been faced by a Turkish PhD student. Indeed, the Turkish regulator, TiM, blocked the appellant academically-focused website as a result of a court injunction that ordered it to close down local access to the entire Google Sites domain. The move was supposedly aimed at a single website hosted by Google which included content deemed offensive to the memory of Mustafa Kemal Atatürk, the founder of the Turkish Republic, in breach of Turkish law. The Court has reiterated its view that "a restriction on access to a source of information was only compatible with the [European Convention on Human Rights] if a strict legal framework was in place regulating the scope of a ban and affording the guarantee of judicial review to prevent possible abuses". Also, made clear that the Turkish courts "should have had regard to the fact that such a measure would render large amounts of information inaccessible, thus directly affecting the rights of internet users and having a significant collateral effect."

CSW response:

With regard to freedom of expression, following the adoption of the third judicial reform package a number of journalists were released pending trial, restrictions on the media to report on criminal investigations were eased and the seizure of written work before publication was prohibited. However, the increase in violations of freedom of expression raises serious concerns, and freedom of the media continues to be restricted. The legal framework, especially in regards organised crime and terrorism, and its interpretation by the courts, leads to abuses. Combined with a high concentration of the media in industrial conglomerates with interests going far beyond the free circulation of information and ideas, this has led to widespread self-censorship. Frequent website bans are a cause for serious concern and there is a need to revise the law on internet.

PEN response:

Partly met. Judicial reforms underway but more needs to be done. High levels of writers in prison and on trial remain.



Recommendation n^o44: *Revise Law 5651, and ensure that government statements and actions fully respect freedom of opinion and expression (Recommended by Canada)*

IRI: not implemented

IOGT-F18 response:

Article 9(1) of Law 5651 has been used to close websites that are critical of religion such as www.ateizm.org. Freedom of expression along with freedom of religion or belief continues to be restricted. In particular, Article 216(3) of the Penal Code has been used against atheists and critics of religion, especially Islam. Several court cases are ongoing. These include the prosecutions of the pianist Fazıl Say, several individuals involved in the publication of "Illallah" Diary by Metis Publications, and cartoonist Bahadır Baruter. These prosecutions have the effect of creating a culture of self-censorship among journalists, artists and others who wish to exercise their right to criticise any or all religious beliefs.

LLG response:

There has been no revision of Law 5651. Current legislation regarding Internet usage and filters needs reforming as website bans are highly restrictive in terms of scope and length of bans. The Law on the Internet severely limits freedom of expression and limits individuals' access to information. In this regard, in December 2012, the ECtHR has condemned Turkey for a violation of article 10 ECHR in relation to a Blanket Internet Access Ban whose "collateral damages" had been faced by a Turkish PhD student. Indeed, the Turkish regulator, TiM, blocked the appellant academically-focused website as a result of a court injunction that ordered it to close down local access to the entire Google Sites domain. The move was supposedly aimed at a single website hosted by Google which included content deemed offensive to the memory of Mustafa Kemal Atatürk, the founder of the Turkish Republic, in breach of Turkish law. The Court has reiterated its view that "a restriction on access to a source of information was only compatible with the [European Convention on Human Rights] if a strict legal framework was in place regulating the scope of a ban and affording the guarantee of judicial review to prevent possible abuses". Also, made clear that the Turkish courts "should have had regard to the fact that such a measure would render large amounts of information inaccessible, thus directly affecting the rights of internet users and having a significant collateral effect." An Information Technologies and Communication Board (ICTA) decision made it mandatory from November 2011 for internet service providers to offer customers free optional internet filters. But this has not been fully implemented to international standards. Draft legislation on data protection and e-commerce have not been passed and the legislation regarding internet content and providers does not comply with international standards on freedom of expression.

PEN response:

Partly met. Judicial reforms underway but more needs to be done. High levels of writers in prison and on trial remain.



Recommendation n°49: *Guarantee freedom of expression and opinion, especially for journalists, writers and editors* (Recommended by Chile)

IRI: *not implemented*

IPA response:

It appears that freedom of expression is not a guarantee in Turkey. There was a sharp increase in the arrests of journalists throughout 2011.

IOGT-F18 response:

Freedom of expression along with freedom of religion or belief continues to be restricted. In particular, Article 216(3) of the Penal Code has been used against atheists and critics of religion, especially Islam. Several court cases are ongoing. These include the prosecutions of the pianist Fazil Say, several individuals involved in the publication of "Illallah" Diary by Metis Publications, and cartoonist Bahadır Baruter. These prosecutions have the effect of creating a culture of self-censorship among journalists, artists and others who wish to exercise their right to criticise any or all religious beliefs.

LLG response:

[See response to recommendation n° 43]

CSW response:

A large number of cases were brought against writers, academics and journalists writing and working on the Kurdish issue, but also scholars and researchers. Several left-wing and Kurdish journalists were arrested on charges of engaging in propaganda for terrorism, others remained in prison. More than 2800 students are in detention, mostly for terrorism related charges. The legal framework on organised crime and terrorism is still imprecise and contains definitions which are open to abuse, leading to numerous indictments and convictions. Moreover, its interpretation by prosecutors and courts is uneven and is not in line with the European Convention on Human Rights or the case-law of the European Court of Human Rights. Turkey needs to amend its penal code and anti-terror legislation to make a clear distinction between the incitement to violence and the expression of nonviolent ideas.

The application of Articles 6 and 7 of the Anti-Terror Law in combination with Articles 220 and 314 of the Turkish Criminal Code leads to abuses; in short, writing an article or making a speech can still lead to a court case and a long prison sentence for membership or leadership of a terrorist organisation.

High-level government and state officials and the military repeatedly turn publicly against the press and launch court cases. On a number of occasions journalists have been fired after signing articles openly critical of the government. All of this, combined with a high concentration of the media in industrial conglomerates with interests going far beyond the free circulation of information and ideas, has a chilling effect and limits freedom of expression in practice, while making self-censorship a common phenomenon in the Turkish media.

Though very few cases have been initiated on the basis of Article 301 of the Turkish Criminal Code, implementation of two ECtHR judgments on Article 301 are pending.



Website bans of disproportionate scope and duration continued. Since May 2009 the Telecommunications Communication Presidency (TİB) has published no statistics on banned sites. Court cases are ongoing against the You Tube video-sharing website and other web portals. The Law on the Internet, which limits freedom of expression and restricts citizens' right to access to information, needs to be revised. An Information Technologies and Communication Board (ICTA) decision introducing optional internet filters entered into force.

It is essential that it is implemented in line with European standards with regard to the right to receive and impart information and ideas without interference by public authorities.

The Supreme Board of Radio and Television (RTÜK) issued warnings to television stations and imposed fines on them, in particular for representing superstitious beliefs, denigrating morals and national values and the protection of the family, representing obscenity and praising terrorism.

PEN response:

Not met. High numbers of writers and journalists remain on trial and in prison.

Recommendation n°52: *Abolish articles 301 and 318 of the Penal Code, which limit freedom of expression* (Recommended by Cyprus)

IRI: not implemented

IOGT-F18 response:

Freedom of expression along with freedom of religion or belief continues to be restricted. In addition to Articles 301 and 318, Article 216(3) of the Penal Code is used against atheists and critics of religion, especially Islam. Several court cases are ongoing. These include the prosecutions of the pianist Fazil Say, several individuals involved in the publication of "Illallah" Diary by Metis Publications, and cartoonist Bahadır Baruter. These prosecutions have the effect of creating a culture of self-censorship among journalists, artists and others who wish to exercise their right to criticise any or all religious beliefs.

LLG response:

There has been no move to revise or abolish of Articles 301 (the article makes it illegal to insult the Turkish nation, Turkish ethnicity and Turkish government institutions) or 318 (the article prohibiting public support of conscientious objectors) of the Penal Code so freedom of expression remains severely restricted. Prosecutions continue under these articles and, therefore, some individuals have taken their cases to ECtHR.

PEN response:

Not met. [...]

Recommendation n°73: *Lift all restrictions regarding the use of Internet by adopting the necessary measures* (Recommended by France)

IRI: not implemented

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Recommendation n^o74: *Lift all restrictions regarding the use of Internet by reforming its legislation* (Recommended by *France*)

IRI: *not implemented*

IOGT-F18 response:

A well known atheist web forum in Turkey is ateizm.org – however this website is unavailable in Turkey by court order, as is ateizm1.org. Only ateizm2.org is accessible within Turkey. Access to atheist websites – and even websites about the biological theory of evolution – from schools is not allowed by the Education Ministry. On 11 December 2011, Milliyet Daily Columnist Can Dündar reported and criticised a webfilter introduced by the Ministry which blocks access by schools to websites which are either atheist in perspective or provide information on evolutionary theory. However, the Ministry allows access to websites which criticise the content of the websites it blocks. In contrast, numerous websites in Turkey discuss responses to atheist claims, and these do not seem to face any legal problems. On 18 January 2012, Turkish media reported that the Education Ministry's internet service provider Turkish Telekom had stated that the Ministry itself chose to block "personal websites and blogs". It remains unclear what category atheist websites are in.

LLG response:

The legislation regarding Internet usage and filters needs reforming and there has been insufficient progress recently. Website bans are highly restrictive in terms of scope and length of bans. The Law on the Internet severely limits freedom of expression and limits individuals' access to information. In this regard, in December 2012, the ECtHR has condemned Turkey for a violation of article 10 ECHR in relation to a Blanket Internet Access Ban whose "collateral damages" had been faced by a Turkish PhD student. Indeed, the Turkish regulator, TiM, blocked the appellant academically-focused website as a result of a court injunction that ordered it to close down local access to the entire Google Sites domain. The move was supposedly aimed at a single website hosted by Google which included content deemed offensive to the memory of Mustafa Kemal Atatürk, the founder of the Turkish Republic, in breach of Turkish law. The Court has reiterated its view that "a restriction on access to a source of information was only compatible with the [European Convention on Human Rights] if a strict legal framework was in place regulating the scope of a ban and affording the guarantee of judicial review to prevent possible abuses". Also, made clear that the Turkish courts "should have had regard to the fact that such a measure would render large amounts of information inaccessible, thus directly affecting the rights of internet users and having a significant collateral effect." An Information Technologies and Communication Board (ICTA) decision made it mandatory from November 2011 for internet service providers to offer customers free optional internet filters. There is a need for this to be implemented according to European standards as it does not yet comply with these standards with regards to the right to receive and communicate information and ideas without interference from the authorities. Draft legislation on data protection and e-commerce have not been passed and the legislation regarding internet content and providers does not comply with international standards on freedom of expression.

Recommendation n°77: *Suppress all restrictions to freedom of expression and freedom of the press* (Recommended by France)

IRI: *not implemented*

IPA response:

In addition to harassing and intimidating journalists to restrict freedom of expression and freedom of the press, the government censors internet content. Websites that feature pro-Kurdish opinions and pornography websites are censored.

CETIM response:

A ce jour, des dizaines de journalistes croupissent dans des prisons, sans parler des milliers de procès à l'égard des journalistes/écrivains, maisons d'édition, organisations de la société civile, des syndicats, partis politiques et des milliers d'arrestations lors des manifestations chaque année. [...]

IOGT-F18 response:

[See response to recommendation n° 43]

LLG response:

[See response to recommendation n° 43]

PEN response:

Partly met. Judicial reforms underway but more needs to be done. High levels of writers in prison and on trial remain.

Recommendation n°86: *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* (Recommended by Greece)

IRI: *partially implemented*

TP response:

The government did not clarify the legal authority under which the Greek Orthodox Halki seminary could reopen after being closed for 40 years.- US State Dept.2011 IRFR

IOGT-F18 response:

Under international human rights obligations, everyone has the right to freedom of religion or belief. It is important to underscore the fact that it is the state's obligation to draft and implement legislation that will create the general framework for the enjoyment of the right to freedom of religion or belief, including the right to acquire an adequate form of legal personality, establish and maintain places of worship and train and appoint clergy. In Turkey no religious or belief community – Muslim or non-Muslim - may acquire legal entity status. This has been criticised in an Opinion of the Venice Commission of 2010 and the Commission recommended that Turkey provide a legal framework that would allow the non-Muslim religious communities adequate access to courts and the right themselves to hold property, without having to do this through the foundation model. An adequate form of legal personality for religious/belief communities consistent with international human rights obligations should be both drafted and implemented without delay. The property of belief communities that has been lost as a result of their not having legal personality should



be restored. The right to establish places of worship is also restricted as a result of unsuitable regulations and the non-facilitating attitudes of public authorities. For example, Jehovah's Witnessed and Protestants have not been able to gain place of worship status for their meeting halls and churches. The Alevi community are denied place of worship status for their cem (gathering) houses because public authorities often rely on an Opinion of the Presidency of Religious Affairs (the Diyanet) which states that Muslims worship in mosques not cem houses. Turkey should take the necessary legislative steps to ensure that places of worship can be established without restrictions. To this end, regulations pertaining to the planning and construction of places of worship should be flexible to accommodate the needs of religious/belief groups. Public authorities must ensure that the process of decision-making pertaining to place of worship status excludes any assessment of the legitimacy of the belief or religion in question. The right to train religious personnel remains highly restricted. This leads many religious communities to send their candidates abroad for training, which imposes an extra financial burden on these communities. Turkey should both draft and implement a legal framework to protect the right to manifest religion or belief in teaching, including the right to teach religion or belief to those affiliated with one's religion or belief such as children and young people, as well as the right to train religious personnel.

LLG response:

While welcoming amendments made to the Law on Foundations, No. 5737, in 2011 and their implementation allowing non-Muslim religious communities to have their property registered, concerns still arise from the restrictions imposed on Muslim communities, as well as non-Muslim religious communities, that are not covered by the 1935 Law on Foundations.

Recommendation n^o97: *Make the necessary legal amendments to guarantee freedom of association in accordance with article 22 of the ICCPR (Recommended by Ireland)*

IRI: not implemented

IOGT-F18 response:

In respect of limitations on both freedom of association and the related right to freedom of religion or belief, restrictions on establishing foundations with a religious purpose stands out. Article 101 of the Civil Code bars the possibility of establishing foundations with the purpose of supporting a certain religious community. This restriction has directly affected the purchase and maintenance of places of worship as well as other acts that have the purpose of supporting a religious community. In addition, the jurisprudence of courts is not clear and foreseeable. Non-Muslims face frequent discrimination in processes pertaining to the establishment and management of foundations. A recent application by the Seventh-day Adventists in Turkey to the European Court of Human Rights is a case in point (*Altinkaynak vs. Turkey* Application No. 12541/06). The applicants claim that Article 9 and Article 11 of the European Convention on Human Rights and Fundamental Freedoms have been violated. Further, invoking Article 14, they allege they were discriminated against because of their religious belief as another foundation with an identical purpose was allowed to be established. The effective protection of the right to association for individuals wanting to establish associations or foundations with a



religious purpose should be ensured without discrimination. Association and foundations formulas are not adequate solutions, not least for the burdensome processes of maintaining these forms of legal entities and the oversight of the Directorate of Associations and the Directorate General for Foundations respectively. While foundations create a legal possibility for members of religious communities to establish institutions that can be instrumental in meeting certain needs related to worship, practice and teaching, these are not owned or managed directly by the belief community as such. No religious community has an independent legal existence or has ever existed in Turkish law – whether Muslim, Jewish, Armenian Apostolic, Greek Orthodox, Syriac Orthodox, Catholic, Protestant, Baha'i, Jehovah's Witness, or any other. So no religious community of any description is allowed legal personality and so the right to own, rent or manage property of any description. This denial of the right to legal personality leads to bizarre situations, such as communities being unable to prove they are liable for the taxes they already pay. Achieving legal status for all would not solve all problems, but the changes in official and social attitudes necessary would help resolve the other problems. To achieve this, the Civil Code must be changed by a new category of legal entity status for religious/belief groups must be drafted. As noted by the Opinion of the Venice Commission of 2010, "a religious community can use alternative forms of organizing their religious life different from establishing an association with legal personality does not change the legal situation". The Venice Commission recommended that Turkey provides a legal framework that would allow religious communities, as themselves, adequate access to court and the right themselves to hold property, without having to do this through the foundation model. The 2011 Decree allowing non-Muslim community foundations to apply to regain or receive compensation for property the state confiscated from them is best seen as a further step in the process of trying to solve the property problems of non-Muslim community foundations. Yet its scope is narrow, excluding some important categories of confiscated property. The Decree relates only to non-Muslim community foundations and does not address property loss of for example, Muslim and Catholic religious communities – these include Alevi worship places such as dervish lodges, the property of a community that may number as much as one third of Turkey's population . Among other deficiencies, the state body that was mainly responsible for confiscations – the Directorate-General of Foundations – has been given control of restitution as well as being given oversight of any compensation to be paid. The absence of an independent valuation and review process to judge compensation increases the possibility that fair compensation may not be paid.

LLG response:

There are still limits on freedom of association in Turkey. There are particularly concerns about the legislation regarding the right to freedom of association for political parties and trade unions. The respective legislative amendments were not carried out in those areas. There are also concerns about the narrow and restrictive interpretations of legislation, so the application of the law also requires amending. Associations including Diyarbakir Sarmaşik Association, the Orhan Dogan Support Houses for Education, the Dersim Alevi Faith and Culture Academy Association, and the cases of the executive members of the Socialist Democracy Party and the Social Freedom Platform, the Istanbul branch of the Human Rights Association, the



Research and Development Association for Kurdish Language (Kurdi Der) İzmir Branch, the Board of Health Professions and the Turkish Medical Association have alleged that they are suffering from overly narrow interpretations of the law, leading to fines, threats to close down etc.

Recommendation n°100: 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 (Recommended by Japan)

IRI: not implemented

IPA response:

Although no concrete measures have been taken to end violations of the right to freedom of opinion and expression, there has been some progress in trying to create a more open environment for journalists. The debates surrounding controversial issues have become more open and less one-sided.

CETIM response:

A ce jour, des dizaines de journalistes croupissent dans des prisons, sans parler des milliers de procès à l'égard des journalistes/écrivains, maisons d'édition, organisations de la société civile, des syndicats, partis politiques et des milliers d'arrestations lors des manifestations chaque année. [...]

IOGT-F18 response:

[See response to recommendation n° 43]

LLG response:

[See response to recommendation n° 43]

PEN response:

Partly met. Judicial reforms underway but more needs to be done. High levels of writers in prison and on trial remain.

Recommendation n°111: Review the legislation on defamation and slander so that these are not subject to criminal sanctions but only liable to a civil action (Recommended by Mexico)

IRI: not implemented

IOGT-F18 response:

Freedom of expression along with freedom of religion or belief continues to be restricted. In particular, Article 216(3) of the Penal Code has been used in the prosecution of atheists and critics of religion, especially Islam. Several court cases are ongoing. These include the prosecutions of the pianist Fazil Say, several individuals involved in the publication of "Illallah" Diary by Metis Publications, and cartoonist Bahadır Baruter. These prosecutions have the effect of creating a culture of self-censorship among journalists, artists and others who wish to exercise their right to criticise any or all religious beliefs.

PEN response:

Partly met. Judicial reforms underway but more needs to be done. High levels of writers in prison and on trial remain including on slander charges



Recommendation n°116: *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 (Recommended by Netherlands)*

IRI: *not implemented*

IPA response:

The legislation regarding freedom of speech and freedom of the press uses overly broad language to define the term “terrorism.” This wording allows authorities to arrest people, including peaceful protesters and political activists, on charges of terrorism with very little evidence.

IOGT-F18 response:

Freedom of expression along with freedom of religion or belief continues to be restricted. In particular, Article 216(3) of the Penal Code has been used in the prosecution of atheists and critics of religion, especially Islam. Several court cases are ongoing. These include the prosecutions of the pianist Fazil Say, several individuals involved in the publication of "Illallah" Diary by Metis Publications, and cartoonist Bahadır Baruter. These prosecutions have the effect of creating a culture of self-censorship among journalists, artists and others who wish to exercise their right to criticise any or all religious beliefs.

LLG response:

In December 2012, the ECtHR has condemned Turkey for a violation of article 10 ECHR in relation to a Blanket Internet Access Ban whose "collateral damages" had been faced by a Turkish PhD student. Indeed, the Turkish regulator, TiM, blocked the appellant academically-focused website as a result of a court injunction that ordered it to close down local access to the entire Google Sites domain. The move was supposedly aimed at a single website hosted by Google which included content deemed offensive to the memory of Mustafa Kemal Atatürk, the founder of the Turkish Republic, in breach of Turkish law. The Court has reiterated its view that "a restriction on access to a source of information was only compatible with the [European Convention on Human Rights] if a strict legal framework was in place regulating the scope of a ban and affording the guarantee of judicial review to prevent possible abuses". Also, made clear that the Turkish courts “should have had regard to the fact that such a measure would render large amounts of information inaccessible, thus directly affecting the rights of internet users and having a significant collateral effect.”

CSW response:

In the past few years, there has been a particular crackdown on those who express opinions that the state do not agree with. This includes criminal charges being brought against pro-Kurdish or those involved in left-wing politics. Turkey has also brought charges against sections of the media, denying freedom of expression in a very obvious way.

PEN response:

Partly met. Judicial reforms underway but more needs to be done. High levels of writers in prison and on trial remain.

Recommendation n°127: *Support interfaith dialogue as a means to enhance mutual understanding, peace and tolerance among different religious, ethnic and linguistic communities (Recommended by Philippines)*

IRI: *partially implemented*

TP response:

Embassy and consulate officials, as well as frequent U.S. government visitors, took close interest in religious freedom in the country. During the year, embassy and consulate representatives met frequently with government officials and representatives of religious groups to discuss matters related to religious freedom, including legal reforms aimed at lifting restrictions on religious groups and property restitution issues. – US State Dept. 2011 IRFR

ILOGT-F18 response:

While dialogue with religious communities is important, it is important to underscore the fact that it is the state's obligation to draft and implement legislation that will create the general framework for the enjoyment of the right to freedom of religion or belief, including the right to acquire an adequate form of legal personality, establish and maintain places of worship and train and appoint clergy. In Turkey no religious or belief community may acquire legal entity status. This has been criticised in an Opinion of the Venice Commission of 2010 and the Commission recommended that Turkey provide a legal framework that would allow the non-Muslim religious communities adequate access to courts and the right themselves to hold property, without having to do this through the foundation model. An adequate form of legal personality for religious/belief communities consistent with international human rights obligations should be both drafted and implemented without delay. The property of belief communities that has been lost as a result of their not having legal personality should be restored. The right to establish places of worship is also restricted as a result of unsuitable regulations and the non-facilitating attitudes of public authorities. For example, Jehovah's Witness and Protestants have not been able to gain place of worship status for their meeting halls and churches. The Alevi community are denied place of worship status for their cem (gathering) houses because public authorities often rely on an Opinion of the Presidency of Religious Affairs (the Diyanet) which states that Muslims worship in mosques not cem houses. Turkey should take the necessary legislative steps to ensure that places of worship can be established without restrictions. To this end, regulations pertaining to the planning and construction of places of worship should be flexible to accommodate the needs of religious/belief groups. Public authorities must ensure that the process of decision-making pertaining to place of worship status excludes any assessment of the legitimacy of the belief or religion in question. The right to train religious personnel remains highly restricted. This leads many religious communities to send their candidates abroad for training, which imposes an extra financial burden on these communities. Turkey should both draft and implement a legal framework to protect the right to manifest religion or belief in teaching, including the right to teach religion



or belief to those affiliated with one's religion or belief such as children and young people, as well as the right to train religious personnel.

Recommendation n°138: *Amend articles 301 and 318 of its Penal Code with a view of decriminalizing the explicitly non-violent exercise of freedom of expression* (Recommended by Spain)

IRI: not implemented

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Recommendation n°158: *That Penal Code articles 301 and 318 be revised or abolished* (Recommended by United States)

IRI: not implemented

IOGT-F18 response:

Freedom of expression along with freedom of religion or belief continues to be restricted. In addition to Articles 301 and 318, Article 216(3) of the Penal Code has been used in the prosecution of atheists and critics of religion, especially Islam. Several court cases are ongoing. These include the prosecutions of the pianist Fazil Say, several individuals involved in the publication of "Illallah" Diary by Metis Publications, and cartoonist Bahadır Baruter. These prosecutions have the effect of creating a culture of self-censorship among journalists, artists and others who wish to exercise their right to criticise any or all religious beliefs.

LLG response:

There has been no move to revise Articles 301 (the article makes it illegal to insult the Turkish nation, Turkish ethnicity and Turkish government institutions) or 318 (the article prohibiting public support of conscientious objectors) of the Penal Code so freedom of expression remains severely restricted. Prosecutions continue under these articles and, therefore, some individuals have taken their cases to ECtHR. Both require urgent amendment and there is a need to distinguish between non-violent freedom of expression and violent means. This does not exist currently and many prosecutions are carried out for non-violent exercise of the freedom of expression.

PEN response:

Both laws remain in force. Not met.

Recommendation n°145: *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* (Recommended by Switzerland)

IRI: not implemented

IPA response:

The Penal Code does not fully comply with international standards of freedom of expression, but the Turkish government has rejected all recommendations to amend specific articles and remedy that fact.

IOGT-F18 response:

Freedom of expression along with freedom of religion or belief continues to be restricted. In particular, Article 216(3) of the Penal Code has been used in the prosecution of atheists and critics of religion, especially Islam. Several court cases



are ongoing. These include the prosecutions of the pianist Fazil Say, several individuals involved in the publication of "Illallah" Diary by Metis Publications, and cartoonist Bahadır Baruter. These prosecutions have the effect of creating a culture of self-censorship among journalists, artists and others who wish to exercise their right to criticise any or all religious beliefs.

CSW response:

Turkey has yet to amend its restrictive elements of the Penal Code, which has been used to detain journalists, opposition figures, academics, students and other dissenting voices. After a fact-finding visit in 2012, the rapporteur of the Parliamentary Assembly of the Council of Europe (PACE), Josette Durrieu, urged the authorities to "speed up the revision of the Penal Code and the anti-terror law in order to strengthen freedom of expression."

PEN response:

Partly met. Judicial reforms underway but more needs to be done. High levels of writers in prison and on trial remain.

Recommendation n°154: *Fully respect the right to choose and express religious beliefs freely, including for members of both recognized and unrecognized religious minorities* (Recommended by *United States*)

IRI: *partially implemented*

TP response:

Although engaging in religious speech and persuasion are legal, some Muslims, Christians, and Baha'is faced restrictions and occasional harassment for alleged proselytizing or providing religious instruction to children. – US State Dept. 2011 IRFR

IOGT-F18 response:

It is the state's obligation to draft and implement legislation that will create an effective general framework for the enjoyment of the right to freedom of religion or belief, including the right to choose and manifest religion or belief. While the right to choose and change religion or belief is protected in national law, hostile and unaccepting discourse toward individuals who change their religion and religious/belief groups that share their religion or belief undermine the respect of these rights. Political figures and public authorities, including the Diyanet (Directorate of Religious Affairs) should refrain from using such language. In Turkey no religious or belief community may acquire legal entity status. This has been criticised in an Opinion of the Venice Commission of 2010 and the Commission recommended that Turkey provide a legal framework that would allow the non-Muslim religious communities adequate access to courts and the right themselves to hold property, without having to do this through the foundation model. An adequate form of legal personality for religious/belief communities consistent with international human rights obligations should be both drafted and implemented without delay. The property of belief communities that has been lost as a result of their not having legal personality should be restored. The right to establish places of worship is also restricted as a result of unsuitable regulations and the non-facilitating attitudes of public authorities. For example, Jehovah's Witnessed and Protestants have not been able to gain place



of worship status for their meeting halls and churches. The Alevi community are denied place of worship status for their cem (gathering) houses because public authorities often rely on an Opinion of the Presidency of Religious Affairs (the Diyanet) which states that Muslims worship in mosques not cem houses. Turkey should take the necessary legislative steps to ensure that places of worship can be established without restrictions. To this end, regulations pertaining to the planning and construction of places of worship should be flexible to accommodate the needs of religious/belief groups. Public authorities must ensure that the process of decision-making pertaining to place of worship status excludes any assessment of the legitimacy of the belief or religion in question. The right to train religious personnel remains highly restricted. This leads many religious communities to send their candidates abroad for training, which imposes an extra financial burden on these communities. Turkey should implement a legal framework to protect the right to manifest religion or belief in teaching, including the right to teach religion or belief to those affiliated with one's religion or belief such as children and young people, as well as the right to train religious personnel. *The use of religious symbols by public servants continues to be restricted.

CSW response:

As regards respect for and protection of minorities and cultural rights, Turkey has made some progress on rights of persons belonging to minorities, especially regarding the restitution of some of the properties of non-Muslim minorities. Although for the first time representatives of minority groups, not limited to those minorities recognised by the Lausanne Treaty, were invited to parliament to express their views on a new constitution, Turkey's approach to minorities remained restrictive. Full respect for and protection of language, culture and fundamental rights, in accordance with European standards, has yet to be fully achieved.

Recommendation n^o157: Take steps to combat religious intolerance, as exemplified by the characterization in textbooks of missionary activities as a national threat (Recommended by United States)

IRI: not implemented

TP response:

The constitution and other laws and policies protect religious freedom, and in practice, the government generally respected religious freedom. However, some constitutional provisions restricted this right. The government's actions demonstrated a trend of improving respect for and protection of the right to religious freedom. The government continued to impose limitations on Muslims and other religious groups, including restrictions on Muslim religious expression in government offices for the stated reason of preserving the "secular state." – US State Dept. 2011 IRFR

IOGT-F18 response:

School textbooks, 8th Grade textbook on "History of Reforms and Atatürkizm" continue to characterize missionary activities as a national threat.

CSW response:

Despite missionary activity in Turkey being legal, there is general societal mistrust of missionaries. Previous government statements have accused missionaries of trying



to divide the country, which is based on the fear that Muslims will convert to Christianity. As a result, particular animosity is directed towards the 2-3,000 Turkish Protestant community, most of whom were previously Muslims or Atheists. There remains anti-missionary rhetoric in school textbooks and missionaries are often threatened and intimidated. Furthermore, students who meet with missionaries have been known to be reported by the police to their families or university authorities.

Recommendation n^o163: *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 (Recommended by Uruguay)*

IRI: not implemented

IPA response:

The Penal Code still contains articles that infringe upon freedom of expression, in particular Articles 215, 216, 226, 301, and 318, but also the anti-terror legislation (in particular articles 6 and 7) and Law 5816 protecting Atatürk's memory from insult.

IOGT-F18 response:

Freedom of expression along with freedom of religion or belief continues to be restricted. In particular, Article 216(3) of the Penal Code has been used in the prosecution of atheists and critics of religion, especially Islam. Several court cases are ongoing. These include the prosecutions of the pianist Fazil Say, several individuals involved in the publication of "Illallah" Diary by Metis Publications, and cartoonist Bahadır Baruter. These prosecutions have the effect of creating a culture of self-censorship among journalists, artists and others who wish to exercise their right to criticise any or all religious beliefs.

LLG response:

There has been no revision of Article 301 of the Penal Code (the article makes it illegal to insult the Turkish nation, Turkish ethnicity and Turkish government institutions) so freedom of expression remains severely restricted. As far as the law number 5651 (4 May 2007), in December 2012, the ECtHR has condemned Turkey for a violation of article 10 ECHR in relation to a Blanket Internet Access Ban whose "collateral damages" had been faced by a Turkish PhD student. Indeed, the Turkish regulator, TiM, blocked the appellant academically-focused website as a result of a court injunction that ordered it to close down local access to the entire Google Sites domain. The move was supposedly aimed at a single website hosted by Google which included content deemed offensive to the memory of Mustafa Kemal Atatürk, the founder of the Turkish Republic, in breach of Turkish law. The Court has reiterated its view that "a restriction on access to a source of information was only compatible with the [European Convention on Human Rights] if a strict legal framework was in place regulating the scope of a ban and affording the guarantee of judicial review to prevent possible abuses". Also, made clear that the Turkish courts "should have had regard to the fact that such a measure would render large amounts of information inaccessible, thus directly affecting the rights of internet users and having a significant collateral effect."



PEN response:

Partly met. Judicial reforms underway but more needs to be done. High levels of writers in prison and on trial remain.

ESC Rights

Recommendation n°3: *Increase access to health establishments and care by trained personnel, in particular in rural areas and regarding post-natal care (Recommended by Algeria)*

IRI: *partially implemented*

LLG response:

Certain groups in society struggle to access essential health care and health services. These include women, children, refugees and asylum seekers, the Roma, individuals with disabilities and lesbian, gay, bisexual and transgendered LGBT individuals and those in rural areas. It is difficult to have access to health insurance. Although many sectors of society struggle to access these key health services, the government is reforming the health system. There has been administrative reforms, including an improvement in the functioning of the Ministry of Health. The reform provides for the establishment of a National Public Health Institute, responsible for the implementation of primary health care services, communicable diseases control programmes, non-communicable diseases/programmes and cancer, laboratories, and safety of consumers and workers. In terms of mental health, there is no national authority to monitor institutions catering for individuals with mental health problems. However, 50 community-based mental health centres have been established in 42 provinces and attempts were made to include individuals with mental health problems.

Turkish Association of University Women (TAUW) response:

Despite progress has been achieved there are still problems due to infrastructural deficiencies.

Recommendation n°9: *Adopt a comprehensive and clear definition of racial discrimination into domestic law (Recommended by Armenia)*

IRI: *not implemented*

LLG response:

There is no comprehensive and clear definition of racial discrimination in domestic law. The only provision in the legal framework are reference to non-discrimination in general in the constitution and the courts are very strict in their interpretation and application of this principle.

Recommendation n°14: *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
(Recommended by Armenia)

IRI: *not implemented*

TP response:

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Threats against non-Muslims created an atmosphere of pressure and diminished freedom for some non-Muslim communities. Many Christians, Baha'is, Jews, and Alevis faced societal suspicion and mistrust, and some elements of society continued to express anti-Semitic sentiments. Additionally, persons wishing to convert from Islam sometimes experienced harassment and violence from relatives and neighbours. – US State Dept. 2011 IRFR

IOGT-F18 response:

A proposal to amend the Penal Code was submitted to the Grand National Assembly in December 2012, aiming to punish hate crimes. However this does not address hate speech and thus media hostility to religious communities. Surveys indicate high level of intolerance toward non-Sunni religious groups, in particular, atheists, Jews and Christians. Depiction of missionaries by both the authorities and some parts of the media as "a threat to the integrity of the country" and non-Muslim minorities as not being an integral part of Turkish society as well as hateful speech against Israel which tends to fuel hostility toward members of the Jewish minority in Turkey. The lawyer for the families of three Protestants murdered in Malatya in 2007, Orhan Kemal Cengiz, has noted that "missionary activity" is not a crime, politicians and the media have by constant repetition invented such a crime. Individuals then decide to punish this "crime". Similarly, the Diyanet (Directorate of Religious Affairs), which reports to the Prime Minister and main source of information on Islam in Turkey, has published books on, among other topics 'Jehovah's Witnesses' and 'Christian Propaganda and Missionary Activities'. These books depict sharing of beliefs by these groups, not as manifestations of religion or belief- as protected by human rights law- but as activities threatening the unity of faith in Turkey. Many in Turkey's vulnerable groups think that such thinking is contributing to intolerance they experience. To combat such attitudes the most important means would be to ensure the protection of the right to freedom of religion or belief fully as well as training of public authorities, including the Diyanet officials, to understand the implications of freedom of religion or belief standards for their work. Campaigns to foster tolerance are non-existent and would also be important means of changing societal attitudes.

LLG response:

There has been limited progress in Turkey's approach to the elimination of discrimination on the grounds of national and ethnic origin. It does not comply with the respective articles of a number of international instruments including the ICCPR, ICESCR, and has not signed the Framework Convention for the Protection of National Minorities or the Charter for Regional and Minority Languages. No mechanisms exist to address racism etc. and there is no anti-discrimination legislation. It is only contained in the constitution and is subject to narrow interpretations by judges. Non-Muslim religious communities have been the victim of racism and hate crimes and Anti-Semitism and hate speech is present in the media, including in TV series and films. There is a culture of impunity regarding racial



discriminatory practices, dissemination of hate speech and general hostile attitudes. There is a sense that the government encourages intolerance towards minorities by its failure to act, particularly with regards to hate crimes etc. Turkey has still not introduced legislation regarding hate speech and hate crimes as recommended by the Council of Europe. Furthermore, minorities experience discrimination in terms of access to education, housing, health services etc. Ultimately, there is a lack of respect and protection of cultural, language, religious and social rights of minorities. Despite some progress has been made in that the government invited minority groups to give their opinions on the new constitution, in October 2012, the UN Human Rights Committee claimed to be concerned about the discrimination and the restrictions suffered by members of minorities, such as the Kurds and the Roma, affecting their right to enjoy their own culture and use their own language. (arts. 2 and 27 of ICCPR) Also, the Committee was concerned about reports of hate crimes against non-Muslim religious communities and other minorities, and about the ongoing and unpunished hate speech in the media, including in TV series and films. (arts. 18, 20 and 27)

CSW response:

No mechanisms or specific body has been established to combat racism, xenophobia, anti-Semitism and intolerance. There is no legal framework or legislation that addresses discrimination issues; references in the constitution to the principle of non-discrimination are often interpreted in a restrictive manner by the courts. The commemoration of the twentieth anniversary of the Khojaly massacre (in Azerbaijan) on 26 February in Istanbul's Taksim square was marred by racist and anti-Armenian slogans and degenerated into an attempted march on the Armenian Agos newspaper. Rhetoric against missionaries or minorities remains in a number of compulsory schoolbooks.

There is no effective prosecution of incitement to hatred, including by the media: Turkey has not made progress to introduce legislation regarding hate speech and hate crimes as recommended by the Council of Europe. Turkey has yet to eradicate its state-fuelled propaganda campaigns against ethnic and religious minorities.

Recommendation n°18: *Strengthen anti-discrimination laws, and their implementation, to enhance tolerance and promote inclusiveness in Turkey* (Recommended by *Australia*)

IRI: not implemented

IOGT-F18 response:

The draft legislation on "Anti-Discrimination and Equality" is yet to be adopted. While this legislation is important, it is also important to note that legislation in various laws such as Public Works Law, Public Registration Law, Civil Code, that continue to be the source of discrimination based on, among others, ethnic and religious grounds. Examples of such discrimination based directly on these laws include but are not limited to the recording of religious affiliation in national identity cards, which increase the risk of discrimination in the exercise of the rights to education, employment and others, the right to establish places of worship. All these laws should be brought in line with international human rights standards.



CSW response:

Identity cards remain an issue which undermines Turkey's existing anti-discriminatory laws. Despite the 1982 Turkish constitution stating that "no one shall be compelled to reveal religious beliefs", there remains a religious category in national ID cards. Furthermore, this category allows only religions recognised by the state to be entered. As a result, various religious minorities are not permitted to state their religion and have only the option of leaving their religious entity blank, such as the Baha'i community. By having a religious category many non-Muslim religions, or those of no faith, are often discriminated against on a societal level, for example, by prospective employers and within the education system. Finally, those who have converted from Islam to other religions often face a lengthy process to change their religion in their ID cards, and are often by abused by officials during it.

Recommendation n°28: *Continue efforts to increase awareness of the culture of human rights and establish an institutional culture which respects human rights in the country* (Recommended by *Bahrain*)

IRI: *partially implemented*

IOGT-F18 response:

The planned new Constitution protecting freedom of religion or belief using the wording of Article 9 of the European Convention on Human Rights and Fundamental Freedoms and Article 18 of the ICCPR would be a good step in promoting a culture of human rights and encouraging respect for human rights.

Recommendation n°109: *Use all the means available to raise the level of human rights awareness* (Recommended by *Libya*)

IRI: *partially implemented*

LLG response:

The Department of Human Rights in the Ministry of Justice has launched a website that provides translations of ECtHR judgments relevant to Turkey.

Recommendation n°131: *Continue with its strategies aimed at expanding the coverage of the right to education* (Recommended by *Saudi Arabia*)

IRI: *partially implemented*

LLG response:

There was an education reform in March 2012. However, the legislation was passed hastily without sufficient preparation or a public consultation process or a regulatory impact assessment.

Recommendation n°167: *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* (Recommended by *Venezuela*)

IRI: -

IOGT-F18 response:

Compulsory school Religious Culture and Knowledge of Ethics (Din Kültürü Ahlak Bilgisi DKAB) lessons fail to respect the right of the child to freedom of religion or belief and the right of parents and legal guardians to raise their children in line with their religious or philosophical beliefs. As a recent report of Eğitimde Reform Girişimi



(Reform in Education- ERG) points out only Christians and Jews are exempt from these classes. Yet, references to "our religion Islam", "our prophet Mohammed", "our holy book the Quran" seriously interfere with the right to freedom of religion or belief of children and their parents who do not subscribe to these beliefs. The DKAB lessons should not be compulsory or their content should be changed to represent a "teaching about beliefs" instead of instruction in a particular religion. Unfortunately, these problems continue despite an effort to change the program of the lessons to include more information on diverse traditions within Islam, in particular the Alevi and Caferi tradition. Since the Christian Syriac community use their minority language in their worship, the state's ban on the teaching of the Syriac language to children in schools constitutes the main reason for the inability to transmit the religious culture (rituals etc.) to new generations. The importance of this ban on the teaching of the language cannot be overestimated in the preservation of the minority identity. The Syriac community recently requested that the Ministry of Education allow the teaching of the Syriac language in preschools - in addition to the Turkish language – but this was refused. The state should immediately allow the teaching of minority communities' languages in schools.

Indigenous & Minorities

Recommendation n°15: *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 (Recommended by Armenia)*

IRI: *not implemented*

CSW response:

Turkey's approach to minorities remained restrictive. Full respect for and protection of language, culture and fundamental rights in accordance with European standards have yet to be achieved. A comprehensive approach and further efforts are needed to enhance tolerance, security and promote inclusiveness vis-à-vis minorities. There is a need for revision of existing legislation, the introduction of comprehensive legislation to combat discrimination and the introduction of protection mechanisms or specific bodies to combat racism, xenophobia, anti-Semitism and intolerance. Relevant Covenants and Conventions should be applied. Furthermore, the preservation and respecting of minorities' cultural heritage remains elusive, given the lack of progress made by the government in fulfilling their 2011 decree of returning confiscated properties which previously belonged to minority groups. For example, the Greek Orthodox Halki Seminary has yet to be re-opened and returned, despite being confiscated since 1971.

Recommendation n°20: *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 (Recommended by Austria)*

IRI: *partially implemented*



LLG response:

Turkey maintains a restrictive approach to national minorities and their rights. It maintained its reservations to the UN ICCPR regarding the rights of minorities and to the UN Covenant on economic, social and cultural rights regarding the right to education. Furthermore, it has not signed the Framework Convention for the Protection of National Minorities or the Charter for Regional and Minority Languages. Therefore, its definition of, and approach to, national minorities do not comply with international standards. There has also been limited progress in its approach to the elimination of discrimination on the grounds of national and ethnic origin. No mechanisms exist to address racism etc. and there is no anti-discrimination legislation. It is only contained in the constitution and is subject to narrow interpretations by judges. Among others, in October 2012, the UN Human Rights Committee claimed to be concerned about the discrimination and the restrictions suffered by members of minorities, such as the Kurds and the Roma, affecting their right to enjoy their own culture and use their own language. (arts. 2 and 27 of ICCPR)

CSW response:

Although the definition of minorities has not been re-aligned, for the first time, in 2012, a more inclusive approach has been taken by the Turkish government. For example, members from various religious minority groups outside of those officially recognised by the Turkish government were invited to submit recommendations to the drafting of the new Turkish constitution. This was seen as a positive first step and sent out an inclusive message to minorities. In other positive steps, the Turkish government has promised to change the law denying the Kurdish basic language rights. In new laws proposed to parliament, the Kurdish population will allow their court testimonies to be given in their own language. Furthermore, Kurdish prisoners will now be permitted conjugal visits.

Recommendation n°22: Ensure the protection of religious minorities in accordance with international human rights standards and obligations, and eliminate discrimination based on religious affiliation (Recommended by Austria)

IRI: not implemented

TP response:

Authorities continued their ban on wearing Muslim religious headscarves in government offices as well as public primary schools, although the ban was not enforced in universities and ignored in some workplaces. Members of some religious groups stated they were effectively blocked from careers in state institutions because of their religion. Some religious groups also faced restrictions on freedom of worship, difficulties in registration with the government, property ownership, and the training of their followers and clergy – US State Dept. 2011 IRFR

IOGT-F18 response:

It is important to end the practice of recording religious identity on national identity cards. This practice not only requires individuals to declare their religious affiliation but also constitutes a risk of discrimination in everyday life. The reason for this is that the national identity cards are used in education, employment, military service, hospitals, and many other spheres of life. Since 2006 it is possible to leave the religion section blank, however the freedom to leave it blank should be questioned as



many individuals do not feel they can leave it blank as this would lead the persons who look at their ID cards to conclude that they are not Muslims and treat them differently. Turkey should end the practice of registering individuals' religious affiliation. Compulsory school Religious Culture and Knowledge of Ethics (Din Kültürü Ahlak Bilgisi DKAB) lessons fail to respect the right of the child to freedom of religion or belief and the right of parents and legal guardians to raise their children in line with their religious or philosophical beliefs. As a recent report of Eğitimde Reform Girişimi (Reform in Education- ERG) points out only Christians and Jews are exempt from these classes. Yet, references to "our religion Islam", "our prophet Mohammed", "our holy book the Quran" seriously interfere with the right to freedom of religion or belief of children and their parents who do not subscribe to these beliefs. The DKAB lessons should not be compulsory or their content should be changed to represent a "teaching about beliefs" instead of instruction in a particular religion. Unfortunately, these problems continue despite an effort to change the program of the lessons to include more information on diverse traditions within Islam, in particular the Alevi and Caferi tradition.

LLG response:

2012 EU Progress Report on Turkey states that religious culture and ethics classes, which remain compulsory in primary and secondary schools, has yet to be implemented. Children who did not attend were subject, in several instances, to discrimination. No alternatives were provided for students exempted from these classes. Non-Muslim communities — as organised structures of religious groups — continued to face problems due to their lack of legal personality, with adverse effects on property rights, access to justice, the ability to obtain work, residence permits for foreign clergy and fundraising. The relevant 2010 Council of Europe Venice Commission recommendations have yet to be implemented. Restrictions on the training of clergy remain. Neither the Turkish legislation nor the public education system provide for private higher religious education for individual communities. Despite announcements by the authorities, the Halki (Heybeliada) Greek Orthodox seminary remained closed. The Armenian Patriarchate's proposal to open a university department for the Armenian language and clergy remained pending for a fifth year. The Syriac Orthodox community can provide only informal training outside any officially established schools. As regards participation in religious elections, in contradiction with European standards Turkish and foreign nationals are not treated equally in terms of their ability to exercise their right to freedom of religion by participating in the life of organised religious communities. Concrete follow-up of the opening made in 2009 to the Alevis is lacking. Cem houses were not officially recognised and Alevis experienced difficulties in establishing new places of worship. Alevis were concerned by the marking of many houses of Alevi citizens in a number of provinces and by incidents against them. Complaints were submitted to the prosecutors' offices by Alevi associations; judicial and administrative investigations are continuing. A demand to open a cem house in the parliament was rejected on the grounds that Alevi MPs could go to the mosque. Several commemoration ceremonies by Alevis were prevented by police, some through the use of force as was a demonstration against the closure of the Madimak court case. Some Alevis encountered job discrimination in the civil service. Non-Muslim religious communities reported frequent discrimination, administrative uncertainty and numerous obstacles



to establishing or continuing to use their places of worship. Implementation of zoning legislation by local authorities was inconsistent, resulting in arbitrary refusals to issue construction and renovation permits for places of worship. In November, the DG for Foundations declared the Hagia Sophia Museum in Iznik a mosque. Especially in south-eastern provinces, renewal of foreign clergy permits was denied, without adequate explanation and in an inconsistent manner. Clear criteria for refusals to renew residence and/or work permits need to be established.

Alevis and non-Muslim religious communities have to pay electricity and water bills, whereas the State budget covers such expenses for mosques. Non-Muslim religious communities reported several instances of hate crimes. Anti-Semitism and hate speech in the media, including in TV series and films, has not been punished. There is a culture of intolerance of minorities. The court case concerning the killing of three Protestants in Malatya in April 2007 continued; allegations of links to the Ergenekon organisation are being reviewed by the court following arrests in 2011. No clear conclusion has been reached yet regarding the killing of father Santoro, a Catholic priest, in Trabzon in 2006. As regards the killing of bishop Padovese in Iskenderun in 2010, the case is continuing. Missionaries are widely perceived as a threat to the integrity of the country and to the Muslim religion. A classified report by the MIT (National Intelligence Organisation) on missionary activities in east and south-east Anatolia focusing on citizens of Kurdish origin, using discriminatory language against Christian churches and missionaries, was revealed in the media in November. A Diyanet five-year strategy plan also aims to follow and evaluate missionary activities inside and outside the country.

CSW response:

Limited progress has been made on freedom of thought, conscience and religion. There has been some progress on conscientious objection in terms of applying the case law of the European Court of Human Rights. Dialogue with the non-Muslim religious has communities continued, as demonstrated in the presentation made by religious minorities to the Turkish Parliament on the new constitution. However, members of minority religions and indeed those of no faith are still subject to threats from extremists, as well as the discrimination faced in the education system and on a societal level. The Malatya case is still ongoing, and despite signs that the authorities are taking this case seriously, justice for the victims remain to be seen. A legal framework in line with the European Convention on Human Rights has yet to be established, so that all non-Muslim religious communities and the Alevi community can function without undue constraints.

Recommendation n°23: *Provide possibilities for the teaching of minorities languages*
(Recommended by *Austria*)

IRI: *partially implemented*

IOGT-F18 response:

Since the Christian Syriac community use their minority language in their worship, the state's ban on the teaching of the Syriac language to children in schools constitutes the main reason for the inability to transmit the religious culture (rituals etc.) to new generations. The importance of this ban on the teaching of the language cannot be [underestimated] in the preservation of the minority identity. The Syriac



community recently requested that the Ministry of Education allow the teaching of the Syriac language in preschools - in addition to the Turkish language – but this was refused. The state should immediately allow the teaching of minority communities' languages in schools.

LLG response:

The new primary school curriculum, released in June 2012, contains the obligation for a school to add a course on living languages such as Kurdish or Circassian and dialects if at least ten pupils apply for it. However teaching the courses are still on an elective basis and does not meet demand for education in their mother language. Moreover, the last-minute introduction of the elective without having teachers or books in place created doubt about its effectiveness.

CETIM response:

Il existe des écoles privées pour l'apprentissage des langues des minorités (arménien, grec, etc.), mais il n'existe pas l'enseignement en langue maternelle dans des écoles publiques (c'est le cas en particulier pour le kurde. C'est une revendication des Kurdes qui refusent d'ailleurs des cours privés pour apprendre leur langue) ni la possibilité d'utilisation des langues minoritaires dans l'administration.

CSW response:

There have been signs of improvement in this area. In December 2011 the Council of Higher Education (YOK) approved an application by Tunceli University for the foundation of a Department of Eastern Languages and Literatures, including Zaza and Kurmanjî Kurdish. In 2012, The Education Ministry made it mandatory for primary schools to provide a courses in minority languages such as such as Kurdish or Circassian and dialects if at least 10 pupils applied for it. However, some legislation still restricts the use of languages other than Turkish, including the Constitution and the Law on Political Parties. Also, the judiciary took a number of restrictive decisions on the use of languages other than Turkish, including the use of Kurdish in court cases concerning Kurdish politicians and human rights defenders.

Recommendation n°24: Revive initiatives for minorities for developing measures to remove the restrictions on the use of languages other than Turkish in political and public life (Recommended by Austria)

IRI: partially implemented

IOGT-F18 response:

Since the Christian Syriac community use their minority language in their worship, the state's ban on the teaching of the Syriac language to children in schools constitutes the main reason for the inability to transmit the religious culture (rituals etc.) to new generations. The importance of this ban on the teaching of the language cannot be [underestimated] in the preservation of the minority identity. The Syriac community recently requested that the Ministry of Education allow the teaching of the Syriac language in preschools - in addition to the Turkish language – but this was refused. The state should immediately allow the teaching of minority communities' languages in schools.

PEN response:

Partly met. Lifting of some restrictions of use of Kurdis. More to be done.

Recommendation n°42: *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* (Recommended by Canada)

IRI: not implemented

I OGT-F18 response:

[See response to recommendation n° 19]

Recommendation n°57: *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* (Recommended by Cyprus)

IRI: not implemented

I OGT-F18 response:

Such a time-frame has not been set. It is difficult to understand why this recommendation has been rejected by the Government. Bearing in mind that Turkey's international human rights obligations require Turkey to fully protect freedom of religion or belief, including respect for the right to property, training of clergy and acquisition of legal personality, Turkey has already undertaken to fulfil the content of this recommendation. It is important to underscore the fact that it is the state's obligation to both draft and implement legislation that will create the general framework for the enjoyment of the right to freedom of religion or belief. In international human rights law, this includes but is not limited to the right to acquire an adequate form of legal personality, to establish and maintain places of worship, and to train and appoint clergy. In Turkey no religious or belief community – Muslim or non-Muslim - may acquire legal entity status. This has been criticised in an Opinion of the Venice Commission of 2010 and the Commission recommended that Turkey provide a legal framework that would allow the non-Muslim religious communities adequate access to courts and the right themselves to hold property, without having to do this through the foundation model. An adequate form of legal personality for religious/belief communities consistent with international human rights obligations should be both drafted and implemented without delay. The property of belief communities that has been lost as a result of their not having legal personality should be restored. The right to establish places of worship is also restricted as a result of unsuitable regulations and the non-facilitating attitudes of public authorities. For example, Jehovah's Witness and Protestants have not been able to gain place of worship status for their meeting halls and churches. The Alevi community are denied place of worship status for their cem (gathering) houses because public authorities often rely on an Opinion of the Presidency of Religious Affairs (the Diyanet) which states that Muslims worship in mosques not cem houses. Turkey should take the necessary legislative steps to ensure that places of worship can be established without restrictions. To this end, regulations pertaining to the planning and construction of places of worship should be flexible to accommodate the needs of religious/belief groups. Public authorities must ensure that the process of decision-making pertaining to place of worship status excludes any assessment of the



legitimacy of the belief or religion in question. The right to train religious personnel remains highly restricted. This leads many religious communities to send their candidates abroad for training, which imposes an extra financial burden on these communities. Turkey should both draft and implement a legal framework to protect the right to manifest religion or belief in teaching, including the right to teach religion or belief to those affiliated with one's religion or belief such as children and young people, as well as the right to train religious personnel.

LLG response:

Minorities are facing extensive problems with all these problems. With regards to the enforcement of property rights, there are a number of applications before the ECtHR. Restrictions on the training of the clergy still exist and there is no indication this will change. There is no provision for private (non-Muslim) religious education education for minorities under Turkish law or within the public education system. Despite statements to the contrary by the authorities, the Halki (Heybeliada) Greek Orthodox seminary is still closed (It has been closed for some four decades now.) The Armenian Patriarchate's proposal to open a university department for the Armenian language and clergy has been pending for five years. The Syriac Orthodox community is restricted to providing informal training outside any officially established schools. The fact that non-Muslim minorities have no legal personality has considerable effect on their rights within community. It impacts on their property rights, access to justice and work, residence permits for foreign clergy and fundraising. In this regard, welcoming amendments made to the Law on Foundations, No. 5737, in 2011 and their implementation allowing non-Muslim religious communities to have their property registered, concerns arise from the restrictions imposed on Muslim communities, as well as non-Muslim religious communities, that are not covered by the 1935 Law on Foundations.

Recommendation n°59: Take effective measures to combat persisting hostile attitudes and discrimination towards the Roma, Kurds and persons belonging to non-Muslim minorities (Recommended by Cyprus)

IRI: -

LLG response:

In October 2012, the UN Human Rights Committee claimed to be concerned about the discrimination and the restrictions suffered by members of minorities, such as the Kurds and the Roma, affecting their right to enjoy their own culture and use their own language. (arts. 2 and 27 of ICCPR)

Recommendation n°67: Enact comprehensive anti-discrimination legislation and uphold minority rights with a view to fully aligning law and practice with international human rights standards (Recommended by Denmark)

IRI: not implemented

IOGT-F18 response:

The draft legislation on "Anti-Discrimination and Equality" is yet to be adopted. While this legislation is important, it is also important to note that legislation in various laws that continue to be the source of discrimination based on, among others, ethnic and religious grounds, must be reviewed and brought in line with international human rights standards.



LLG response:

There is no comprehensive anti-discrimination legislation and thus, no mechanisms exist to address anti-discrimination. It is only addressed in the constitution and is subject to narrow interpretations by judges. Minority rights are not upheld within the legal framework. Turkey does not comply with the respective articles of a number of international instruments including the ICCPR, ICESCR, and has not signed the Framework Convention for the Protection of National Minorities or the Charter for Regional and Minority Languages. Non-Muslim religious communities have been the victim of racism and hate crimes and Anti-Semitism and hate speech is present in the media, including in TV series and films. There is a culture of impunity regarding racial discriminatory practices, dissemination of hate speech and general hostile attitudes. Turkey has still not introduced legislation regarding hate speech and hate crimes as recommended by the Council of Europe.

CSW response:

See [response to recommendation n°]15

Recommendation n°81: 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 (Recommended by Greece)

IRI: *fully implemented*

LLG response:

The Ministry of National Education approved a new regulation allowing Greek children who are not Turkish citizens to attend minority schools. However, children who are not Turkish citizens do not receive official graduation papers.

CSW response:

The Ministry of National Education approved a new regulation allowing children from Armenian, Greek and Jewish minorities, who are not Turkish citizens, to be educated in minority schools. However, children who are not Turkish citizens do not receive official graduation papers. However, the situation of the Greek minority remains difficult. It continues to encounter problems with access to education and property rights, including on the islands of Gökçeada (Imvros) and Bozcaada (Tenedos). The decision to re-open a school in Gökçeada (Imvros) is pending.

Recommendation n°82: 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 (Recommended by Greece)

IRI: *not implemented*

IOGT-F18 response:

Under Turkey's international human rights obligations all followers of religions or beliefs – not just followers of non-Muslim or recognised beliefs - must be protected in line with, for example, the ICCPR and the European Convention on Human Rights and Fundamental Freedoms. It is important to underscore the fact that it is the state's obligation to draft and implement legislation that will create the general framework for the enjoyment of the right to freedom of religion or belief, including the right to acquire an adequate form of legal personality, establish and maintain places of



worship and train and appoint clergy. In Turkey no religious or belief community may acquire legal entity status. This has been criticised in an Opinion of the Venice Commission of 2010 and the Commission recommended that Turkey provide a legal framework that would allow the non-Muslim religious communities adequate access to courts and the right themselves to hold property, without having to do this through the foundation model. An adequate form of legal personality for religious/belief communities consistent with international human rights obligations should be both drafted and implemented without delay. The property of belief communities that has been lost as a result of their not having legal personality should be restored. The right to establish places of worship is also restricted as a result of unsuitable regulations and the non-facilitating attitudes of public authorities. For example, Jehovah's Witnessed and Protestants have not been able to gain place of worship status for their meeting halls and churches. The Alevi community are denied place of worship status for their cem (gathering) houses because public authorities often rely on an Opinion of the Presidency of Religious Affairs (the Diyanet) which states that Muslims worship in mosques not cem houses. Turkey should take the necessary legislative steps to ensure that places of worship can be established without restrictions. To this end, regulations pertaining to the planning and construction of places of worship should be flexible to accommodate the needs of religious/belief groups. Public authorities must ensure that the process of decision-making pertaining to place of worship status excludes any assessment of the legitimacy of the belief or religion in question. The right to train religious personnel remains highly restricted. This leads many religious communities to send their candidates abroad for training, which imposes an extra financial burden on these communities. Turkey should both draft and implement a legal framework to protect the right to manifest religion or belief in teaching, including the right to teach religion or belief to those affiliated with one's religion or belief such as children and young people, as well as the right to train religious personnel.

Recommendation n°87: Take all necessary measures to return properties to the members of the Greek minority in the islands of Gokceada and Bozcaada that were expropriated (Recommended by Greece)

IRI: not implemented

IOGT-F18 response:

This is only one symptom of a very much larger problem which affects everyone's enjoyment of the right to freedom of religion or belief. For Greek minorities specifically, ineffective protection of the right to property of the Greek minority also reflects wider suspicions on the part of public authorities. The practice of not allowing Turkish citizens of Greek origin to purchase land and property from Turks did not have a legal basis. In 2012 this practice was reversed with some purchases by members of the Greek minority from Turks. But it has been reported that Greek Orthodox citizens of Greece, who have inherited property on Gokceada and Bozcaada, still continue to experience problems. Necessary measures should be taken to monitor and ensure that discriminatory practices are eliminated. [...]

Recommendation n°88: 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 (Recommended by Greece)

IRI: *not implemented*

TP response:

Members of some religious groups stated they were effectively blocked from careers in state institutions because of their religion. Some religious groups also faced restrictions on freedom of worship, difficulties in registration with the government, property ownership, and the training of their followers and clergy – US State Dept. 2011 IRFR

CSW response:

No mechanisms or specific body has been established to combat racism, xenophobia, anti-Semitism and intolerance. There is no legal framework or legislation that addresses discrimination issues; references in the constitution to the principle of non-discrimination are often interpreted in a restrictive manner by the courts. The commemoration of the twentieth anniversary of the Khojaly massacre (in Azerbaijan) on 26 February in Istanbul's Taksim square was marred by racist and anti-Armenian slogans and degenerated into an attempted march on the Armenian Agos newspaper.

Rhetoric against missionaries or minorities remains in a number of compulsory schoolbooks.

There is no effective prosecution of incitement to hatred, including by the media: Turkey has not made progress to introduce legislation regarding hate speech and hate crimes as recommended by the Council of Europe. Turkey has yet to eradicate its state-fuelled propaganda campaigns against ethnic and religious minorities.

Recommendation n°91: Ensure that refugees and asylum-seekers are dealt with as defined under international law and standards (Recommended by Iraq)

IRI: *partially implemented*

LLG response:

There are grave concerns regarding the treatment of refugees and asylum-seekers, detention and deportation policies and access to basic health and social services. Legislation has not been introduced at domestic level guaranteeing the basic rights of refugees and asylum-seekers.

Furthermore, Turkey's provided significant humanitarian assistance to Syrian nationals. Many of these Syrian nationals who have arrived in Turkey have been placed in camps in four southern provinces with limited access to the outside world. Many refugees have not been provided with the basic requirements, i.e. access to the UN refugee agency, the asylum procedure or the UNHCR. However, general living conditions in camps inspected by international observers have been praised. Despite improvements by law enforcement officials and both national and local administrations and improvements in treatment and detention conditions in the removal centres, grave concerns remain on the wider issue refugee and asylum-seeker policies. The legislative framework does not provide comprehensive



protection as the Law on Foreigners and International Protection has not yet been adopted. Turkey maintains the geographic limitation to the 1951 Refugee Convention.

CSW response:

According to a recent report from the European Commission, Turkey has improved their treatment of refugees and asylum seekers, particularly in detention and in removal centres. Turkey has accepted over 100,000 Syrians as a result of the recent civil war. The general living conditions in these Syrian camps have been praised by international observers. However, pending the adoption and implementation of the Law on Foreigners and International However, protection, gaps in legislation and in immigration-related detention and deportation practices remained a concern. Unaccompanied minors found themselves at risk of detention together with adults and without access to State child protection services. There were reported cases of access to UNHCR services and asylum procedures being blocked. Individuals going through asylum procedures experienced difficulties with access to adequate accommodation, work, health services, education and integration support. Asylum-seekers who did not qualify for contribution-free general health insurance under the new Social Security Law were charged monthly contribution fees which were unaffordable for those without employment.

Recommendation n^o112: *Take the necessary measures to avoid the return of refugee and asylum-seeker children who have been recruited or involved in hostilities* (Recommended by Mexico)

IRI: *partially implemented*

CSW response:

According to a recent report from the European Commission, Turkey has improved their treatment of refugees and asylum seekers, particularly in detention and in removal centres. Turkey has accepted over 100,000 Syrians as a result of the recent civil war. The general living conditions in these Syrian camps have been praised by international observers. However, pending the adoption and implementation of the Law on Foreigners and International However, protection, gaps in legislation and in immigration-related detention and deportation practices remained a concern. Unaccompanied minors found themselves at risk of detention together with adults and without access to State child protection services. There were reported cases of access to UNHCR services and asylum procedures being blocked. Individuals going through asylum procedures experienced difficulties with access to adequate accommodation, work, health services, education and integration support. Asylum-seekers who did not qualify for contribution-free general health insurance under the new Social Security Law were charged monthly contribution fees which were unaffordable for those without employment.

Recommendation n^o113: *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* (Recommended by Morocco)

IRI: -



Anonymous response:

Still efforts are needed, in a coordinated manner, to engage all potential stakeholders in the provision of safe drinking water in remote areas of the country.

Recommendation n°142: *Continue efforts aimed at completing the programme to prevent discrimination based on disabilities* (Recommended by Sudan)

IRI: *partially implemented*

LLG response:

There has been minimal progress with regards to the completion of a programme aimed at preventing discrimination based on disabilities. The Strategy Paper on Accessibility and the National Action Plan has not yet been fully implemented. Furthermore, a national organ to monitor discrimination in compliance with the UN Convention on the Rights of Disabled Persons and its optional protocol, has not yet been implemented.

CSW response:

There has been considerable progress from then Turkish authorities to end discrimination based on disability in all areas of life, including in employment and education. Since the Turkish Disability Act of 2005. Requirements of companies of a certain size to have a quota of disabled employees has helped bridge the gap between disabled person and the rest of Turkish Society. As a result, in public institutions, disabled people in work has increased from 6,103 in 2002 to 21,875 by the end of 2010. However, more needs to be done if the government is to ensure that positions available in the quotas for disabled people are actually taken up, especially in the area of education. Currently only 4% of disabled people are literate and only 2% have completed elementary school. As state institutions require disabled persons working for them to be at least graduates of high school or higher, this means that despite the quotas to ensure disabled persons are employed, in reality ,these are never filled because of the lack of education amongst disabled person.

Recommendation n°143: *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* (Recommended by Sweden)

IRI: *not implemented*

LLG response:

There are grave concerns regarding the treatment of refugees and asylum-seekers and their access to basic health and social services. Legislation has not been introduced at domestic level guaranteeing the basic rights of refugees and asylum-seekers. Furthermore, Turkey's provided significant humanitarian assistance to Syrian nationals. Many of these Syrian nationals who have arrived in Turkey have been placed in camps in four southern provinces with limited access to the outside world. Many refugees have not been provided with the basic requirements, i.e. access to the UN refugee agency, the asylum procedure or the UNHCR. However, general living conditions in camps inspected by international observers have been praised. Despite improvements by law enforcement officials and both national and local administrations and improvements in treatment and detention conditions in the



removal centres, grave concerns remain on the wider issue refugee and asylum-seeker policies. The legislative framework does not provide comprehensive protection as the the Law on Foreigners and International Protection has not yet been adopted. There are concerns about the treatment of children as unaccompanied minors risk being placed in adult detention centres and have been denied access to State child protection services. Asylum-seekers have encountered problems with access to adequate housing, work, health services, education and integration support. There are also issues regarding deportation procedures.

Recommendation n°153: *Establish a formal system for granting asylum or otherwise recognizing refugee status, and remove the present geographic limitation (Recommended by United States)*

IRI: *not implemented*

LLG response:

There are grave concerns regarding the treatment of refugees and asylum-seekers. Legislation has not been introduced at domestic level guaranteeing the basic rights of refugees and asylum-seekers. Many refugees have not been provided with the basic requirements, i.e. access to the UN refugee agency, the asylum procedure or the UNHCR. However, general living conditions in camps inspected by international observers have been praised. Grave concerns remain on the wider issue of refugee and asylum-seeker policies. The legislative framework does not provide comprehensive protection as the Law on Foreigners and International Protection has not yet been adopted. There are concerns about the treatment of children as unaccompanied minors risk being placed in adult detention centres and have been denied access to State child protection services. Asylum-seekers have encountered problems with access to adequate housing, work, health services, education and integration support. Much progress is thus to be made regarding the establishment of a formal system for granting asylum or otherwise recognising refugee status. Turkey maintains the geographic limitation to the 1951 Refugee Convention.

International Instruments

Recommendation n°6: *Become a State party to CED (Recommended by Argentina)*

IRI: *not implemented*

LLG response:

Turkey has not become a State party to the International Convention for the Protection of All Persons from Enforced Disappearance.

Recommendation n°7: *Become a State party to the following international instruments: OPCAT, OP-CRPD (Recommended by Argentina)*

IRI: *partially implemented*

Anonymous response:

Turkey has ratified the Optional Protocol to the Convention against Torture and other Inhuman and Degrading Treatment or Punishment on 27 September 2011.



Regarding the Optional Protocol to the Convention on the Rights of Persons with Disabilities, Turkey has signed but not ratified.

LLG response:

Turkey signed the OPCAT on 14 September 2005 and ratified it on 27 September 2011. Moreover, Turkey signed the OP-CRPD on 28 Sep 2009 but has not yet ratified it.

Recommendation n°25: *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* (Recommended by Austria)

IRI: *not implemented*

IOGT-F18 response:

[...]

LLG response:

Turkey maintains its reservation to the right to interpret and apply the provisions of Article 27 of the ICCPR in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes. This is the reason why in October 2012, the UN Human Rights Committee claimed to be concerned about the discrimination and the restrictions suffered by members of minorities, such as the Kurds and the Roma, affecting their right to enjoy their own culture and use their own language. (arts. 2 and 27 of ICCPR) Turkey has neither signed nor ratified the Council of Europe Framework Convention for the Protection of National Minorities.

Recommendation n°34: *Successfully conclude the process of ratification of the Optional Protocol of the Convention against Torture* (Recommended by Belarus)

IRI: *fully implemented*

State of Turkey response:

Among the recommendations we have fulfilled the ratification of the Optional Protocol to the Convention against Torture (OPCAT) in September 2011. The efforts towards its implementations have also started. [...]

LLG response:

Turkey successfully concluded the ratification process of the Optional Protocol of the Convention against Torture on 27 September 2011.

Recommendation n°36: *Consider ratifying OP-CAT and the Rome Statute of the International Criminal Court* (Recommended by Brazil)

IRI: *partially implemented*

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Recommendation n°48: *Consider ratifying OP-CAT and the Rome Statute of the International Criminal Court* (Recommended by Chile)

IRI: *partially implemented*

State of Turkey response:

Among the recommendations we have fulfilled the ratification of the Optional Protocol to the Convention against Torture (OPCAT) in September 2011. The efforts towards its implementations have also started. [...]

LLG response:

Turkey ratified the Optional Protocol of the Convention against Torture on 27 September 2011. Turkey has neither signed nor ratified the Rome Statute of the International Criminal Court.

Recommendation n°37: *Consider withdrawing reservations to core international human rights instruments, in particular ICCPR, ICERD and CRC (Recommended by Brazil)*

IRI: *not implemented*

IOGT-F18 response:

[...]

LLG response:

Turkey maintains reservation to the right to interpret and apply the provisions of Article 27 of the ICCPR in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes. It will only implement the provisions of the ICCPR to the States with which it has diplomatic relations and the Covenant applies exclusively to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied. Turkey does not consider itself bound by Article 22 of the ICERD. The explicit consent of the Republic of Turkey is necessary in each individual case before any dispute to which the Republic of Turkey is party concerning the interpretation or application of this Convention may be referred to the International Court of Justice. It further declares that it will only implement the provisions of the ICERD to the States with which it has diplomatic relations and the Covenant applies exclusively to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied. With regards to the CRC, Turkey maintains its reservation to the right to interpret and apply the provisions of articles 17, 29 and 30 of the United Nations Convention on the Rights of the Child according to the letter and the spirit of the Constitution of the Republic of Turkey and those of the Treaty of Lausanne of 24 July 1923.

Recommendation n°55: *Proceed promptly with the ratification of Additional Protocol I and II to the Geneva Conventions of 1949 (Recommended by Cyprus)*

IRI: *not implemented*

LLG response:

Turkey has not signed or ratified Additional Protocols I and II to the Geneva Conventions of 1949.

Recommendation n°58: *Swiftly accede to the Rome Statute of the International Criminal Court (Recommended by Cyprus)*

IRI: *not implemented*

LLG response:

Turkey has neither signed nor ratified the Rome Statute of the International Criminal Court.

Recommendation n°65: *The early ratification and implementation of OP-CAT (Recommended by Czech Republic)*

IRI: *partially implemented*

State of Turkey response:

Among the recommendations we have fulfilled the ratification of the Optional Protocol to the Convention against Torture (OPCAT) in September 2011. The efforts towards its implementations have also started. [...]

LLG response:

Turkey ratified the Optional Protocol CAT on 27 September 2011. However, it has not been implemented at domestic level. The domestic legislation required to establish of the necessary domestic preventions mechanisms, such as independent national institution, an independent police complaints procedure and an ombudsman's office, was not introduced.

Recommendation n°66: *Consider ratifying OPCAT in the near future (Recommended by Denmark)*

IRI: *fully implemented*

State of Turkey response:

Among the recommendations we have fulfilled the ratification of the Optional Protocol to the Convention against Torture (OPCAT) in September 2011. The efforts towards its implementations have also started. [...]

LLG response:

Turkey ratified the Optional Protocol of the Convention against Torture on 27 September 2011.

Recommendation n°75: *Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Recommended by France)*

IRI: *not implemented*

+

Recommendation n°166: *Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Recommended by Uruguay)*

IRI: *not implemented*

LLG response:

Turkey has neither signed nor ratified the International Convention for the Protection of All Persons from Enforced Disappearance .

Recommendation n°83: *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 (Recommended by Greece)*

IRI: *fully implemented*



State of Turkey response:

Thanks to the recent judicial reforms, we are convinced that significant progress on the independence of judges and prosecutors has been achieved. The Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul, who visited Turkey from 10 to 14 October 2011 had the opportunity to assess these judicial reforms. Therefore, we consider as implemented the recommendation [83] on the independence of judges and prosecutors and [17] as regards the visit of the Special Rapporteur .

IOGT-F18 response:

[...]

Recommendation n°85: *Lift the reservation to article 22 of ICERD as well as the two declarations on the implementation and the territorial applicability of the convention (Recommended by Greece)*

IRI: *not implemented*

LLG response:

Turkey maintains its reservation to Article 22 of the ICERD and maintains its two declarations on the implementation and territorial applicability of the Convention.

Recommendation n°119: *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 (Recommended by Netherlands)*

IRI: *not implemented*

LLG response:

Turkey maintains its reservation to the right to interpret and apply the provisions of Article 27 of the ICCPR in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes. Turkey has neither signed nor ratified the Council of Europe Framework Convention for the Protection of National Minorities.

Recommendation n°120: *Consider inviting the United Nations Special Rapporteur for Human Rights Defenders to visit the country in the near future (Recommended by Norway)*

IRI: *fully implemented*

IOGT-F18 response:

[...]

LLG response:

The United Nations Special Rapporteur for Human Rights Defenders requested a visit to Turkey in 2012. However, theoretically, Turkey has issued standing invitation for Special Procedure.

Recommendation n°139: *Continue its efforts towards ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Recommended by Spain)*

IRI: *not implemented*

LLG response:

Turkey signed the OP-CRPD on 28 Sep 2009 but has not yet ratified it.

Recommendation n°140: *Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance* (Recommended by Spain)

IRI: *not implemented*

LLG response:

Turkey has not become a State party to, so has neither signed nor ratified, the International Convention for the Protection of All Persons from Enforced Disappearance.

Recommendation n°141: *Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights* (Recommended by Spain)

IRI: *not implemented*

+

Recommendation n°165: *Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights* (Recommended by Uruguay)

IRI: *not implemented*

LLG response:

Turkey has neither signed nor ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Recommendation n°161: *Consider adhering to the Rome Statute* (Recommended by Uruguay)

IRI: *not implemented*

LLG response:

Turkey has neither signed nor ratified the Rome Statute of the International Criminal Court.

Recommendation n°162: *Consider withdrawing its reservations to articles 17, 29 and 30 of the Convention on the Rights of the Child* (Recommended by Uruguay)

IRI: *not implemented*

LLG response:

Turkey maintains its reservation of the right to interpret and apply the provisions of articles 17, 29 and 30 of the United Nations Convention on the Rights of the Child according to the letter and the spirit of the Constitution of the Republic of Turkey and those of the Treaty of Lausanne of 24 July 1923.

Recommendation n°164: *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* (Recommended by Uruguay)

IRI: *partially implemented*

State of Turkey response:

Among the recommendations we have fulfilled the ratification of the Optional Protocol to the Convention against Torture (OPCAT) in September 2011. The efforts towards its implementations have also started. [...]



LLG response:

Turkey ratified the Optional Protocol CAT on 27 September 2011. However, no progress was made at domestic level. The establishment of an independent national institution which would provide a national preventive mechanism for the prevention of torture had not been put in place by the end of 2012 as no legislation had been introduced on this matter.

Justice

Recommendation n°10: *Create conditions for the realization of the right to the truth, which is the necessary precondition for the prevention, recognition and punishment of genocide* (Recommended by Armenia)

IRI: *not implemented*

LLG response:

The right to truth and access to the truth are still restricted in Turkish society. This applies particularly with regards to historical events and serious crimes and raises issues as the statute of limitations means that some crimes are never investigated and the truth effectively lost. Crimes, such as extrajudicial killings and torture in the South East regions of Turkey in the 1980s and 1990s, are not fully investigated or prosecuted and the truth has never been discovered. According to HRW (report issued on September 2012), hundreds of deaths in custody and summary executions by the security forces risk being deemed time-barred for prosecution because of a 20-year limitation on murder investigations contained in Turkey's previous penal code. Thousands more state-perpetrated killings of Kurds from the early 1990s could be similarly excluded from prosecution and trial in the coming three years.

In on-going negotiations concerning the new constitution, the [Peace and Democracy Party (BDP)] has proposed a clause on the right to truth and access to information about past historical events, such as the Armenian genocide. This also includes a provision for access to government archives concerning these events and for no statute on limitations on genocide and crimes against humanity. If adopted and implemented as a constitutional right, this would be of significant progress with regards to the right to truth.

Recommendation n°11: *Further revise article 301 of the Penal Code to fully ensure freedom of expression and non persecution on the grounds of racial discrimination or motivated by it* (Recommended by Armenia)

IRI: *not implemented*

IOGT-F18 response:

Freedom of expression along with freedom of religion or belief continues to be restricted. In addition to Article 301, Article 216(3) of the Penal Code is used against atheists and critics of religion, especially Islam. Several court cases are ongoing. These include the prosecutions of the pianist Fazil Say, several individuals involved in the publication of "Illallah" Diary by Metis Publications, and cartoonist Bahadır



Baruter. These prosecutions have the effect of creating a culture of self-censorship among journalists, artists and others who wish to exercise their right to criticise any or all religious beliefs.

LLG response:

There has been no revision of Article 301 of the Penal Code (the article makes it illegal to insult the Turkish nation, Turkish ethnicity and Turkish government institutions) so freedom of expression remains severely restricted. Furthermore, there is no thorough, effective anti-discrimination legislation in place. Thus, many minorities report discrimination both at an administrative and a personal level. Many leading activists have been prosecuted under Article 301. Therefore, some cases have been taken to the ECHR on the basis of Article 301.

PEN response:

Not met. [...]

Recommendation n°12: *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* (Recommended by Armenia)

IRI: *partially implemented*

+

Recommendation n°71: *Implement effectively plans and strategies to combat human trafficking and provide the necessary care and support to victims, including through rehabilitation and social integration* (Recommended by Egypt)

IRI: *partially implemented*

LLG response:

Serious concerns remain regarding efforts to prevent and punish human trafficking. No significant progress in terms of legislation as the government are still working on a draft framework. It is important to note that there widespread consultations have taken place, including with the relevant ministries, civil society representatives, legal and academic professionals. Furthermore, the relevant international bodies and the EU have been consulted. However, there is a lack of correct data on human trafficking. There are a number of provisions in place, including victims' shelters in Ankara and Istanbul and a safe house for victims in Antalya. Money was allocated to victims of human trafficking in the 2012 budget. Furthermore, a toll-free helpline for victims exists. However, while taking note of the adoption of the "Second National Action Plan on Combating Trafficking in Human Beings", in October 2012 the UN Human Rights Committee has claimed to be concerned at the number of cases of trafficking in persons, and at the fact that only a few cases have resulted in investigations, prosecution and sentences. The Committee was also concerned that victims of trafficking are not protected from being prosecuted, detained or punished for the illegality of their entry or residence, or for the activities in which they are involved as a direct consequence of their situation as trafficked persons. (arts. 7 and 8)



Recommendation n°17: *Ensure the independence and impartiality of the judiciary, and independent and impartial investigations of all allegations of human rights violations* (Recommended by *Australia*)

IRI: *fully implemented*

State of Turkey response:

Thanks to the recent judicial reforms, we are convinced that significant progress on the independence of judges and prosecutors has been achieved. The Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul, who visited Turkey from 10 to 14 October 2011 had the opportunity to assess these judicial reforms. Therefore, we consider as implemented the recommendation [83] on the independence of judges and prosecutors and [17] as regards the visit of the Special Rapporteur .

LLG response:

There are strong concerns about the independence and impartiality of the judiciary, and of the investigations of all allegations of human rights violations. Progress was seen with the development of the Strategic Plan 2015-2016 for the independence of the judiciary by the High Council of Judges and Prosecutors. This represents progress but questions remain concerning the High Council's legislation and the role of the Minister of Justice and the Ministry's Undersecretary. The High Council also issued 34 circulars related to the work of judges and prosecutors and organised training sessions, workshops and meetings with various stakeholders, aimed at improving the judiciary and its standards. This is also a positive sign. Other concerns about its independence have been raised as the executive still seems to interfere in judicial proceedings from time to time, such as with the suspension of the prosecution in the Deniz Feneri case. Significant progress has also been made concerning impartiality due to the entry into force in September 2012 of the individual application procedure. Therefore, if all other domestic remedies have been exhausted, individuals can apply to the Constitutional Court regarding the violations of his/her fundamental rights. Concerns exist about the impartiality of judges as they are often located in the same buildings as the prosecution. Due process is not always observed and there is a lack of transparency during judicial proceedings. With regards to investigations, the judiciary often accepts evidence that mainly comes from the police or 'secret witnesses'.

Recommendation n°31: *Strengthen efforts to combat trafficking in human beings with full cooperation of countries in source, transit and destination* (Recommended by *Bangladesh*)

IRI: *partially implemented*

LLG response:

Serious concerns remain regarding efforts to prevent and punish human trafficking. No significant progress in terms of legislation as the government are still working on a draft framework. It is important to note that there widespread consultations have taken place, including with the relevant ministries, civil society representatives, legal and academic professionals. Furthermore, the relevant international bodies and the EU have been consulted. However, there is a lack of correct data on human trafficking.



Recommendation n°50: *Investigate all complaints of harassment and persecution against human rights defenders and non-governmental organizations, and sanction those responsible* (Recommended by Chile)

IRI: *not implemented*

LLG response:

There is concern about the treatment of human rights defenders. Far from investigating the complaints of harassment and persecution of human rights defenders, the state has opened a number of cases against them, mainly under anti-terrorist legislation. Since the last reporting period, the number of investigations and prosecutions of human rights defenders has increased. In September 2012, the Lawyers' Rights Watch Canada, together with the Observatory for the Protection of Human Rights Defenders, has issued a report to be presented before the 106th session of the UN Human Rights Committee, asserting that Turkey has failed to comply with the obligations deriving from articles 9 and 14 of ICCPR. Indeed, the Republic of Turkey has failed to protect and ensure the right to pre-trial release and the presumption of innocence in a case involving the prosecution of 46 lawyers, three law office employees, and one journalist in Turkey. These lawyers, who have acted on behalf of several members of the Kurdish political movement were detained and charged as a result of their legal representation of their clients. According to the FIDH (November 2012), as of early 2012, a total of 105 journalists, 44 lawyers, at least 16 members of human rights organisations and 41 trade unionists were in jail, mostly under terrorism charges.

CETIM response:

De manière générale, l'impunité des violations des droits humains perdurent. Il est extrêmement rare que les auteurs de ces violations soient condamnés. Pire, la répression étatique sur les défenseurs des droits humains continue. A titre d'exemple, Me Muharrem Erbey, vice-président de l'IHD (Association des droits de l'homme) et le président de la section de Diyarbakir de cette organisation, est toujours en prison depuis décembre 2009 avec des accusations fallacieuses. Plusieurs dirigeants et membres de cette association sont également arrêtés et/ou incarcérés, torturés et poursuivis en justice (voir le [rapport annuel 2011 de l'IHD](#), pp. 375 à 378)

[A signaler également le cas d'une] militante membre de la plateforme féminine contre violence sexuelle (en turc: Cinsel siddete karsi kadin platformu). Victime d'un viol collectif le 12 juin 2008, cette militante (son nom n'est pas mentionné) n'a pas obtenu gain cause devant la justice. Malgré des témoignages et preuves irréfutables (selon la plateforme, il y aurait la complicité entre les autorités judiciaires et la médecine légiste), le tribunal a acquitté, le 27 novembre 2012 (après cinq ans de procédure...) les auteurs de ce viol [...].

IOGT-F18 response:

Harassment against religious leaders should be fully investigated. For example five religious leaders of the Protestant community are currently being provided with police protection. Some of these leaders have been physically attacked, which is disturbing given the murders in 2007 of three Protestants in Malatya. It is good that police protection is provided, but the source of the threat toward these individuals should be



fully investigated and dealt with by due legal process. Any systemic issue revealed by these investigations, for example media hostility and disinformation, should also be dealt with appropriately.

Recommendation n°62: Review compliance of its national legislation with the principle of non-discrimination, 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 (Recommended by Czech Republic)

IRI: not implemented

LLG response:

There is no comprehensive and clear definition of racial discrimination in domestic law. The only provision in the legal framework are reference to non-discrimination in general in the constitution and the courts are very strict in their interpretation and application of this principle. In particular, in its 2012 Progress Report on Turkey, the EU Commission stressed that Turkey's current draft bill of Anti-Discrimination and Equality does not comply with the EU standards as it does not prohibit discrimination against LGBT people, which continues unchallenged in the country. The EU commission was particularly critical of Turkey's exclusion of 'sexual orientation' from the draft anti-discrimination law.

Recommendation n°63: 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 (Recommended by Czech Republic)

IRI: not implemented

LLG response:

There is no comprehensive and clear definition of racial discrimination in domestic law. The only provision in the legal framework are reference to non-discrimination in general in the constitution and the courts are very strict in their interpretation and application of this principle. In addition, in its 2012 Progress Report on Turkey, the EU Commission called upon the Turkish government to protect its LGBT citizens from discrimination and violence. The report stressed that Turkey's current draft bill of Anti-Discrimination and Equality does not comply with the EU standards as it does not prohibit discrimination against LGBT people, which continues unchallenged in the country. The EU commission was particularly critical of Turkey's exclusion of 'sexual orientation' from the draft anti-discrimination law.

Recommendation n°64: 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 (Recommended by Czech Republic)

IRI: not implemented

LLG response:

In January 2012, the Commissioner for human rights of the Council of Europe has stated to be concerned about the high number of judgments delivered by the ECtHR



against Turkey, where the Turkish judiciary has been seen to have either failed to tackle human rights violations or to have directly caused them. He considers that the effective implementation of these judgments requires amendments of the letter and spirit of the Turkish Constitution, statutory legislation and regulations, institutional changes, awareness-raising and capacity-building within the judicial system, as well as measures to improve public trust in the judiciary.

Recommendation n°68: *Ensure prompt, independent and thorough investigations of all allegations of torture and ill treatment allegedly committed by law enforcement officials and punish those responsible* (Recommended by *Denmark*)

IRI: *not implemented*

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Recommendation n°80: *Take necessary steps to intensify the judicial prosecution of all cases of alleged torture* (Recommended by *Germany*)

IRI: *not implemented*

LLG response:

According to [Human Rights Watch (HRW)] (report issued on September 2012), the Turkish government should take action to address statutory time limits, witness intimidation, and other obstacles to the prosecution of members of security forces and public officials for killings, disappearances, and torture committed during the 80s and 90s. Indeed, hundreds of deaths in custody and summary executions by the security forces risk being deemed time-barred for prosecution because of a 20-year limitation on murder investigations contained in Turkey's previous penal code. Thousands more state-perpetrated killings of Kurds from the early 1990s could be similarly excluded from prosecution and trial in the coming three years. Moreover, the report has found the village guard system, deeply embedded in the social and political fabric of local communities, to be a major obstacle to justice in the region. HRW has also called for an independent truth commission to be established by Parliament as soon as possible.

Recommendation n°72: *Continue with the reform of its Penal Code, including article 301* (Recommended by *France*)

IRI: *partially implemented*

IOGT-F18 response:

Freedom of expression along with freedom of religion or belief continues to be restricted. In addition to Article 301, Article 216(3) of the Penal Code is used against atheists and critics of religion, especially Islam. Several court cases are ongoing. These include the prosecutions of the pianist Fazil Say, several individuals involved in the publication of "Illallah" Diary by Metis Publications, and cartoonist Bahadır Baruter. These prosecutions have the effect of creating a culture of self-censorship among journalists, artists and others who wish to exercise their right to criticise any or all religious beliefs.

LLG response:

While there are proposals to reform certain parts of the penal code, including the provisions on corruptions (scope of bribery), there are no plans to reform the controversial articles such as 301 and 318.

PEN response:

Partly met. Judicial reforms underway but more needs to be done. No change to 301

Recommendation n°76: Strengthen the combat against traditional practices such as early marriage, forced marriage or polygamy, which persist despite dispositions existing in the Civil Code (Recommended by France)

IRI: not implemented

LLG response:

In its 2012 Turkey's Progress report the European Commission expressed that Gender equality, combating violence against women, including honour killings, and early and forced marriages, remain major challenges for Turkey.

Recommendation n°79: Step up efforts to reduce impunity for human rights violations (Recommended by Germany)

IRI: not implemented

LLG response:

Efforts to investigate and prosecution those responsible for violations of human rights continues to be lacking, particularly with regards to members of the security services. Therefore, there is still a culture of impunity surrounding human rights violations. According to 2012 EU Progress Report of Turkey In general, efforts to fight impunity for human rights violations have been insufficient. Prompt, thorough, independent and effective investigation of allegations of torture committed by security and law enforcement officers is often lacking. Moreover, there is no exception from the statute of limitations for torture cases.

Recommendation n°90: Strengthen its efforts in fully implementing the National Plan of Action on Combating Trafficking in Human Beings (Recommended by Indonesia)

IRI: partially implemented

LLG response:

Serious concerns remain regarding efforts to prevent and punish human trafficking. No significant progress in terms of legislation as the government are still working on a draft framework. It is important to note that there widespread consultations have taken place, including with the relevant ministries, civil society representatives, legal and academic professionals. Furthermore, the relevant international bodies and the EU have been consulted. However, there is a lack of correct data on human trafficking. There are a number of provisions in place, including victims' shelters in Ankara and Istanbul and a safe house for victims in Antalya. Money was allocated to victims of human trafficking in the 2012 budget. Furthermore, a toll-free helpline for victims exists. While taking note of the adoption of the "Second National Action Plan on Combatting Trafficking in Human Beings", in October 2012 the UN Human Rights Committee has claimed to be concerned at the number of cases of trafficking in persons, and at the fact that only a few cases have resulted in investigations, prosecution and sentences. The Committee was also concerned that victims of trafficking are not protected from being prosecuted, detained or punished for the illegality of their entry or residence, or for the activities in which they are involved as a direct consequence of their situation as trafficked persons. (arts. 7 and 8)



Recommendation n°93: *Develop comprehensive anti-discrimination legislation including a clear definition of discrimination against women and racial discrimination in its legislation (Recommended by Ireland)*

IRI: *not implemented*

IOGT-F18 response:

The draft legislation on "Anti-Discrimination and Equality" is yet to be adopted. While this legislation is important, it is also important to note that legislation in various laws that continue to be the source of discrimination based on, among others, ethnic and religious grounds, must be reviewed and brought in line with international human rights standards.

LLG response:

There is no comprehensive anti-discrimination legislation and thus, no mechanisms exist to address anti-discrimination. It is only addressed in the constitution and is subject to narrow interpretations by judges. Furthermore, there is no clear definition of racism and a culture of impunity exists regarding racist discrimination. Minority rights are not upheld within the domestic legal framework. Turkey does not comply with the respective articles of a number of international instruments including the ICCPR, ICESCR, and has not signed the Framework Convention for the Protection of National Minorities or the Charter for Regional and Minority Languages. While the approach to women's rights remain restrictive, progress has been made regarding legislation on respect for women's rights and gender equality. The Law on the Protection of Family and Prevention of Violence against Women was adopted in March 2012. Whilst it does not go far enough in its protection of women and provisions for women who wish to escape a violent situation, it demonstrates some progress in this area. Also, On 22 May 2012 the European Parliament adopted a resolution on a 2020 Perspective for Women in Turkey. Amongst other things, it called upon the Turkish Government to uphold and strengthen the principles of equality and women's rights by adopting and amending its legislative framework, including the planned process for a new constitution. Moreover, if the adoption of the Law no. 6284 on Protecting Woman and Family Members from Violence that entered into force on 20 March 2012 has to be welcomed, the institutions in charge of the implementation of the law have not yet been provided with the necessary financial and human resources to guarantee its efficient functioning. Last but not least, while noting the abolition of the de facto reduction of sentences for perpetrators of "honour killings", there is still an huge prevalence of high rates of such crimes.

Recommendation n°95: *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 (Recommended by Ireland)*

IRI: *not implemented*

LLG response:

According to HRW (report issued on September 2012), the Turkish government should take action to address statutory time limits, witness intimidation, and other obstacles to the prosecution of members of security forces and public officials for killings, disappearances, and torture committed during the 80s and 90s. Indeed, hundreds of deaths in custody and summary executions by the security forces risk



being deemed time-barred for prosecution because of a 20-year limitation on murder investigations contained in Turkey's previous penal code. Thousands more state-perpetrated killings of Kurds from the early 1990s could be similarly excluded from prosecution and trial in the coming three years. Moreover, the report has found the village guard system, deeply embedded in the social and political fabric of local communities, to be a major obstacle to justice in the region. HRW has also called for an independent truth commission to be established by Parliament as soon as possible. In this regard, in October 2012, the UN Human Rights Committee has claimed to be concerned that a genuinely independent complaints mechanism to deal with cases of alleged torture or ill-treatment by public officials is absent, that the number of prosecutions of such cases remains low.

Recommendation n°96: *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* (Recommended by Ireland)

IRI: *not implemented*

LLG response:

Turkey maintains its reservation to the right to interpret and apply the provisions of Article 27 of the ICCPR in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes. It also maintains its reservations regarding the right to education to the UN Covenant on economic, social and cultural rights. Furthermore, Turkey has neither signed nor ratified the Council of Europe Framework Convention for the Protection of National Minorities. This reflects Turkey's restrictive approach to minorities and minority rights. Further reforms are required in a number of areas, including requiring the implementation of an effective anti-discrimination mechanism, the introduction of legislation regarding hate speech and crimes, access to education and property rights. In October 2012, the UN Human Rights Committee claimed to be concerned about the discrimination and the restrictions suffered by members of minorities, such as the Kurds and the Roma, affecting their right to enjoy their own culture and use their own language. (arts. 2 and 27 of ICCPR)

Recommendation n°104: *Continue to improve the juvenile justice system* (Recommended by Kuwait)

IRI: *not implemented*

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Recommendation n°147: *Take all necessary measures to comply with the pertinent international norms and principles in the area of juvenile justice* (Recommended by Switzerland)

IRI: *not implemented*

Anonymous response:

This is not done. The juvenile justice system should be fully in line with the Committee on the Rights of the Child and other relevant standards. Serious deficiencies have been observed by the Committee on the Rights of the Child (CRC) in this regard.

LLG response:



There are serious problems with the juvenile justice system. Despite a decline in child prosecution, children's rights are not fully protected by the judicial system. Juveniles have been arrested and prosecuted under anti-terrorism laws, e.g. on the grounds of membership of a terrorist organisation, a charge which carries heavy penalties. These arrests have frequently been made on the basis of participation in demonstrations or when resisting law enforcement officials. This does not comply with legislative changes carried out in 2010, which were intended to prevent children from being prosecuted under these laws. Furthermore, there are grave concerns about the pre-charge and pre-trial detention phases. There have been reports of ill-treatment during questioning and admission to prisons. Children experience long pre-charge detention periods (up to four days) and are held in extended pre-trial detention. There is an insufficient number of juvenile courts in Turkey. Only 67 of the 86 courts are operational. This does not comply with the Child Protection Law, which requires that establishment of juvenile courts in all 81 provinces. There is also an insufficient number of serious crimes courts for juveniles. Only 9 of the 19 established are operational. This means that in provinces where there are no serious crimes courts for juveniles, juveniles are tried in adult courts. Concerns about the juvenile justice system extend to the detention system as children are ill-treated and held in unacceptable conditions. Children, particularly girls, have been held in adult facilities and, in some cases, are not even separated from adults in these facilities. Furthermore, there have been incidents where children have been transferred from facilities near their home and families to facilities much further away (E.g. from Adana to Ankara.) There have been allegations of ill-treatment (in the form of mental, physical and sexual abuse) at Adana Pozanti juveniles' prison. There are insufficient juvenile correctional facilities.

Recommendation n°136: *Adopt a specific law against discrimination consistent with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (Recommended by Spain)*

IRI: *not implemented*

IOGT-F18 response:

The draft legislation on "Anti-Discrimination and Equality" is yet to be adopted. While this legislation is important, it is also important to note that legislation in various laws that continue to be the source of discrimination based on, among others, ethnic and religious grounds, must be reviewed and brought in line with international human rights standards.

Recommendation n°144: *To take additional measures to improve the situation in prisons, including for juveniles (Recommended by Sweden)*

IRI: *not implemented*

LLG response:

There are serious problems with the juvenile detention system as children are ill-treated and held in unacceptable conditions. Children, particularly girls, have been held in adult facilities and, in some cases, are not even separated from adults in these facilities. Furthermore, there have been incidents where children have been transferred from facilities near their home and families to facilities much further away (E.g. from Adana to Ankara.) There have been allegations of ill-treatment (in the form of mental, physical and sexual abuse) at Adana Pozanti juveniles' prison. There are



insufficient juvenile correctional facilities. Moreover, in October 2012, The UN Human Rights Committee has claimed to be concerned about the overcrowding in prisons and about the conditions of detention. The Committee was also concerned that prisoners are frequently deprived from timely access to adequate health services. (art. 10)

Recommendation n^o146: *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* (Recommended by Switzerland)

IRI: not implemented

LLG response:

Efforts to investigate and prosecution those responsible for violations of human rights continues to be lacking, particularly with regards to members of the security services. Therefore, there is still a culture of impunity surrounding human rights violations. According to 2012 EU Progress Report of Turkey In general, efforts to fight impunity for human rights violations have been insufficient. Prompt, thorough, independent and effective investigation of allegations of torture committed by security and law enforcement officers is often lacking. Moreover, there is no exception from the statute of limitations for torture cases.

Recommendation n^o149: *Continue its efforts to combat trafficking in human beings and prosecute traffickers* (Recommended by Ukraine)

IRI: not implemented

LLG response:

Serious concerns remain regarding efforts to prevent and punish human trafficking. No significant progress in terms of legislation as the government are still working on a draft framework. It is important to note that there widespread consultations have taken place, including with the relevant ministries, civil society representatives, legal and academic professionals. Furthermore, the relevant international bodies and the EU have been consulted. However, there is a lack of correct data on human trafficking. There are a number of provisions in place, including victims' shelters in Ankara and Istanbul and a safe house for victims in Antalya. Money was allocated to victims of human trafficking in the 2012 budget. Furthermore, a toll-free helpline for victims exists. However, while taking note of the adoption of the "Second National Action Plan on Combatting Trafficking in Human Beings", in October 2012 the UN Human Rights Committee has claimed to be concerned at the number of cases of trafficking in persons, and at the fact that only a few cases have resulted in investigations, prosecution and sentences. The Committee was also concerned that victims of trafficking are not protected from being prosecuted, detained or punished for the illegality of their entry or residence, or for the activities in which they are involved as a direct consequence of their situation as trafficked persons. (arts. 7 and 8)

Recommendation n^o152: *Address the perceived climate of impunity by ensuring that any allegations of abuse are thoroughly investigated and effectively prosecuted* (Recommended by United States)

IRI: not implemented



LLG response:

Investigations into human rights abuses are generally inadequate. Efforts to investigate and prosecute those responsible for violations of human rights continues to be lacking, particularly with regards to members of the security services. Therefore, there is still a culture of impunity surrounding human rights violations. According to 2012 EU Progress Report of Turkey In general, efforts to fight impunity for human rights violations have been insufficient. Prompt, thorough, independent and effective investigation of allegations of torture committed by security and law enforcement officers is often lacking. Moreover, there is no exception from the statute of limitations for torture cases.

Recommendation n°159: *That the Anti-Terror Law be revised or abolished* (Recommended by *United States*)

IRI: *not implemented*

LLG response:

The Anti-Terror law continues in its current form and does not comply with international legal standards, including the ECHR. This law continues to raise concerns due to its vague and broad definition of terrorism, which has seen people (thousands of prosecutions have taken place under this law in 2011-2012) convicted of membership of terrorist organisations or on 'terrorism charges' for expressing their opinion in writing or speech. Articles 6 and 7 raise issues with respect to this. The legislation suffers from a lack of clarity, which effects its application, and needs reforming. In October 2012, the UN Human Rights Committee claimed to be concerned that several provisions of the 1991 Anti-Terrorism Law (Law 3713) are incompatible with the Covenant rights. The Committee was particularly concerned at: (a) the vagueness of the definition of a terrorist act; (b) the far-reaching restrictions imposed on the right to due process; (c) the high number of cases in which human rights defenders, lawyers, journalists and even children are charged under the Anti-Terrorism Law for the free expression of their opinions and ideas, in particular in the context of non-violent discussions of the Kurdish issue. (arts. 2, 14 and 19)

PEN response:

Partly met. Promises of revision of ATL in 2014. Large numbers of journalists in prison and on trial under its provisions.

SOGI

Recommendation n°46: *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* (Recommended by *Canada*)

IRI: *not implemented*

LLG response:

There remain concerns regarding the protection of human rights of lesbian, gay, bisexual and transgendered LGBT individuals. These individuals continue to suffer



from discrimination and harassment both from the authorities and from the general public. There have been a number of incidents involving intimidation and lesbian, gay, bisexual and transgendered LGBT individuals have been the victims of violent crime, including attacks and murders. Lesbian, gay, bisexual and transgendered LGBT individuals have suffered from discrimination in the workplace on the grounds of their sexual orientation. They also suffer from a lack of access to basic health services and housing on the basis of their sexual orientation. Furthermore, there is no adequate anti-discrimination legislation nor legislation protecting the human rights of lesbian, gay, bisexual and transgendered LGBT individuals. In this regard, in its 2012 Progress Report on Turkey, the EU Commission stressed that Turkey's current draft bill of Anti-Discrimination and Equality does not comply with the EU standards as it does not prohibit discrimination against LGBT people, which continues unchallenged in the country. The EU commission was particularly critical of Turkey's exclusion of 'sexual orientation' from the draft anti-discrimination law.

Recommendation n°94: Develop comprehensive anti-discrimination legislation including prohibiting discrimination on the basis of sexual orientation and gender identity (Recommended by Ireland)

IRI: not implemented

IOGT-F18 response:

The draft legislation on "Anti-Discrimination and Equality" is yet to be adopted. REC. This legislation must be adopted without delay and legislation in various laws that continue to be the source of discrimination based on, among others, ethnic and religious grounds, must be reviewed and brought in line with international human rights standards.

LLG response:

There is no adequate anti-discrimination legislation nor legislation protecting the human rights of lesbian, gay, bisexual and transgendered LGBT individuals currently. Indeed, in its 2012 Progress Report on Turkey, the EU Commission stressed that Turkey's current draft bill of Anti-Discrimination and Equality does not comply with the EU standards as it does not prohibit discrimination against LGBT people, which continues unchallenged in the country. The EU commission was particularly critical of Turkey's exclusion of 'sexual orientation' from the draft anti-discrimination law. Also, On 22 May 2012 the European Parliament adopted a resolution on a 2020 Perspective for Women in Turkey. Amongst other things, it called upon the Turkish Government to uphold and strengthen the principles of equality and women's rights by adopting and amending its legislative framework, including the planned process for a new constitution. Moreover, if the adoption of the Law no. 6284 on Protecting Woman and Family Members from Violence that entered into force on 20 March 2012 has to be welcomed, the institutions in charge of the implementation of the law have not yet been provided with the necessary financial and human resources to guarantee its efficient functioning. Last but not least, while noting the abolition of the de facto reduction of sentences for perpetrators of "honour killings", there is still an huge prevalence of high rates of such crimes.

Recommendation n°118: 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 (Recommended by Netherlands)

IRI: *not implemented*

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Recommendation n°123: Ensure non-discrimination on the basis of sexual orientation and gender identity (Recommended by Norway)

IRI: *not implemented*

LLG response:

There is no adequate anti-discrimination legislation in general nor any specific legislation protecting the human rights of lesbian, gay, bisexual and transgendered LGBT individuals currently. In its 2012 Progress Report on Turkey, the EU Commission stressed that Turkey's current draft bill of Anti-Discrimination and Equality does not comply with the EU standards as it does not prohibit discrimination against LGBT people, which continues unchallenged in the country. The EU commission was particularly critical of Turkey's exclusion of 'sexual orientation' from the draft anti-discrimination law.

Women & Children

Recommendation n°1: Continue and intensify measures for illiteracy reduction and for the access of girls and women to all levels of education and teaching (Recommended by Algeria)

IRI: *partially implemented*

Anonymous response:

Turkey has advanced in its projects and campaigns to increase literacy rates among girls and women. Still efforts are needed, in particular, in most rural areas.

LLG response:

Progress was made with regards to reducing illiteracy. The rate of illiteracy for the population aged 15 or above decreased from 7% in 2010 to 5.7% in 2011 and from 11.4% to 9.4% for women. Legislation concerning education reform was adopted in March 2012 but was rushed through, without a public consultation process or consultation with key stakeholders. Measures have been introduced to increase access to education for children at pre-school and primary school level. Furthermore, the gap between male and female students narrowed to 2.5% at secondary education level. One initiative, mobile education services for girls, has been introduced in several provinces, but coverage was limited. Measures still need to be intensified and developed for the access of girls and women to all levels of education and teaching.

Union of International Jurist Turkey (UIJT) response:

Women constitute 75.5 % of illiterate people in Turkey. The State makes big effort for promoting education of girls and illiterate mothers. Especially the State launches social campaigns so that families let their daughters get education. After these efforts and campaigns rate of literacy among girls and women has increased. Despite of



these good steps, the State has not got proper projects considering different needs and characteristics of different families. For example, some families do not prefer to let their daughters get education in mix-sexed schools or some girls with headscarf and some of families want that administration of schools do not force them to take off their headscarves at school. However, only Imam hatip high schools giving religious education let their student to wear headscarf. A girl preferring to go another type of high school, a vocational high school for example, has to take off her headscarf. This situation causes separation, and they have to go only a certain type of school. Moreover, some families in countryside do not let their daughters get education because these schools do not exist in their towns. Despite knowing these characteristics of the society, the State does not take necessary measures for providing all opportunities to every single girl in Turkey from different backgrounds to get education.

Recommendation n^o4: Work to further increase women's participation in political and public life, including at the decision-making level (Recommended by Algeria)

IRI: not implemented

LLG response:

In March 2012, the European Parliament has welcomed the increase in the number of female members of the Turkish Parliament, from 9.1 % in the 2007 elections to 14.3 % following the 2011 elections; it has noted, however, that this percentage is still low, and has called for a new law on political parties and elections which would establish a mandatory quota system ensuring the fair representation of women on electoral lists.

TAUW response:

The problems continue due to many reasons including lack of quotas.

UIJT response:

Gender equality is guaranteed by the article 10 of the Turkish Constitution. However women do not get enough support in social life and that's why they cannot take place in decision making positions and their participation in social and political life are limited. The proportion of women in the parliament is 14.1 % and this proportion is well below the world average. The proportion of women mayors is only 0.92 %. Only one of the 24 Cabinet Ministers is woman and she is, as can be expected, the Minister of family and social policies. There are 81 provinces in Turkey and only one has woman governor. Women in Turkey take limited place in decision making positions and social-political life. The ban on wearing headscarf is one of the major reasons of this situation and it has not been repealed yet. The only exception is the ban in universities; it is not implemented in universities anymore. However, proportion of women (housewife, lawyer, worker, doctor...) who prefer wearing headscarf in whole Turkey is 62 %. At the moment, they cannot work in state schools, factories, institutions. They are not allowed to work in decision-making positions. None of women who prefer wearing headscarf are allowed to be a member of the Parliament. Lastly a couple of women were elected as Mayor but they were forced to resign or wear a wig. Therefore even being elected did not provide any progress in the current situation.



Recommendation n°5: *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 (Recommended by Argentina)*

IRI: *not implemented*

LLG response:

There has been a decline in child prosecution, however, children's rights are not fully protected by the judicial system. Contrary to the CRC, children continue to be arrested and prosecuted under anti-terrorism laws, e.g. on the grounds of membership of a terrorist organisation, a charge which carries heavy penalties. These arrests have frequently been made on the basis of participation in demonstrations or when resisting law enforcement officials. This legislation does not comply with the CRC, where children should be arrested and prosecuted under proceedings specific for children. Contrary to proposed legislative changes in 2010, there is an insufficient number of juvenile courts in Turkey, which they are incapable of managing the volume of juvenile cases. Only 67 of the 86 courts are operational. This does not comply with the Child Protection Law, which requires that establishment of juvenile courts in all 81 provinces. There is also an insufficient number of serious crimes courts for juveniles. Only 9 of the 19 established are operational. This means that in provinces where there are no serious crimes courts for juveniles, juveniles are tried in adult courts, again contrary to the CRC. Furthermore, detention conditions do not comply with the CRC, children are ill-treated and held in unacceptable conditions. Children, particularly girls, have been held in adult facilities and, in some cases, are not even separated from adults in these facilities. Furthermore, there have been incidents where children have been transferred from facilities near their home and families to facilities much further away (E.g. from Adana to Ankara.) There have been allegations of ill-treatment (in the form of mental, physical and sexual abuse) at Adana Pozanti juveniles' prison. Therefore, there remain serious cause for concern regarding Turkey's lack of compliance and non-application of CRC standards.

UIJT response:

An amendment in the anti-terror law was made in 5th of July 2012. The main reason for this amendment was preventing children who alleged with terror crimes from being judged by the same way as adults. After the amendment, children cannot be judged in the courts that were established according to the anti-terror law, ruling about prosecution and investigation of anti-terror law cannot be applied to children. Therefore, this amendment resulted in progress in this area.

Recommendation n°8: *Reinforce measures aimed at eradicating gender-based violence and labour discrimination against women (Recommended by Argentina)*

IRI: *not implemented*

CETIM response:

Chaque année, des centaines de femmes sont tuées ou poussées au suicide. [En Turquie](#), "chaque jour, cinq femmes sont tuées. 73% des femmes qui s'adressent à la police ou à un procureur et 27% des femmes qui sont hébergées dans des foyers pour protection sont tuées".



LLG response:

On March 2012, the European Parliament has noticed that according to official data from the Turkish Statistical Institute, 39 % of Turkish women have encountered physical violence at some point of their lives; It has expressed its concerns about the regularity and severity of violence against women, including honour killings, early and forced marriages, and at the ineffectiveness of the existing remedies and the lenience of the Turkish authorities as regards punishing the perpetrators of gender-based crimes. As for the labour market, the European Parliament has called on the Turkish government to establish a national plan of action in order to ensure the greater participation of women in the labour market. It has been also stressed that the recent extension of the legal entitlement for maternity leave (with a rise from twelve to sixteen weeks) should be followed up with a pay increase, in order to better guarantee that families and women are not financially penalised for having children. Also, On 22 May 2012 the European Parliament adopted a resolution on a 2020 Perspective for Women in Turkey. Amongst other things, it called upon the Turkish Government to uphold and strengthen the principles of equality and women's rights by adopting and amending its legislative framework, including the planned process for a new constitution. Moreover, if the adoption of the Law no. 6284 on Protecting Woman and Family Members from Violence that entered into force on 20 March 2012 has to be welcomed, the institutions in charge of the implementation of the law have not yet been provided with the necessary financial and human resources to guarantee its efficient functioning. Last but not least, while noting the abolition of the de facto reduction of sentences for perpetrators of "honour killings", there is still an huge prevalence of high rates of such crimes.

UIJT response:

Gender discrimination is banned under the 5th article of labor law. According to the law, women cannot be discriminated due to their gender; they have right for having child and maternity leave. However, the law does not rule the recruitment process. Although the job does not necessitate, an employer can decide to not to employ a woman just because of her wearing of headscarf. And there is no law article preventing this kind of discrimination. Due to current legislation, women wearing headscarf are not allowed to be a civil servant. Majority of private sector in Turkey consider about their business' visual image and do not employ women wearing headscarf. There is no legislation preventing this discrimination. There is no effective legislation that women can appeal in case of discrimination. Education raising awareness and concern of judges and prosecutors for stopping any kind of discrimination against women has great importance and should be started. There is not enough effort about this issues. That's why proportion of working women in Turkey is as low as 27 %.

Recommendation n°13: Take legislative and practical measures at preventing and combating violence against women and children, including prohibition of corporal punishment (Recommended by Armenia)

IRI: not implemented

Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

The legality of corporal punishment of children is the same now (January 2013) as at the time of the initial UPR in 2010. We note that since the 2010 review,



recommendations to Turkey to prohibit all corporal punishment of children have been made by the Committee on the Rights of the Child (20 July 2012, CRC/C/TUR/CO/2-3, Concluding observations on second/third report, paras. 6, 7, 44, 45, 58 and 59), the Committee Against Torture (20 January 2011, CAT/C/TUR/CO/3, Concluding observations on third report, para. 22) and the Committee on Economic, Social and Cultural Rights (12 July 2011, E/C.12/TUR/CO/1/, Concluding observations on initial report, para. 24); the European Committee of Social Rights concluded that the situation in Turkey was not in conformity with the European Social Charter because there is no explicit prohibition of corporal punishment in the home (January 2012, Conclusions 2011).

CETIM response:

Chaque année, des centaines de femmes sont tuées ou poussées au suicide. [En Turquie](#), "chaque jour, cinq femmes sont tuées. 73% des femmes qui s'adressent à la police ou à un procureur et 27% des femmes qui sont hébergées dans des foyers pour protection sont tuées".

LLG response:

Turkey ratified the Council of Europe's Convention on preventing and combating violence against women and domestic violence on 14 March 2012. However, as the European Parliament has noticed on March 2012, there is a need to make domestic violence against women, including marital rape, a criminal offence. Moreover, despite the adoption of the Law no. 6284 on Protecting Woman and Family Members from Violence that entered into force on 20 March 2012, the institutions in charge of the implementation of the law have not yet been provided with the necessary financial and human resources to guarantee its efficient functioning. Also, while noting the abolition of the de facto reduction of sentences for perpetrators of "honour killings", concerns arise from the prevalence of high rates of such crimes.

UIJT response:

Physical punishment to body of any person during their processes in police stations, judicial institutions or schools is forbidden. In case of violation of this ban, investigation is started and responsible civil servants who malpractice their authorities are punished. Nevertheless, this legislation is generally not implicated unless the case is written on the press.

Recommendation n°27: *Continue to further promote women's rights and increase their participation in all fields of society* (Recommended by Azerbaijan)

IRI: *partially implemented*

LLG response:

In its 2012 progress report the European Commission noted that Women's participation in the labour market remains low overall, although it has increased slightly. Women are mostly employed as unpaid family workers with no social protection apart from that afforded by other family members. Provision of childcare facilities for working women remained an issue; work on a regulation on parental leave did not proceed. Efforts to increase labour market flexibility do not take into account the need to avoid gender based labour market segmentation. The number of women in politics and at senior level in the administration remained very small.



Women were underrepresented in the management of trade unions. Several female trade union activists were detained and arrested prior to international women's day. The government did not respond to demands by the women's movement to revise the Law on Political Parties and the Law on Elections so as to make the inclusion of women legally binding on political parties.

UIJT response:

If we want to strengthen the women rights and participation in the every area of life, we should support their economic and social situation. The new laws have been introduced for promoting women rights. Effort is made in the judicial area but social policies are not produced. Women are generally responsible for the care of family, children and elderly. When they do not get enough support during their care for others, they are pushed aside. Beside this social situation removing them from social life, then ban on the headscarf add a new barrier in front of women and decrease their participation to business life. This restrains them from having their economical independence.

Recommendation n°29: *Continue to promote participation of women in social, economic and political life (Recommended by Bangladesh)*

IRI: *partially implemented*

Anonymous response:

Turkey needs to continue raising awareness on the importance of women's participation in social, economic and political life

LLG response:

[See response to recommendation n° 27]

UIJT response:

For increasing participation of women to the social, political and economical life in Turkey, they should be specially prompted. Because women are generally suppressed (by the society and the State) in Turkey. Especially women wearing headscarf who constitute more than half of all women are pushed out of public life. Women not wearing headscarf have opportunity for working but they are not assigned to the decision making positions either. For example, there are 700 thousands of worker in the Ministry of education. 396 thousands of them are women and they work as teacher or civil servant. 23.159 of school principals in are men and there are only 1500 women principals in Turkey. The proportion of women decreases significantly in the higher administrative positions of the education system. Turkey has 81 provinces and there are merely 2 women provincial directors of education. 4 directors are women among 719 district director of education. For example, Turkey's capital city is Ankara and there is no woman director within 25 districts of the city. Considering that women are not preferred gender in working life of Turkey, implication of headscarf ban worsens the situation and women participation to economical, social and political life further decreases.



Recommendation n^o30: *Continue to provide health care services, focusing particularly on maternal and child health in the remote and rural areas (Recommended by Bangladesh)*

IRI: *fully implemented*

Anonymous response:

Partially done. Despite the continuous efforts of the country, women in rural areas continue to face difficulties in accessing health services. In many occasions women in remote areas need the consent of their spouses to access to health care facilities.

LLG response:

Certain groups in society struggle to access essential health care and health services. These include women, children, refugees and asylum seekers, the Roma, individuals with disabilities and lesbian, gay, bisexual and transgendered LGBT individuals and those in rural areas. It is difficult to have access to health insurance. Although many sectors of society struggle to access these key health services, the government is reforming the health system. There has been administrative reforms, including an improvement in the functioning of the Ministry of Health. The reform provides for the establishment of a National Public Health Institute, responsible for the implementation of primary health care services, communicable diseases control programmes, non-communicable diseases/programmes and cancer, laboratories, and safety of consumers and workers. In terms of mental health, there is no national authority to monitor institutions catering for individuals with mental health problems. However, 50 community-based mental health centres have been established in 42 provinces and attempts were made to include individuals with mental health problems.

UIJT response:

The health service is widespread and equal in all regions of Turkey. Maternal-infant death rate has decreased in comparison with the past. Primary care physicians conduct the routine control of pregnant women. There is progress in this area.

Recommendation n^o45: *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 (Recommended by Canada)*

IRI: *not implemented*

LLG response:

The European Parliament has welcomed the increase in the number of female members of the Turkish Parliament, from 9.1 % in the 2007 elections to 14.3 % following the 2011 elections; it has noted, however, that this percentage is still low, and has called for a new law on political parties and elections which would establish a mandatory quota system ensuring the fair representation of women on electoral lists

UIJT response:

The headscarf ban should be lifted in everywhere in Turkey for promoting women participation to economical, social and political life. The ban was partly lifted in 2010 and only university students are free now. Women still have to take off their



headscarf if they want to work. The 5th article of the regulation defines the legal clothing style of the civil servants working in State institutions and organizations and it orders that civil servants have to be bareheaded. Due to this article, women wearing headscarf are not allowed to be a civil servant and work as a civil servant. Memur-Sen (The confederation of public servants trade unions) is the biggest confederation of civil servants and it has 650 thousands of members. The confederation recently started a petition titled 'the petition for 10 billions of signature for clothing freedom in public service'. Despite the society's support for freedom in public service, the state has not provided any development in this area. For example, lawyers wearing headscarf are not allowed to work in courts. The 20th article of code of practice of the union of Turkish bars orders that lawyers and trainee lawyers have to work as bareheaded. 9th article of the legal profession act orders that bareheaded photos should be attached on advocacy certificates. These legal regulations are contrary to right to work and to freedom of religion and consciousness. Because of these regulations, women lawyers wearing headscarf are not allowed to work. Gender builds partial borders in front of Turkish women and headscarf ban turns that borders to blocking walls. The ban decreases the number of working women wearing headscarf and the total women participation to working life.

Recommendation n°47: *Adopt measures to eliminate all forms of violence and discrimination against women* (Recommended by Chile)

IRI: *partially implemented*

State of Turkey response:

Our efforts towards the prevention of violence against women and domestic violence have been pursued . The "Violence Against Women and Family Protection Law" was adopted by the Parliament in March 2012 on International Women's Day. In addition, Turkey, during its presidency of the Council of Europe, pioneered the preparations of the first international document on the violence against women, namely the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention . Turkey was also the first to sign the Convention and the first to ratify it. Thus 6 recommendations numbered [47, 61, 78, 106, 126 and 135] have been implemented.

Anonymous response:

Turkey needs to give priority to the effective implementation of measures to address violence against women.

LLG response:

In March 2012, the European Parliament has noticed that according to official data from the Turkish Statistical Institute, 39 % of Turkish women have encountered physical violence at some point of their lives; also, concerns arise about the regularity and severity of violence against women, including honour killings, early and forced marriages, and at the ineffectiveness of the existing remedies and the lenience of the Turkish authorities as regards punishing the perpetrators of gender-based crimes. Also, on 22 May 2012 the European Parliament adopted a resolution on a 2020 Perspective for Women in Turkey. Amongst other things, it called upon the Turkish Government to uphold and strengthen the principles of equality and women's rights by adopting and amending its legislative framework, including the planned process



for a new constitution. Moreover, if the adoption of the Law no. 6284 on Protecting Woman and Family Members from Violence that entered into force on 20 March 2012 has to be welcomed, the institutions in charge of the implementation of the law have not yet been provided with the necessary financial and human resources to guarantee its efficient functioning. Last but not least, while noting the abolition of the de facto reduction of sentences for perpetrators of “honour killings”, there is still an huge prevalence of high rates of such crimes.

UIJT response:

Turkey signed Istanbul convention of Council of Europe. A new law article, numbered 6284, titled ‘Protection of family and prevention of violence’ was legislated on 8th of March, 2012. This law provides many different effective means for prevention of violence. Legal counselling to victims of domestic violence shall be provided by a lawyer for free appointed by the Bar Association in Turkey, but most of women are not aware of this right. And in practice; Bars of most provinces of Turkey do not appoint a lawyer at all or they appoint a lawyer who does not had special education about human rights subjects. Beside the State has not made any legislations about prevention of gender discrimination. Legal articles stating that women and men are equal in front of laws are not enough for providing gender equality in the society and that’s why we need legislation bringing effective measures for prevention of gender discrimination in every day practice of our lives.

Recommendation n°61: 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 (Recommended by Czech Republic)

IRI: partially implemented

State of Turkey response:

[See response to recommendation n° 47]

Anonymous response:

Turkey needs to increase the number of shelters in the country and to guarantee that these count with proper facilities and resources. Stronger and sustainable strategies and programs raising awareness on the importance of eliminating stereotypes should be developed and effectively implemented. Turkey needs to approach the so-called honour killings as seriously violent crimes and regarding investigation and prosecution of perpetrators. Awareness raising campaigns at all levels need to be developed so these crimes are reported.

LLG response:

In March 2012, the European Parliament has noticed that according to official data from the Turkish Statistical Institute, 39 % of Turkish women have encountered physical violence at some point of their lives; concerns arise about the regularity and severity of violence against women, including honour killings, early and forced marriages, and at the ineffectiveness of the existing remedies and the lenience of the Turkish authorities as regards punishing the perpetrators of gender-based crimes. In



addition, despite the abolition of the de facto reduction of sentences for perpetrators of “honour killings”, concerns arise from the prevalence of high rates of such crimes.

UIJT response:

Turkey works through on prevention of violence. The past legislation about prevention of violence, dated 1997 was only covering protection of married or divorced women. The new article, numbered 6284, dated 2012, now covers protection of all women and family members (by narrow context family includes mother-father-children and by broader context includes mother-father-children-grandfather-grandmother and other similar relatives living in the same house). However, there are still problems in prevention of violence in practice. The law orders that coordination centers for monitoring and prevention of violence shall be established. These centers would provide connection between institutions having preventive power about violence and also guide women and collect necessary data. However, the regulation ruling working principles of these centers has not legislated yet. The number of personnel appointed for working in these centers and the number of personnel specially educated for this subject are well below the necessity. The number and capacity of shelters belonging to the State or private sector for sheltering of women hiding from violence is pretty inadequate. The regulation about these shelters has not legislated yet. The law on municipal revenues, legislated in 2005 obligates that the mayoralties governing 50 thousands of population shall build shelters for women who are victim of violence. Mayoralties mostly do not comply with this obligation. And there is no legally described penalty for mayoralties that has not build shelters of women.

Recommendation n°70: *Continue its efforts in promoting women's and children's rights, in particular combating child labour and violence against both women and children* (Recommended by Egypt)

IRI: *partially implemented*

LLG response:

In March 2012, the European Parliament has noticed that according to official data from the Turkish Statistical Institute, 39 % of Turkish women have encountered physical violence at some point of their lives; It has expressed its concerns about the regularity and severity of violence against women, including honour killings, early and forced marriages, and at the ineffectiveness of the existing remedies and the lenience of the Turkish authorities as regards punishing the perpetrators of gender-based crimes. In October 2012, while welcoming the adoption of the Law no. 6284 on Protecting Woman and Family Members from Violence that entered into force on 20 March 2012, the UN Human Rights Committee has claimed to be concerned that the institutions in charge of the implementation of the law have not yet been provided with the necessary financial and human resources to guarantee its efficient functioning.

UIJT response:

For prevention of child labor, obligatory education has been enhanced to 12 years. The new laws for prevention of violence against women were legislated and campaigns for prevention of violence still continue. However efforts made till now is insufficient. There is not coordination between institution working on this subject.



Marriage in early ages (<17 ages) is widespread especially in The East and Southeast Regions of Turkey. Marriages made below age of 17 are prohibited. However this prohibition and social campaigns are insufficient in prevention of marriages in early ages. When there is official complain to prosecutors about an early marriage, they start an investigation. Even then, parents forcing their daughters for marriage in early ages do not get effective and deterrent punishments. District governors do not take initiative and girls forced for marriage are not sheltered in social service homes. Girls that have to leave their schools for early marriage are not detected and monitored. There are legal obligations about education of girls and boys: for detection of students leaving their schools, principals have to inform district governors; public officers working bound to governor should visit home of families of student who left their school; and if the reason forcing the student to leave her/his school was poverty, district governorship would have to support the family financially for providing the student to complete his/her education; even though all necessities were provided by the governorships and the family still did not let their children go to school, the criminal complaint would be made about the family. Although existence of this legal frame, it is not implicated. There is no coordination between responsible institutions of the State and therefore efforts for prevention of early marriages do not result in success.

Recommendation n°78: Further improve the protection of women and girls against violence and discrimination (Recommended by Germany)

IRI: partially implemented

State of Turkey response:

[See response to recommendation n° 47]

LLG response:

In March 2012, the European Parliament has noticed that according to official data from the Turkish Statistical Institute, 39 % of Turkish women have encountered physical violence at some point of their lives; concerns arise about the regularity and severity of violence against women, including honour killings, early and forced marriages, and at the ineffectiveness of the existing remedies and the lenience of the Turkish authorities as regards punishing the perpetrators of gender-based crimes. Also, On 22 May 2012 the European Parliament adopted a resolution on a 2020 Perspective for Women in Turkey. Amongst other things, it called upon the Turkish Government to uphold and strengthen the principles of equality and women's rights by adopting and amending its legislative framework, including the planned process for a new constitution. Moreover, if the adoption of the Law no. 6284 on Protecting Woman and Family Members from Violence that entered into force on 20 March 2012 has to be welcomed, the institutions in charge of the implementation of the law have not yet been provided with the necessary financial and human resources to guarantee its efficient functioning. Last but not least, while noting the abolition of the de facto reduction of sentences for perpetrators of "honour killings", there is still an huge prevalence of high rates of such crimes.

UIJT response:

For successful struggle against violence and gender discrimination, each woman should be strengthened individually. Therefore, women should work and have



economical strength. As it was reported in The Turkish Economical and Social Studies Foundation's (TESEV) studies, ban on wearing headscarf by civil servants results in non-employment of women wearing headscarf by private sector either. There is apparent discrimination in working life between women do wear headscarf and others who do not. This ban and discrimination both in civil service and private sector should be ended for active women participation to working life. There is not any effort about it.

Recommendation n°99: 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 (Recommended by Japan)

IRI: partially implemented

Anonymous response:

Turkey has taken different measures to combat honour killings and domestic violence, including the National action Plan for Combating Domestic Violence. However these crimes still take place in many areas and existing information is not accurate as many of these cases are not reported. Ongoing efforts are needed in this regard.

LLG response:

In March 2012, the European Parliament has noticed that according to official data from the Turkish Statistical Institute, 39 % of Turkish women have encountered physical violence at some point of their lives; It has expressed its concerns about the regularity and severity of violence against women, including honour killings, early and forced marriages, and at the ineffectiveness of the existing remedies and the lenience of the Turkish authorities as regards punishing the perpetrators of gender-based crimes. Also, while welcoming the adoption of the Law no. 6284 on Protecting Woman and Family Members from Violence that entered into force on 20 March 2012, concerns arise from the fact that the institutions in charge of the implementation of the law have not yet been provided with the necessary financial and human resources to guarantee its efficient functioning. Moreover, despite the abolition of the de facto reduction of sentences for perpetrators of "honour killings", there is still prevalence of high rates of such crimes.

UIJT response:

Amendments were made in 2012 for preventing violence against women. However Turkey still has problem in practice. For implicating more effective measures, a bigger financial support is necessary. However, sufficient budget is not appointed from the State's annual budget. The Ministry of Family and Social Policies are obligated to build 'centers for monitoring and prevention of violence'. But enough staff was not appointed. The law about the establishment of the centers was legislated 10 months ago but implication regulation has not been legislated yet.

Recommendation n°102: Further improve the human rights situation of women and girls (Recommended by Jordan)

IRI: partially implemented

LLG response:



Turkey ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence. However, domestic preventive mechanisms remained woefully inadequate and the number of shelters was far below that required by domestic law. Moreover, in March 2012, the European Parliament has noticed that according to official data from the Turkish Statistical Institute, 39 % of Turkish women have encountered physical violence at some point of their lives; concerns arise about the regularity and severity of violence against women, including honour killings, early and forced marriages, and at the ineffectiveness of the existing remedies and the lenience of the Turkish authorities as regards punishing the perpetrators of gender-based crimes. As for the labour market, the European Parliament has called on the Turkish government to establish a national plan of action in order to ensure the greater participation of women in the labour market. It has been also Stressed that the recent extension of the legal entitlement for maternity leave (with a rise from twelve to sixteen weeks) should be followed up with a pay increase, in order to better guarantee that families and women are not financially penalised for having children. Also, On 22 May 2012 the European Parliament adopted a resolution on a 2020 Perspective for Women in Turkey. Amongst other things, it called upon the Turkish Government to uphold and strengthen the principles of equality and women's rights by adopting and amending its legislative framework, including the planned process for a new constitution. Moreover, if the adoption of the Law no. 6284 on Protecting Woman and Family Members from Violence that entered into force on 20 March 2012 has to be welcomed, the institutions in charge of the implementation of the law have not yet been provided with the necessary financial and human resources to guarantee its efficient functioning. Last but not least, while noting the abolition of the de facto reduction of sentences for perpetrators of “honour killings”, there is still an huge prevalence of high rates of such crimes.

UIJT response:

Even positive discrimination for promoting full enjoyment of rights of women and girls is necessary in Turkey. Therefore the headscarf ban causing negative discrimination should be lifted first. 62 % of women in Turkey wear headscarf. And these women are pushed out of working life and political life. Only university students have been allowed wearing headscarf since 2010. However the ban has still been implicated in working life and political area. Due to the proportion of women wearing headscarf, the ban pushes half of Turkish women out of decision making positions about work, politics, economy and social life. The ban having such big impact has not been lifted yet.

Recommendation n°103: *Continue strengthening the promotion and protection of the rights of the child* (Recommended by Kuwait)

IRI: *not implemented*

LLG response:

According to Amnesty International (2012), prosecutions continued of children under anti-terrorism laws, including for participation in demonstrations, despite 2010 legislative amendments which were intended to prevent child demonstrators being prosecuted under these laws. While the number of children prosecuted had gone down, many were still held in adult police custody before transfer to the children's



department. Pre-charge detention periods of up to the maximum of four days were recorded and children continued to be held in extended pre-trial detention. The absence of Children's Courts in many provinces was not addressed.

Recommendation n°105: Further its efforts focused on combating trafficking in human beings, particularly women and children (Recommended by Kyrgyzstan)

IRI: partially implemented

Anonymous response:

Turkey needs to increase its efforts at international, regional and bilateral levels with countries of origin, transit and destination in order to combat this issue, which remains being a problem in the country.

LLG response:

Serious concerns remain regarding efforts to prevent and punish human trafficking. No significant progress in terms of legislation as the government are still working on a draft framework. It is important to note that there widespread consultations have taken place, including with the relevant ministries, civil society representatives, legal and academic professionals. Furthermore, the relevant international bodies and the EU have been consulted. However, there is a lack of correct data on human trafficking. There are a number of provisions in place, including victims' shelters in Ankara and Istanbul and a safe house for victims in Antalya. Money was allocated to victims of human trafficking in the 2012 budget. Furthermore, a toll-free helpline for victims exists. However, while taking note of the adoption of the "Second National Action Plan on Combatting Trafficking in Human Beings", in October 2012 the UN Human Rights Committee has claimed to be concerned at the number of cases of trafficking in persons, and at the fact that only a few cases have resulted in investigations, prosecution and sentences. The Committee was also concerned that victims of trafficking are not protected from being prosecuted, detained or punished for the illegality of their entry or residence, or for the activities in which they are involved as a direct consequence of their situation as trafficked persons. (arts. 7 and 8)

Recommendation n°106: Pursue its efforts to root out any cases of violations of women's rights and domestic violence (Recommended by Kyrgyzstan)

IRI: partially implemented

State of Turkey response:

[See response to recommendation n° 47]

LLG response:

Despite the adoption of the Law no. 6284 on Protecting Woman and Family Members from Violence that entered into force on 20 March 2012, the institutions in charge of the implementation of the law have not yet been provided with the necessary financial and human resources to guarantee its efficient functioning. Plus, while noting the abolition of the de facto reduction of sentences for perpetrators of "honour killings", concern arise from the prevalence of high rates of such crimes. (arts. 6 and 7)

UIJT response:



Women should get financial and social support for successful struggle against gender discrimination and domestic violence. The law for prevention of violence legislated in 2012 and it offers financial help for women victimized by the violence. This rule brings about a progress but there is still problem in practice. District Governorships are not willing to appoint financial help from their social budget. For taking this financial help, women have to overcome many bureaucratic processes.

Recommendation n°115: Reinforce the awareness-raising system to prevent and combat the scourge which is violence against women (Recommended by Morocco)

IRI: partially implemented

UIJT response:

Both The State and NGOs have started campaigns for preventing violence against women. But the problem is big and widespread and therefore the efforts fall behind. Murder of women is at the alarming rate in Turkey. The press only shows the victims of murders and does not give enough support for prevention. Women are not aware of the hotline giving 7dx24 hours service. According to the law police should take women under protection when courts have made decision for it. But there is not inspection body whether the police officers do their duties.

Recommendation n°121: Continue and strengthen its efforts, including through the allocation of sufficient resources, to tackle remaining challenges in the field of women's rights (Recommended by Norway)

IRI: partially implemented

LLG response:

As for the labour market, in March 2012 the European Parliament has stressed that the recent extension of the legal entitlement for maternity leave (with a rise from twelve to sixteen weeks) should be followed up with a pay increase, in order to better guarantee that families and women are not financially penalised for having children. In addition, on 22 May 2012 the European Parliament adopted a resolution on a 2020 Perspective for Women in Turkey. Amongst other things, it called upon the Turkish Government to uphold and strengthen the principles of equality and women's rights by adopting and amending its legislative framework, including the planned process for a new constitution. Moreover, if the adoption of the Law no. 6284 on Protecting Woman and Family Members from Violence that entered into force on 20 March 2012 has to be welcomed, the institutions in charge of the implementation of the law have not yet been provided with the necessary financial and human resources to guarantee its efficient functioning. Last but not least, while noting the abolition of the de facto reduction of sentences for perpetrators of "honour killings", there is still an huge prevalence of high rates of such crimes.

UIJT response:

There are social obstacles in front of Turkish women who would like to work. Due to this situation, working rate among Turkish women as low as 27 % that is well below than EU, OECD and other Muslim countries. Women who decide to work despite of social obstacles have to face with the obstacle arising from the view of private sector. Although there is not a written ban affecting private sector, many of employers do not want to recruit women wearing headscarf. Some of employers employ women wearing headscarf just for jobs like cleaning. Even if these women have sufficient



proficiency for the job, most of the employers in Turkey do not employ women wearing headscarf for jobs with higher salary. In general there is a few women CEO (unless they head a family company) in Turkey. And as expected there are not any women CEO wearing headscarf. Employers do not verbalize or stand up this discrimination but they just implement it. The situation in Turkey is very similar to an employer in past who says that he/she does not discriminate black people and that blacks can freely apply to them for job but who never employs a black for a high-paid job. Because of the ban in public service, women wearing headscarf do not have option other than working in private sector. Ironically women wearing headscarf are allowed both in public and private service if they work as cleaning staff; this is another type of discrimination and is always overlooked and not any effort for preventing it.

Recommendation n°126: *Enhance measures aimed at combating violence against women* (Recommended by *Philippines*)

IRI: *fully implemented*

State of Turkey response:

[See response to recommendation n° 47]

LLG response:

Turkey ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence on 14 March 2012. However, this has not been implemented at the domestic level. There are insufficient preventive measures. There are considerably fewer shelters than the national requirement (i.e. a shelter in every town of 50,000 inhabitants or more.) Furthermore, certain shelters exclude women who are pregnant, undocumented or who have physical or psychological problems. In addition, despite the adoption of the Law no. 6284 on Protecting Woman and Family Members from Violence that entered into force on 20 March 2012, the institutions in charge of the implementation of the law have not yet been provided with the necessary financial and human resources to guarantee its efficient functioning. Moreover, while noting the abolition of the de facto reduction of sentences for perpetrators of “honour killings”, concerns arise from the prevalence of high rates of such crimes.

UIJT response:

Turkey has taken positive steps to deal with domestic violence. Turkey has signed Istanbul Convention of European Council. For being able to prevent violence more effectively, Turkey made amendment in the law titled ‘protection of family and fight against violence’ in 8th of March, 2012. But making amendments in the law (in the theory) is not sufficient for solving the problem. There still problems in the implication of the law. In addition police officers, prosecutors, judges, administrative staff are men in vast majority; therefore sometimes complaints of women are minimized, necessary measure are not taken and this results in murder of women. To be able to implicate the law effectively to the practical life, staff who are responsible for prevention of violence should take a special training program. Unfortunately the education of the staff is not concentrated on.



Recommendation n°135: *Pursue their efforts to seek appropriate responses to violence against women, in particular through the reinforcement of awareness-raising and prevention activities* (Recommended by Senegal)

IRI: *fully implemented*

State of Turkey response:

[See response to recommendation n° 47]

UIJT response:

Both NGOs and The State have campaigns for prevention of violence. These are good but insufficient steps in fight against violence.

Recommendation n°148: *Pursue its efforts in the field of promoting gender equality so that the rights of women are a reality in our Muslim world* (Recommended by Tunisia)

IRI: *partially implemented*

UIJT response:

Turkey endeavours for providing gender equality. In this context, positive discrimination for women was included in the Constitution in 2010. The Constitution states that men and women are equal and the State is responsible for providing gender equality. Therefore arrangements for providing gender equality would not be considered as against to the rule of absolute equality. But after the amendment in the Constitution, related amendments have not been made on the laws. Now a totally new Constitution is being prepared and it is unknown that the new Constitution would have articles providing gender equality in our daily life.

Recommendation n°150: *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* (Recommended by Ukraine)

IRI: *partially implemented*

LLG response:

The European Parliament has welcomed the increase in the number of female members of the Turkish Parliament, from 9.1 % in the 2007 elections to 14.3 % following the 2011 elections; notes, however, that this percentage is still low, and has called for a new law on political parties and elections which would establish a mandatory quota system ensuring the fair representation of women on electoral lists. In addition, despite the adoption of the Law no. 6284 on Protecting Woman and Family Members from Violence that entered into force on 20 March 2012, the institutions in charge of the implementation of the law have not yet been provided with the necessary financial and human resources to guarantee its efficient functioning. Moreover, while noting the abolition of the de facto reduction of sentences for perpetrators of “honour killings”, concerns arise from the prevalence of high rates of such crimes.

UIJT response:

Real gender equality could be reached only when women are financially powerful. For getting this result women should work. But working rate of women in Turkey is 27 % which is lower than the rate of other countries; working rate of women in



Indonesia, for example, is 60 %. The Turkish State pays insurance premium of some women for promoting women to work. Despite of encouraging steps, working rate of women is still very low. Women wearing headscarf were not allowed to universities between 1998 and 2010 and are still not allowed to work in public service and to stand in the decision making positions. Women wearing headscarf constitutes more than half of all women in Turkey and their situation prominently affects the total working rate of Turkish women. Turkey has 16th biggest economy of the World. Men fully enjoy their rights. But statistics about women is well below then that of EU, OECD or other Muslim countries. Because women wearing headscarf are ignored and forced to stay at home. Educated women wearing headscarf cannot participate to working life just because of the ban and this affects socio-economic development level of Turkey. Features that the job requires should be considered during employment process. Arbitrary treatments during employment service to gender discrimination and push women out of decision making positions.

Recommendation n°151: 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 (Recommended by United Arab Emirates)

IRI: fully implemented

UIJT response:

Turkey makes effort about this subject. The State pays more incentive for girls than boys to promote education of women in countryside. And incentive is paid to the student's mother, not to the father. After efforts of the State, Turkey has reached the equal education rate in girls and boys in countryside.

Recommendation n°160: Amend its anti-terrorist law so that children are not tried as adults (Recommended by Uruguay)

IRI: not implemented

LLG response:

This recommendation still requires amending. Children have been arrested and prosecuted under anti-terrorism laws, e.g. on the grounds of membership of a terrorist organisation, a charge which carries heavy penalties. These arrests have frequently been made on the basis of participation in demonstrations or when resisting law enforcement officials. This does not comply with legislative changes carried out in 2010, which were intended to prevent children from being prosecuted under these laws. Indeed, in October 2012 claimed to be concerned that the high number of cases in which human rights defenders, lawyers, journalists and even children are charged under the Anti-Terrorism Law for the free expression of their opinions and ideas, in particular in the context of non-violent discussions of the Kurdish issue. (arts. 2, 14 and 19).

UIJT response:

An amendment in anti-terror law was on 5th of July, 2012. The main reason for this amendment was preventing children who alleged with terror crimes from being judged by the same way as adults. After the amendment, children cannot be judged in the courts that were established according to the anti-terror law, ruling about prosecution and investigation of anti-terror law cannot be applied to children



Other

Recommendation n°2: *Expedite the preparatory work to establish a national human rights institution and an ombudsman, and provide the country with such institutions (Recommended by Algeria)*

IRI: *fully implemented*

State of Turkey response:

Another important step is the almost finalized efforts towards the establishment of the National Human Rights Institution in line with the Paris Principles. The law regarding the Ombudsman Institution was adopted by the Turkish Grand National Assembly in June 2012. Hence, a total of 12 related recommendations numbered [2, 39, 69, 89, 101, 107, 117, 124, 125, 128, 130, 133, 137] have been implemented.

LLG response:

Legislation was adopted to establish a national human rights institution and an Ombudsman Institution in June 2012. This law does not comply with the UN Paris Principles in all areas, particularly with regards to the proposed independence and impartiality of the Human Rights Institution. At a meeting with the UNHCR, Turkey expressed its intention to take into account the concerns expressed by the Committee and by civil society in Turkey and reassess the position and the legislation with regards to its non-compliance with the Paris Principles. Regarding the Ombudsman Institution, its proposed structure provides for independence from the executive and the legislation provides for an Ombudsman Institution, which will handle complaints and make suggestions regarding human rights and rule of law. However, it will not be able to launch investigations itself. The success of the Ombudsman's Institution depends on the manner in which it is implemented and the personnel. However the judge recently appointed as the chief ombudsman of newly created ombudsman institution has a history of failing to respect human rights standards, and his appointment risks the effectiveness of the new institution.

Recommendation n°26: *Continue efforts through the Alliance of Civilizations and other initiatives (Recommended by Azerbaijan)*

IRI: *fully implemented*

LLG response:

Turkey's commitment to the Alliance of Civilizations was reaffirmed this year. It hosted the UN Alliance of Civilizations, Istanbul Partners Forum from 31 May 2012 - 1 June 2012. Furthermore, it has established an academic program at Bahçeşehir University and a separate degree granting graduate institute within a new field of academic specialization identified as 'alliance of civilizations'.

Recommendation n°32: *Implement the Government's plan to have a comprehensive legislation against discrimination (Recommended by Belarus)*

IRI: *not implemented*



IOGT-F18 response:

The draft legislation on "Anti-Discrimination and Equality" is yet to be adopted. While this legislation is important, it is also important to note that legislation in various laws that continue to be the source of discrimination based on, among others, ethnic and religious grounds, must be reviewed and brought in line with international human rights standards.

LLG response:

There is no comprehensive and clear definition of racial discrimination in domestic law. The only provision in the legal framework are reference to non-discrimination in general in the constitution and the courts are very strict in their interpretation and application of this principle.

Recommendation n°35: *Consider lifting geographic limitations to the 1951 Refugee Convention (Recommended by Brazil)*

IRI: *not implemented*

LLG response:

Turkey maintains its geographic limitations to the 1951 Refugee Convention, effectively limiting asylum to European citizens.

Recommendation n°38: *Continue efforts with a view to adopting a comprehensive antidiscrimination legislation as part of its ongoing human rights reforms (Recommended by Brazil)*

IRI: *not implemented*

IOGT-F18 response:

The planned new Constituting protecting freedom of religion or belief using the wording of Article 9 of the European Convention on Human Rights and Fundamental Freedoms and Article 18 of the ICCPR would help bring the legal system into line with Turkey's international obligations. This could then be translated into legislation to make this constitutional protection effective. In addition, the draft legislation on "Anti-Discrimination and Equality" is yet to be adopted. While this legislation is important, it is also important to note that legislation in various laws that continue to be the source of discrimination based on, among others, ethnic and religious grounds, must be reviewed and brought in line with international human rights standards.

LLG response:

There is no comprehensive and clear definition of racial discrimination in domestic law. The only provision in the legal framework are reference to non-discrimination in general in the constitution and the courts are very strict in their interpretation and application of this principle.

Recommendation n°39: *Continue its efforts to establish a national human rights institution in line with the UN Paris Principles (Recommended by Bulgaria)*

IRI: *fully implemented*

State of Turkey response:

[See response to recommendation n° 2]



LLG response:

A law establishing the Turkish National Human Rights Institution was adopted in June 2012. However, this law does not comply with the UN Paris Principles in all areas. One area of concern is the independence and impartiality of the Institution. There were further issues concerning the adoption process of the law as there was no discussion of the proposed text with stakeholders. Furthermore, it does not reflect concerns raised by and proposals put forward by national and international experts.

Recommendation n°53: *Comply with the pertinent judgments of the ECHR concerning violations of human rights in the area of Cyprus, which are under effective control of Turkey* (Recommended by Cyprus)

IRI: *partially implemented*

LLG response:

Turkey has generally complied with the majority of ECtHR judgments concerning violations of human rights in the area of Cyprus, which are under effective control of Turkey but has not executed all its judgments. It has not yet fully executed ECtHR judgments in a number of cases, including *Xenides-Arestis v. Turkey*, *Demades v. Turkey*, and *Varnava and others v. Turkey*. In these cases, Turkey has not fully executed the judgments, including not paying the 'just satisfaction' as awarded by the ECtHR. The issue of missing persons and restrictions on property rights of Greek Cypriots displaced or living permanently in north Cyprus is pending in the *Cyprus v. Turkey* case.

Recommendation n°69: *Accelerate steps towards finalizing the legal framework for the establishment of a national human rights institution in line with the Paris Principles* (Recommended by Egypt)

IRI: *fully implemented*

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Recommendation n°89: *Expedite progress in preparing the legal framework for a national human rights institution* (Recommended by Indonesia)

IRI: *fully implemented*

+

Recommendation n°101: *Finalize the process of establishing a national human rights institution in accordance with the Paris Principles as soon as possible* (Recommended by Jordan)

IRI: *fully implemented*

+

Recommendation n°107: *Speed up the finalization of the preparatory work of the legal framework for the establishment of the national human rights institution* (Recommended by Libya)

IRI: *fully implemented*

+

Recommendation n°117: *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* (Recommended by Netherlands)

IRI: *fully implemented*

+

Recommendation n°124: *Consider establishing a national human rights institution in line with the Paris Principles* (Recommended by *Pakistan*)

IRI: *fully implemented*

State of Turkey response:

[See response to recommendation n° 2]

LLG response:

A law establishing the Turkish National Human Rights Institution was adopted in June 2012. However, this law does not comply with the UN Paris Principles in all areas. One area of concern is the independence and impartiality of the Institution. There were further issues concerning the adoption process of the law as there was no discussion of the proposed text with stakeholders. Furthermore, it does not reflect concerns raised by and proposals put forward by national and international experts. At a meeting with the UNHCR, Turkey expressed its intention to take into account the concerns expressed by the Committee and by civil society in Turkey and reassess the position and the legislation with regards to its non-compliance with the Paris Principles.

Recommendation n°84: *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* (Recommended by *Greece*)

IRI: *fully implemented*

IOGT-F18 response:

This is only one symptom of a very much larger problem which affects everyone's enjoyment of the right to freedom of religion or belief. The deed of the Orphanage on Princess Island has been transferred to the Ecumenical Patriarchate. Nevertheless, because Ecumenical Patriarchate still does not have legal personality, its ability to exercise its right to ownership is limited as a result. But no religious community has an independent legal existence or has ever existed in Turkish law – whether Muslim, Jewish, Armenian Apostolic, Greek Orthodox, Syriac Orthodox, Catholic, Protestant, Baha'i, Jehovah's Witness, or any other. So no religious community of any description is allowed legal personality and so the right to own, rent or manage property of any description. [...]

Recommendation n°98: *Consider the possibility of re-establishing the Church of Saint Paul in Tarsus, currently functioning as a museum, as a place of worship* (Recommended by *Italy*)

IRI: *fully implemented*

IOGT-F18 response:

This is only one symptom of a very much larger problem affecting everyone's right to the enjoyment of freedom of religion or belief. [...] In the case of the Latin Catholic Church in the Church of Saint Paul in Tarsus, Mass was celebrated there at Christmas 2012. This gesture of public authorities is welcome, but it does not confer any rights on the Latin Catholic Church. The church building continues to function as a museum. The building should be restored to the Latin Catholic Church because the building was in the possession of the Latin Catholic Church which lost it as a result of



lack of legal entity status. In Turkey, it is not possible for any religious community to acquire legal personality, as such. Because of this legal vacuum the Latin Catholic community continues to lose possession of property and cannot acquire new property. Added to this, is the need of the community for places of worship. Restitution of the Church of Saint Paul in Tarsus to the Latin Catholic Church becomes all the more important as the church has lost numerous church buildings. It is important to note that this problem is not only typical of the Latin Catholic community, instead, is a widespread problem shared by all religious communities who experience the negative effects of not having legal personality. Indeed the loss of the property is a symptom of the lack of legal personality. Turkey should create an adequate form of legal entity status for religious/belief communities.

Recommendation n°108: *Strengthen the existing cooperation with the United Nations and the human rights mechanisms, so as to ensure further promotion of human rights (Recommended by Libya)*

IRI: partially implemented

Anonymous response:

This is partially done. While the country is contributing to important challenges in the field of human rights, it is important to reinforce the collaboration and cooperation with UN human rights mechanisms; in particular, with the Special Procedures by, among others, accepting visits to the country by international human rights experts.

IOGT-F18 response:

A positive step would be to invite the Special Rapporteur on freedom of religion or belief to make a country visit following their 1999 visit.

Recommendation n°125: *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 (Recommended by Palestine)*

IRI: fully implemented

State of Turkey response:

[See response to recommendation n° 2]

LLG response:

Turkey's approach to the protection and promotion of human rights remains restrictive. However, there has been some positive progress in recent months. Several important laws were adopted, including legislation on the protection of family and prevention of violence against women, probation, collective bargaining for civil servants, the Ombudsman Institution and the national human rights institution. However, none of these laws fully meet international standards. The law establishing the Turkish National Human Rights Institution was adopted in June 2012. However, this law does not comply with the UN Paris Principles in all areas. One area of concern is the independence of the Institution. There were further issues concerning the adoption process of the law as there was no discussion of the proposed text with stakeholders. Furthermore, it does not reflect concerns raised by and proposals put forward by national and international experts. At a meeting with the UNHCR, Turkey



expressed its intention to consider the concerns expressed by the Committee and by civil society in Turkey and reassess the position and the legislation with regards to its non-compliance with the Paris Principles. It is noted that the Ministry of Justice is currently drafting a Human Rights Action Plan, which is positive.

Recommendation n°128: *Implement the Government's intention to establish an independent national human rights institution in conformity with the Paris Principles (Recommended by Russian Federation)*

IRI: *fully implemented*

State of Turkey response:

[See response to recommendation n° 2]

LLG response:

A law establishing the Turkish National Human Rights Institution was adopted in June 2012. However, this law does not comply with the UN Paris Principles in all areas. One area of concern is the independence of the Institution. There were further issues concerning the adoption process of the law as there was no discussion of the proposed text with stakeholders. Furthermore, it does not reflect concerns raised by and proposals put forward by national and international experts. At a meeting with the UNHCR, Turkey expressed its intention to consider the concerns expressed by the Committee and by civil society in Turkey and reassess the position and the legislation with regards to its non-compliance with the Paris Principles.

Recommendation n°130: *Continue efforts to implement strategies aimed at establishing more human rights institutions, including speeding up the process to establish the national human rights institution (Recommended by Saudi Arabia)*

IRI: *fully implemented*

State of Turkey response:

[See response to recommendation n° 2]

LLG response:

A law establishing the Turkish National Human Rights Institution was adopted in June 2012. However, this law does not comply with the UN Paris Principles in all areas. There are no provisions for further human rights institutions. Reform of the proposed national human rights institution may be considered.

Recommendation n°133: *Continue the process of establishing a national human rights institution (Recommended by Senegal)*

IRI: *fully implemented*

State of Turkey response:

[See response to recommendation n° 2]

LLG response:

This process continues and progress was made in 2012 with the adoption of a law establishing the Turkish National Human Rights Institution in June 2012. However, this law does not comply with the UN Paris Principles in all areas, particularly with regards to impartiality and independence. Concerns exist regarding the lack of discussion of the proposed text with stakeholders and that it does not include



proposals put forward by national and international experts. At a meeting with the UNHCR, Turkey expressed its intention to consider the concerns expressed by the Committee and by civil society in Turkey and reassess the position and the legislation with regards to its non-compliance with the Paris Principles., thus the process appears to be on-going.

Recommendation n°137: 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 (Recommended by Spain)

IRI: fully implemented

State of Turkey response:

[See response to recommendation n° 2]

LLG response:

A law establishing the Turkish National Human Rights Institution was adopted in June 2012. However, this law does not comply with the UN Paris Principles in all areas. One area of concern is the independence of the Institution. There were further issues concerning the adoption process of the law as there was no discussion of the proposed text with stakeholders. Furthermore, it does not reflect concerns raised by and proposals put forward by national and international experts. At a meeting with the UNHCR, Turkey expressed its intention to consider the concerns expressed by the Committee and by civil society in Turkey and reassess the position and the legislation with regards to its non-compliance with the Paris Principles. It is noted that the Ministry of Justice is currently drafting a Human Rights Action Plan, which is positive.



Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

A. Processing recommendations and voluntary pledges

Stakeholders we contact are encouraged to use an Excel sheet we provide which includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.



UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

B. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
33	Pursue its active participation in the international cooperation efforts to fight the trafficking against human beings	Belarus	Accepted	2	Trafficking
41	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	Rejected	4	Internally displaced persons, Asylum-seekers - refugees,
51	Abide by all relevant United Nations resolutions pertaining to human rights violations that concern Turkey implicitly or explicitly	Cyprus	Rejected	4	General
54	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	Rejected	4	Human rights violations by state agents
56	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	Rejected	4	Internally displaced persons
60	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	Rejected	5	Women's rights, Sexual Orientation and Gender Identity, Rights of the Child, Minorities, Human rights education and training,
92	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	Rejected	5	Freedom of association and peaceful assembly



110	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	General Response	5	Counter-terrorism
114	Redouble efforts and undertake efficient measures to implement CRPD, in particular as regards accessibility to public premises and the labour market	Morocco	Accepted	4	International instruments, Disabilities,
122	Continue its close collaboration with civil society in its follow-up and implementation of UPR recommendations	Norway	Accepted	2	UPR process, Civil society,
129	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	Accepted	4	Justice
132	Spread a human rights culture through school curricula	Saudi Arabia	Accepted	4	Human rights education and training
134	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	Accepted	2	Human rights education and training
155	Incorporate the views of civil society in transparent, democratic reform processes	United States	Accepted	4	Civil society
156	Re-examine laws on strikes to allow greater flexibility	United States	Accepted	3	Labour
168	Turkey reiterated its commitment to provide a mid-term report in two years time.	Turkey	Voluntary Pledge	5	UPR process

A= Action Category (see on [our website](#))

SMR = State making recommendation

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