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**Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

**Turkey\***

The present report is a summary of 28 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.



## Information provided by stakeholders

### A. Background and framework

#### 1. Scope of international obligations<sup>2</sup>

1. JS10, AI and JS7 urged Turkey to ratify OP-ICESCR.<sup>3</sup> AI and JS7 encouraged ratifying ICPPED.<sup>4</sup> HRW and JS7 urged Turkey to immediately accede to the ICC Statute.<sup>5</sup> JS7 urged ratifying OP-CRPD.<sup>6</sup> JS7 and JS12 recommended ratifying UNESCO Convention against Discrimination in Education.<sup>7</sup> HRA recommended Turkey to become a party to Rome Statute of International Criminal Court and ratify the additional protocols of Geneva Conventions.<sup>8</sup> The ICC recommended ratifying the Optional Protocol to the CRC on a communications procedure.<sup>9</sup>

2. JS7 and CSW urged lifting reservations to Article 27 of the ICCPR, Article 22 of the ICERD, Article 13(3) and 13(4) of the ICESCR, Articles 17, 29 and 30 of the CRC and JS7 and the CoE urged withdrawal of reservations to the geographical restriction to the 1967 Protocol to the 1951 Refugees Convention.<sup>10</sup> ECLJ also urged withdrawing the reservation to Article 13 of the ICESCR.<sup>11</sup> HRW and ECLJ urged Turkey to reconsider withdrawing its reservation to Article 27 of the ICCPR which limited the Religious Freedom of Minorities.<sup>12</sup>

#### 2. Constitutional and legislative framework

3. AI stated that the promised overhaul of the Constitution has yet to be completed. Despite a series of legislative amendments, provisions in the Penal Code remain a barrier to free expression.<sup>13</sup> HRW recommended the complete revision of the 1982 constitution to ensure no provisions impede the enjoyment of fundamental rights and freedoms and rule of law.<sup>14</sup>

4. AI, JS4, JS6, JS11, LLG and JS7 recommended amending Article 26 of the Constitution to ensure the permissible grounds for restricting the right to freedom of expression are consistent with international human rights standards; repeal provisions of the Penal Code directly and unfairly limiting the right to freedom of expression, including Articles 301, 318, 215, and 125; remove excessive temporal and geographic restrictions organising public assemblies, and simplify notification requirements for demonstrations.<sup>15</sup> JS6 and JS11 recommended Turkey to repeal paragraphs 2 and 3 of Article 216 of the Penal Code.<sup>16</sup> HRA, JS6 and LLG recommended lifting of the obstacles against the freedom of expression and freedom of association. In this context, Articles 85,132, 216, 218, 285, 286, 288, 289, 305, 217, 301, 220/6-7-8, 222, 226, 314/3 and 318 of Turkish Penal Code (TCK) restricting freedom of expression, should be immediately amended.<sup>17</sup>

5. JS4, JS7 and JS11 recommended the abolishing of Law 2911 on Meetings and Demonstrations.<sup>18</sup>

6. HRA recommended enacting a law on hate crimes.<sup>19</sup>

7. PI, LLG, JS6 and RWB recommended to repeal the April 2014 amendments to Law No 6532, the February 2014 amendments to Law No 5651 on regulation of publications on the internet, enact data protection legislation complying international standards.<sup>20</sup>

8. HRW, RWB, ISHR and JS7 urged Turkey to review the TCK, the Anti-Terror Law (TMK), revisions to the MIT and other laws that restrict freedom of expression, association, and assembly, and the right to access information, and amend or repeal restrictive provisions.<sup>21</sup> JS6 recommended a comprehensive reform to counter-terrorism legislation,

including Article 6/2 and 7/2 of the TMK and Articles 220/6, 220/8 and 314 of the TCK, to narrow definitions of ‘terrorism’, ‘organised crime’, and ‘propaganda’, and to ensure that the genuine purpose and demonstrable effect of any restriction on freedom of expression is proportionate to protect a legitimate national security interest.<sup>22</sup> AI, CSW, ISHR and JS7 recommended ensuring that the application of all articles of the Penal Code and the Anti-Terrorism Law (TMK) are in line with international standards on the rights to freedom of expression, association and assembly.<sup>23</sup>

9. HRFT noted lack of comprehensive approach to the right to a remedy and reparation for victims of gross violations of international human rights law and recommended repealing statute of limitations on prosecution of such violations.<sup>24</sup>

10. The CoE recommended strengthening criminal law provisions against racism, in particular by making racist motivation an aggravating circumstance for all ordinary offences.<sup>25</sup>

11. HRW and JS7 urged adopting legal arrangements regulating hate crimes and violence against LGBT individuals and to enact comprehensive anti-discrimination legislation.<sup>26</sup>

12. ISHR recommended the development of laws and policies to recognise and protect the work of HRDs.<sup>27</sup>

13. The ICC noted advances in transposing CRC into Turkish legal system, and recommended harmonising laws with the CRC, its protocols and other international child rights instruments.<sup>28</sup> The ICC recommended raising the age of marriage to 18.<sup>29</sup>

### **3. Institutional and human rights infrastructure and policy measures**

14. AI, HRW, HRFT, CSW and JS7 noted that the National Human Rights Institution (NHRI), established in June 2012, lacks independence and resources and recommended amending the Law to ensure compliance with Paris Principles.<sup>30</sup>

15. AI and JS7 noted that the proposed Equality and Non-Discrimination Institution and Independent Police Complaints Mechanism have not been introduced.<sup>31</sup>

16. HRFT HRA, HRW, JS7, JS11 and AI urged establishing a fully independent national preventive mechanism (NPM) for monitoring places of detention in full compliance with OP-CAT.<sup>32</sup>

17. JS7 observed that the National Human Rights Action plan took no account of recommendations accepted by Turkey in the first UPR.<sup>33</sup>

18. HRFT and LLG noted that the prohibition against torture and inhuman and degrading treatment remains ineffective and impunity for rights violations against prisoners in particular continues. They urged establishing an independent authority to investigate complaints against law enforcement officers suspected of torture and ill-treatment.<sup>34</sup>

19. JS7 stated that Turkey has neither translated the UPR recommendations into Turkish, nor established any comprehensive, effective or transparent follow-up system. The Ministry of Foreign Affairs launched a web site to enable civil society organisations (CSOs) to contribute to the reporting process however without clarity concerning incorporation of CSO input and whether the State Report draft will be discussed with wider civil society.<sup>35</sup>

20. JS10 recommended Turkey to reconcile the Turkish legal framework on land, housing and urban renovation/rehabilitation with international human rights standards, particular with ICESCR. They urged Turkey to reform social housing policy, apply the

principle of non-discrimination and to respect extraterritorial obligations on the economic, social and cultural rights.<sup>36</sup>

## **B. Cooperation with human rights mechanisms**

### **Cooperation with special procedures**

21. CSW recommended Turkey to respond to all outstanding requests from Special Procedures and implement recommendations made by all recognized independent experts and treaty bodies regarding its human rights obligations.<sup>37</sup>

22. ISHR recommended Turkey to invite the SR on Human Rights Defenders.<sup>38</sup>

## **C. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Equality and non-discrimination**

23. The CoE noted the discrimination against various groups including non-Muslim minority groups, Alevi, Roman, Kurds, refugees and asylum seekers in various fields including education, housing and health.<sup>39</sup>

24. AI stated that the government has failed to bring forward Constitutional amendments or new domestic legislation to prohibit discrimination on grounds of sexual orientation or gender identity.<sup>40</sup> AI, ERT and JS2 noted that despite agreeing to guarantee non-discrimination on the basis of sexual orientation and gender identity the government has failed to table Constitutional amendments or domestic legislation to prohibit discrimination on such grounds. They recommended incorporating the non-discrimination provisions in the Constitution and domestic law and take administrative measures to prohibit and prevent discrimination on the basis of sexual orientation and gender identity.<sup>41</sup> JS2 stated that the lack of explicit legal protection has amounted to a tacit legal endorsement of acts of violence and discrimination. JS2 observed that LGBT faces discrimination in employment, freedom of assembly and association, in addition to the discriminatory Treatment of Inmates and army's prejudicial policies toward them.<sup>42</sup> ERT recommended the enactment of comprehensive anti-discrimination legislation, sexual orientation and gender identity as protected characteristics.<sup>43</sup>

25. JS11 noted that since 2010, a number of civil society groups in Turkey have been actively targeted by the authorities to prevent them from promoting rights of minorities and LGBTI. They urged Turkey to create an enabling environment for civil society.<sup>44</sup>

### **2. Right to life, liberty and security of the person**

26. AI, LLG, CoE and JS11 observed that largely peaceful mass demonstrations held in opposition to the urban development plan for Istanbul's Taksim Gezi Park in May 2013, spread across the country within weeks and raised concerns about disproportionate, excessive and deadly use of force and mass arrests carried out by security forces in blatant disregard of their national and international obligations to protect the right to freedom assembly. In 2013, security forces forcefully dispersed a total of 1134 protests, 774 of which were held at Gezi Park. Thus, resulting in killing of eight protestors and one police officer, more than 8,000 people had been injured including over 61 severe injuries. Some peaceful protestors were subject to arbitrary arrest and detention for organising or participating in nonviolent protests. In 2013, 1309 people were investigated in 17 criminal investigations and 1000 people were tried in court with different charges. A number of peace and human rights activists have also been prosecuted for taking part in peaceful

assemblies for alleged links to terrorist organizations. The indictment accepted by an Istanbul court on 24 December 2013 accused a total of 255 protesters of “producing propaganda for a terrorist organization” and “illegal possession of dangerous substances.” Deficits and inconsistencies in Turkey’s legal framework allow authorities to prohibit the right to exercise of freedom of assembly. There is no indication that the authorities have attempted to bring policing in line with international human rights standards on the use of force or even the Ministry of Interior’s own regulations.<sup>45</sup> HRW noted that the government’s response to the Taksim Gezi Park protests and in general towards anti-government protests, has demonstrated its intolerance of the right to peaceful assembly.<sup>46</sup>

27. JS7 welcomed lifting the time limitation for the investigations of torture in order to combat impunity. However, scope of the amendment did not extend to the human rights violations committed after the September 1980 military coup and against the Kurdish civilian population in the 1990s.<sup>47</sup> HRA documented 843 cases of prisoners in 2013, complaining of torture and ill-treatment. They also reported violations to the rights of prisoners and the poor conditions of prisoners, such as visitations, access to lawyers, distances, and health issues and they recommended improving treatment of children in prisons and detention centers.<sup>48</sup> The CoE noticed a downward trend in recent years in both the incidence and the severity of ill-treatment by law enforcement officials. As regards conditions of detention, many of the prisons visited were overcrowded, barely coping with the ever-increasing prison population.<sup>49</sup> The CoE reported on allegations of physical ill-treatment of juvenile inmates by prison staff at Sincan Juvenile Prison and in Gaziantep E-type Prison. At Maltepe Prison, the delegation received allegations of excessive use of force by prison officers when intervening to stop inter-prisoner violence. Various recommendations are made to prevent ill-treatment of juveniles in the future.<sup>50</sup>

28. AI welcomed fewer reports of torture or other ill-treatment in official places of detention since the UPR 2010 albeit with an increase in reports of ill-treatment by law enforcement officials and excessive use of force by police following street protests. AI recommended Turkey to carry out unannounced visits to all places of detention.<sup>51</sup> JS11 recommended that security forces in charge of crowd control should be equipped with non-lethal weapons and provided training on the UN Basic Principles on the Use of Force and Firearms.<sup>52</sup>

29. JS2 and JS7 revealed that between 2010 and June 2014, 41 individuals believed to have been killed due to their real or imputed sexual orientation or gender identity. Judges have routinely used Article 29 of the Turkish Criminal Code to reduce the sentences of those who have killed LGBT individuals.<sup>53</sup>

30. JS7 reported that violence against women, fostered by gender inequality, results in the loss of the lives of hundreds of women each year with no policy or preventive measures in place.<sup>54</sup> ERT recommended taking measures to eradicate gender-based violence.<sup>55</sup>

31. JS7 stated that child marriages account for around 23% of all marriages, 91% of them girls.<sup>56</sup>

32. GIEACPC, ICC and JS7 noted that corporal punishment of children is lawful despite recommendations to prohibit it by the CRC, the CAT, the ICESCR, and the European Committee of Social Rights. Additionally, Turkey accepted during the 1<sup>st</sup> cycle to prohibit this practice, while no progress yet. They highlighted that corporal punishment is still lawful and strongly recommended enacting and implementing legislation to ensure its complete prohibition in all settings.<sup>57</sup>

33. JS7 was concerned with child marriages particularly for girls.<sup>58</sup> They reported that violence against women resulted in the loss of lives of hundreds of women each year.<sup>59</sup> ERT recommended taking measures to eradicate gender-based violence.<sup>60</sup>

34. JC commended taking steps against the scourge of human trafficking, They encouraged Turkey to fully bring human trafficking laws in line with international standards.<sup>61</sup>

### **3. Administration of justice, including impunity, and the rule of law**

35. AI noted Turkey's acceptance to recommendation to ensure the independence of the judiciary; however, legal changes brought, notably those made to the Higher Council of Judges and Prosecutors, increasing the powers of the Minister of Justice, and the transfer of thousands of police officers and scores of prosecutors and judges had adverse impacts. The increased politicization of the judiciary threatens the right to a fair trial.<sup>62</sup> OSCE/ODIHR noted concerns over decreasing independence of the Turkish judiciary.<sup>63</sup> HRW and JS7 urged Turkey to strengthen the independence of judges and prosecutors from the executive.<sup>64</sup> HRW called for ending government interference in the criminal justice system and emphasised on accountability of public officials.<sup>65</sup>

36. LLG and JS5 noted that lawyers defending client's civil and political rights are frequently subjected to judicial harassment as the state wrongly identifies them as accomplices. They noted lack of effective guarantees for lawyers to perform their duties without interference and reprisals.<sup>66</sup> JS5 recommended preventing the prosecution or other sanctioning on improper grounds of lawyers; ensure that the Bar Associations can function properly and executive bodies of the bar associations are free to exercise their functions without external interference; crimes, harassment and other violations against lawyers are effectively investigated and those responsible are held accountable; and allow lawyers to consult and communicate with their clients freely and in full confidentiality.<sup>67</sup>

37. AI, JS7 and HRW were concerned over the brutally crushed anti-government "Gezi Park protests" that took place across Turkey from May to July 2013. Ever since, the police continued to use excessive and arbitrary force to prevent or disperse demonstrations.<sup>68</sup> HRW and JS7 reported that in May 2013 police charged thousands of individuals involved in the protests—in Istanbul, Ankara, Izmir and other cities. Scores of people faced additional terrorism charges in connection with the protests.<sup>69</sup> HRW documented nine demonstrators and one police officer died in the course of demonstrations between June 2013 and May 2014.<sup>70</sup>

38. HRFT observed that there was no comprehensive approach to the right to a remedy and reparation for victims of gross violations of international human rights law involving enforced disappearances, the exhumation of mass graves or effective and independent investigations into alleged cases of extrajudicial killings that took place in 1990's, related with Kurdish issue.<sup>71</sup> JS7 recommended amending the law concerning statutory time limits and other obstacles to the prosecution of members of security forces and public officials for killings, forced disappearances, and torture committed during the State of Emergency period took place between 1987 and 2002.<sup>72</sup>

39. HRW reported that the Security Directorate's inspectorate launched administrative investigations into the conduct of police officers, for the excessive use of force during the Gezi protests, by June 2014 there was little progress in most criminal investigations concerning police use of excessive force.<sup>73</sup> AI and HRW noted that those investigations have been characteristically flawed, resulting in near total impunity for police abuses.<sup>74</sup> CSW urged Turkey to amend legal and judicial structures to ensure independence and impartiality of the judiciary and commence investigations in order to ensure all victims of rights violations receive reparations.<sup>75</sup> JS7 was concerned with the amendments made to the Law on Police Duties and Responsibilities in June 2007, given the broad mandate to the police to stop and search with increased authority to use lethal weapons.<sup>76</sup> HRW concluded that the government has not honored its pledges taken at its UPR in 2010 to take bold steps to combat impunity.<sup>77</sup>

40. LLG observed that during the first 9 months of the year 2013, 842 women were killed illustrating the situation continues to remain alarming.<sup>78</sup> HRW noted that police and courts still regularly fail to protect women granted protection orders under the 2012 Law on the Protection of the Family and Prevention of Violence against Women.<sup>79</sup>

#### **4. Right to privacy, marriage and family life**

41. PI noted the absence of data protection legislation permits rights-limiting practices and that in the absence of a strong data protection regime, biometric data is open to misuse and abuse.<sup>80</sup> PI, LLG, JS6 and RWB observed that the National Intelligence Agency (MİT) law in April 2014 undermines the right to privacy by permitting the agency unfettered access to data without judicial oversight or review.<sup>81</sup>

42. PI, LLG, JS6 and RWB were concerned with expanding the powers of the MİT, empowering it access to private data, documents, and information about individuals without the need for a court order or permission from relevant bodies. The law makes provision of all such information to MİT obligatory and overrides provisions in any other laws or bylaws limiting the provision of such data. Turkey's laws in general fall short of enshrining clear limitations on the scope of retention and access to private data.<sup>82</sup>

43. JS7 noted that the Internet Law and the recent amendments to the law of the Communication Directorate were designed to censor and silence political speech and privacy.<sup>83</sup>

#### **5. Freedoms of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

44. JS3, JS12, ECLJ, CSW and JC noted the positive steps taken with legislative Decrees' in 2011 and 2013 to return some of the property, however they observed that religious or belief communities are deprived of rights, such as the right to own or hire property to use as place of worship, establish charitable organisations, open a bank account, or sign contracts. The right to teach a religion or belief is not protected in the Constitution, and is by far the most restricted part of freedom of religion or belief in Turkey.<sup>84</sup> JS12 recommended restoring all unlawfully expropriated property belonging to minority foundations.<sup>85</sup> JS3 reported on sporadic violence against members of religious communities in 2013 and 2014 with attacks targeting places of worship.<sup>86</sup> ECLJ noted Turkey's Reservation to paragraph 3 of Article 13 of the ICESCR as Turkish laws limit the ability of parents to provide for their children's religious and moral education.<sup>87</sup>

45. JS6, JS11, RWB and HRA were greatly concerned by legislative and extra-legal measures curbing civil society activism and the freedom of association and by undue and arbitrary restrictions on freedom of expression, independence of the media and access to information. RWB recommended respecting media pluralism and independence.<sup>88</sup>

46. AI, JS4, JS6, JS7, RWB and HRW observed that in 2010 at the first UPR, Turkey accepted a number of recommendations on the right to freedom of expression, including to guarantee this right for journalists, writers and editors, and to adjust national legislation in line with international human rights standards. Despite judicial reform packages endorsed between 2010 and 2014, eight recommendations that expressly requested the abolition or revision of specific laws that impact on the capacity of artists and creative workers to practice their profession did not enjoy the support of Turkey. A series of four legislative reform packages were enacted between March 2011 and April 2013. The reforms attempted to create more clarity around 'terrorist propaganda' under the Anti-Terror Law (TMK), and adding the need for evidence of 'clear and imminent threat to public order' when considering prosecution against 'praise for a crime and criminals' under Penal Code Article 215, changes that arose out of the peace process. Many laws and codes still contain very

specific regulations that restrict freedom of expression that has deteriorated since 2010 UPR. During the period 2010-2014, Turkey under the TMK and the TCK continued to prosecute journalists, writers, editors, publishers, translators, civil/political rights activists, lawyers, elected officials and students for exercising their rights to freedom of expression. Prosecutions are also brought under anti-terrorism laws and articles of the Penal Code. The number of journalists imprisoned based on various articles of the TMK and the TCK, solely for their journalism activities have increased.<sup>89</sup>

47. PI, LLG, AI, JS4, JS6, JS7, RWB and HRW observed that in February 2014, a controversial amendment to the Internet Law No 5651 came into force allowing the Turkish Telecommunications Authority (TIB) to order the removal of content from websites, in some cases without having first obtained a court order. This law resulted in blocking access to YouTube website for a number of months. Civil society groups estimate that, as of June 2014, more than 44,000 websites were blocked by the TIB. The new law not only has implications for the right to freedom of expression, but also the right to privacy. In February 2014, the government passed amendments to the already restrictive Internet Law which increased the powers of the authorities to block or remove content. Both blocking orders were subsequently lifted following rulings by the Constitutional Court.<sup>90</sup>

48. HRW reported that criminal defamation laws are regularly applied as politicians frequently win cases against their critics for “insult”.<sup>91</sup>

49. HRA recommended that the Law on Political Parties should be amended; obstacles to democracy within political parties should be suspended.<sup>92</sup> JS11 were concerned with the provisions found under Law on Associations (Law No: 5253) and the Law on Foundations (Law No: 5737) which endow the authorities with broad powers to interfere and arbitrarily dissolve CSOs.<sup>93</sup> OSCE/ODIHR noted that the Constitution and legislation continue to unduly limit freedoms of expression, and association and electoral rights. There is also the need to ensure the equality of vote weight among constituencies.<sup>94</sup> ISHR noted the two accepted recommendations concerning human rights defenders (HRDs) however HRDs continue to complain of judicial harassment and growing repression of civil society as well as failure to hold perpetrators accountable.<sup>95</sup> JS11 noted that a number of human rights defenders, have been subjected to stigmatization and slanderous public campaigns by officials and a number of HRDs have been detained and imprisoned under specious charges.<sup>96</sup>

50. AI ISHR and LLG observed that hundreds of criminal prosecutions are brought every year against political activists, human rights defenders, journalists, lawyers and others under articles of the Penal Code and anti-terrorism provisions generally for political dissent.<sup>97</sup>

51. HRW reported that thousands of individuals have been prosecuted over the past five years on the charge of “membership of an armed organization” (article 314, of the TMK and the TCK) for activities amounting to nonviolent political association.<sup>98</sup> HRW, ISHR and RWB reported that Turkey has prosecuted scores of journalists over the past four years, placing many in pre-trial detention for extended periods. During 2013, scores of media workers were fired from their jobs. RWB recommended Turkey to ensure the protection of journalists covering demonstrations and bring to justice the perpetrators of police violence against media professionals.<sup>99</sup>

52. JS9, JS3 and JS7 reported that conscientious objection to compulsory military service is not permitted and Turkey has not established a domestic legal framework to recognise this right in line with international human rights standards.<sup>100</sup> EAJCW complained that Jehovah’s Witnesses faces denial of this right. They urged Turkey to refrain from imposing repeated fines and threats of imprisonment against them for their conscientious objection to military service.<sup>101</sup> JS9 reported that male Turkish citizens who



have not performed military service were unable to undertake any activities which require documentation from the state as a result.<sup>102</sup> AI recommended the adoption of laws that recognize and guarantee the right to conscientious objection to military service.<sup>103</sup>

53. ERT and JS7 noted that despite achievements in strengthening gender equality in accordance with the accepted recommendations in the first cycle, progress has been slow in the areas of political participation, employment and representation of women in decision-making. Currently women are only 14% of all members in the Grand National Assembly and only one of the 26 members of the Council of Ministers. ERT recommended taking measures to combat discrimination against women and to promote gender equality, in employment and public and political life.<sup>104</sup> JS7 highlighted that the main causes constitute temporary measures and policies not directly ingrained in the Constitution, with no provisions set forth in the Laws on Political Parties or on Parliamentary Elections.<sup>105</sup>

#### **6. Right to work and to just and favourable conditions of work**

54. JS7 stated that although the minimum legal age for work is set to 15, the number of 6-14 year-old working is around 300,000.<sup>106</sup>

55. HRW noted the low female labour force participation.<sup>107</sup>

#### **7. Right to social security and to an adequate standard of living**

56. AI noted urbanization resulted in forced evictions and the violation of the right to adequate housing, in areas populated by poorest and most marginalized groups. The residents have not been offered adequate compensation or affordable alternative housing thus resulting in sub-standard living and deepened poverty.<sup>108</sup>

57. JS10 noted constitution recognizes (Articles 56, 57) the right to decent housing. JS10 reported on the regressive laws impeding the realization of housing rights and outright violations of the right to adequate housing. Amended laws concerning renewal and rehabilitation, between 2003–06, have had retrogressive effects on this right. JS10 reported that in Istanbul Sulukule, the well-known Roma neighbourhood since Byzantine times, was demolished and evicted via Law 5366 followed by demolition of Tarlabası, another historical low-income neighbourhood inhabited mostly by vulnerable groups such as Roma, IDP Kurdish population, migrants, LGBT and refugees. JS10 observed that the Roma community is the most-affected by the current “urban transformation” policy, displacing about 10,000 Roma over the past seven years.<sup>109</sup>

#### **8. Right to health**

58. HRFT noted that recent amendments to the Law on Health Services require punishment for providing “unauthorized” medical services during emergencies.<sup>110</sup>

59. JS1 noted that at the first review in 2010, Turkey received 44 recommendations related to sexual and reproductive health and rights, of which eight are related to the issue of abortion were accepted. JS1 recommended developing accessible, high quality, cost effective and sustainable health policies; undertake a public awareness raising campaign informing women of their right to abortion; to remove all forms of discrimination against women including in accessing the health services.<sup>111</sup>

60. HRFT recommended abolishing the legal restrictions on the release conditions of sick inmates and stop solely relying on the Forensic Medicine Institution reports.<sup>112</sup> HRA recommended amending the existing legislation in order to cover all prisoners facing serious health risks without any criteria.<sup>113</sup>

**9. Persons with disabilities**

61. ERT noted Turkey's acceptance to recommendations aimed at increase in employment for persons with disabilities noted continued prevalence of inequality in employment and lack of access to public buildings and transport infrastructure. They recommended taking steps to implement the Convention on CRPD and to prevent discrimination based on disability.<sup>114</sup>

**10. Minorities and indigenous peoples**

62. HRW and ECLJ urged Turkey to end discrimination against the Alevi Muslim minority by legally recognizing their meeting houses (cemevi) as places of worship.<sup>115</sup> ECLJ called on the Working Group to inquire about the number of churches and places of worship which have been confiscated and address religious minorities' ability to raise their children according to their own religious and moral beliefs.<sup>116</sup> JC, JS12 and CSW observed that despite the secularism affirmed by Turkey's constitution, non-Muslim religious communities are severely discriminated against and denied legal status and recognition as religions.<sup>117</sup> CSW urged Turkey to implement effective constitutional and legislative reform so as to curb discrimination of religious minorities and ensure their treatment is commensurate with international obligations to which Turkey is party. CSW recommended Turkey to proactively accommodate non-Muslim minorities and address their socio-economic concerns; promote inter-faith harmony and understanding in order to change societal perceptions of and hostility towards non-Muslim communities.<sup>118</sup>

63. JS12 stated that Assyrian Christians are indigenous people and they have not been able to open new church since Turkey's pre-Republic era, and denied to train clergy. They recommended removal of all bureaucratic and administrative obstacles preventing non-Muslims from freely opening places of worship.<sup>119</sup>

64. LLG noted that accessing education in mother tongue in the public school system for Kurds and other minority groups is still prevented.<sup>120</sup> ERT noted that Turkey accepted the recommendation on the use of languages and in September 2013, a package of democratic reforms was announced, aimed at improving the situation for the Kurdish minority. ERT recommended removing restrictions on the use of languages other than Turkish in political and public life and provide opportunities for teaching of minorities' languages.<sup>121</sup>

**11. Migrants, refugees and asylum seekers**

65. OSCE/ODIHR noted that Turkey's legal frameworks of migrant integration measures are unfavourable for integration. Turkey also has the weakest protections against discrimination as a dedicated anti-discrimination law and agency are still lacking and pending approval by Parliament.<sup>122</sup>

66. The CoE was concerned at the conditions detainees as major shortcomings were found in several of the detention centres they visited, in particular at Ağrı and Edirne. It became evident that they were detained without legal safeguards.<sup>123</sup>

67. The CoE recommended exempting asylum-seekers and refugees from the payment of residence fees.<sup>124</sup>

**12. Internally displaced persons**

68. JS8 noted that a significant part of the region where Kurdish people live is declared as "military zone" and de-humanized. They recommended the removal of land mines, rehabilitation of infrastructure and settlements and elimination of the village Guards System. The Law no. 5233 for the compensation of damages has no allocated budget to compensate for damages incurred by displacement. They recommended the state to

apologize for damages caused and promote co-existence- including enactment of social peace law and establishing a truth commission to restore justice and provide remedies for the loss of rights in accordance with the UN Guiding Principles and the ICESCR.<sup>125</sup>

### **13. Human rights and counter-terrorism**

69. JS4 noted that Turkey's Anti Terror Law (TMK) has been subject to acute criticism for its overly broad definition of terrorism. They recommended to revoke Articles 6/2 and 7/2 of the Law that penalise propaganda for or distribution of material by 'terrorist' organisations and which have led to many convictions that breach free expression guarantees.<sup>126</sup> HRA recommended the suspension of Anti-Terror Law.<sup>127</sup>

70. JS6 and HRW recommended Turkey to cease the abuse of anti-terror legislation and the penal code to prosecute journalists, bloggers, activists and other civil society actors, release the detainees, and drop pending charges against individuals without evidence of engagement with armed groups.<sup>128</sup>

71. JS7 observed that unfair trials continue to pose a problem especially in criminal proceedings under counter-terrorism legislation, additionally, prosecutions launched under counter-terrorism legislation and convictions were based on incomplete evidence.<sup>129</sup>

## Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

*Civil society**Individual submissions:*

AI	Amnesty International, London (United Kingdom of Great Britain and Northern Ireland);
CSW	Christian Solidarity Worldwide, New Malden (United Kingdom of Great Britain and Northern Ireland);
EAJCW	The European Association of Jehovah's Christian Witnesses, Kraainem, (Belgium);
ECLJ	The European Centre for Law and Justice, Strasbourg, (France);
ERT	Equal Rights Trust, London (United Kingdom of Great Britain and Northern Ireland);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom of Great Britain and Northern Ireland;
HRA/IHD	İnsan Hakları Derneği/ Human Rights Association, Ankara (Turkey);
HRFT	TÜRKİYE İNSAN HAKLARI VAKFI/ Human Rights Foundation of Turkey, Ankara (Turkey);
HRW	Human Rights Watch, Geneva, (Switzerland);
ICC	International Children's Center, Ankara (Turkey);
ISHR	International Service for Human Rights, Geneva (Switzerland);
JC	Jubilee Campaign, FAIRFAX, VA, USA;
LLG	London Legal Group, London (United Kingdom of Great Britain and Northern Ireland);
PI	Privacy International, London (United Kingdom of Great Britain and Northern Ireland);
RWB/RSF	Reporters Without Borders, Paris, France.

*Joint submissions:*

JS1	Joint submission 1 submitted by: Women for Women's Human Rights - New Ways (WWHR – New Ways), Istanbul (Turkey) and Sexual Rights Initiative (SRI) Ottawa (Canada);
JS2	Joint submission 2 submitted by: Kaos GL Association, Ankara, Turkey, LGBTI News Turkey, Istanbul, Turkey and the International Gay and Lesbian Human Rights Commission (IGLHRC), New York (USA);
JS3	Joint submission 3 submitted by: Norwegian Helsinki Committee: Turkey Freedom of Belief Initiative and Forum 18, Oslo (Norway);
JS4	Joint submission 4 submitted by: Freemuse The World Forum on Music and Censorship, Copenhagen K, (Denmark); Siyah Bant, İstanbul, (Turkey); and the Initiative for Freedom of Expression İstanbul, (Turkey);
JS5	Joint submission 5 submitted by: Lawyers for Lawyers Foundation, The Law Society of England and Wales, Lawyers' Rights Watch Canada and Fair Trial Watch, Amsterdam, (Netherlands);
JS6	Joint submission 6 submitted by: ARTICLE 19, the Committee to Protect Journalists, English PEN, Freedom House, P24 and PEN International, London (United Kingdom of Great Britain and Northern Ireland);
JS7	Joint submission 7 submitted by: İnsan Hakları Ortak Platformu / Human Rights Joint Platform – İHOP, (Human Rights Association – İHD ( <a href="http://www.ihd.org.tr">www.ihd.org.tr</a> ), Human Rights Agenda Association ( <a href="http://www.rightsagenda.org">www.rightsagenda.org</a> ), Human Rights Research Association – İHAD ( <a href="http://www.ihad.org.tr">www.ihad.org.tr</a> ), Helsinki Citizens Assembly – hYd ( <a href="http://www.hyd.org.tr">www.hyd.org.tr</a> ), Amnesty International Turkey – ai ( <a href="http://www.amnesty.org.tr">www.amnesty.org.tr</a> ) and Human Rights Foundation of Turkey – TİHV ( <a href="http://www.tihv.org.tr">www.tihv.org.tr</a> ), International Child Centre Association – ICC ( <a href="http://www.icc.org.tr">http://www.icc.org.tr</a> ), Agenda: Child Association ( <a href="http://www.gundemcocuk.org">www.gundemcocuk.org</a> ), CEDAW Shadow Reporting Group, Kaos GL ( <a href="http://www.kaosgl.org">www.kaosgl.org</a> ), LGBTI

- News Turkey ([www.lgbtnewsturkey.com](http://www.lgbtnewsturkey.com)), Refugee Rights Coordination – MHK ([www.multecihaklari.org](http://www.multecihaklari.org)). (Turkey);
- JS8 Joint submission 8 submitted by: Aid and Solidarity Association of People Migrated Mediterranean Region /Akdeniz Göç-Der, Amed Göç-Der, İstanbul Göç-Der and Van Göç-Der. (Turkey);
- JS9 Joint submission 9 submitted by: International Fellowship of Reconciliation, Alkmaar, (The Netherlands) and Conscience and Peace Tax International/ Internacional de Conciencia e Impuestos para la Paz, Leuven (Belgium);
- JS10 Joint submission 10 submitted by: Habitat International Coalition (HIC) Santiago, Chile and HIC's Member organization Urban Movements İstanbul/HIC (UM), İstanbul (Turkey);
- JS11 Joint submission 11 submitted by: The Helsinki Citizens Assembly (hCa), İstanbul, (Turkey) and CIVICUS: World Alliance for Citizen Participation, Johannesburg, (South Africa);
- JS12 Joint submission 12 submitted by: Assyrian Universal Alliance - Americas Chapter (AUA Americas) and the Assyrian Advocacy Group (AAG) Campbell (United States of America).

*Regional intergovernmental organization(s):*

- CoE The Council of Europe, Strasbourg, France;
- OSCE/ODIHR Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe, Warsaw (Poland).

<sup>2</sup> The following abbreviations have been used in the present document:

- ICERD International Convention on the Elimination of All Forms of Racial Discrimination
- ICESCR International Covenant on Economic, Social and Cultural Rights
- OP-ICESCR Optional Protocol to ICESCR
- ICCPR International Covenant on Civil and Political Rights
- ICCPR-OP 1 Optional Protocol to ICCPR
- ICCPR-OP 2 Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
- CEDAW Convention on the Elimination of All Forms of Discrimination against Women
- OP-CEDAW Optional Protocol to CEDAW
- CAT Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- OP-CAT Optional Protocol to CAT
- CRC Convention on the Rights of the Child
- OP-CRC-AC Optional Protocol to CRC on the involvement of children in armed conflict
- OP-CRC-SC Optional Protocol to CRC on the sale of children, child prostitution and child pornography
- OP-CRC-IC Optional Protocol to CRC on a communications procedure
- ICRMW International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- CRPD Convention on the Rights of Persons with Disabilities
- OP-CRPD Optional Protocol to CRPD
- ICPPED International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> JS10, p. 10, AI, p.2 and JS7, p. 11.

<sup>4</sup> AI, p.2 and JS7, p. 11.

<sup>5</sup> HRW, p. 5 and JS7, p. 11.

<sup>6</sup> JS7, p. 11.

<sup>7</sup> JS7, p. 11 and JS12, p. 6.

<sup>8</sup> HRA, p. 3.

<sup>9</sup> ICC, p. 6.

<sup>10</sup> JS7, p. 11 and CoE, p. 8. See also the European Commission against Racism and Intolerance on Turkey, p. 39-40, adopted on 10 December 2010 and published on 8 February 2011.

- <sup>11</sup> ECLJ, p. 3 and CSW, p. 1.  
<sup>12</sup> HRW, p. 5 and ECLJ, p. 1.  
<sup>13</sup> AI, p.2.  
<sup>14</sup> HRW, p. 4.  
<sup>15</sup> AI, p.5, JS4, p. 11, JS6, p. 8, JS11, p. 8-12. LLG, p. 1-3 and JS7, p. 12.  
<sup>16</sup> JS6, p. 8, JS11, p. 12 and LLG, p. 1-3.  
<sup>17</sup> HRA, p. 2, JS6, p. 8-9, LLG, p. 4.  
<sup>18</sup> JS7, p. 11, JS4, p. 10 and JS11, p. 13.  
<sup>19</sup> HRA, p. 3.  
<sup>20</sup> PI, p. 3-8, RWB, p. 5, JS6, p. 7 and LLG, p. 4, 5.  
<sup>21</sup> HRW, p. 5, RWB, p. 5, ISHR, p. 2 and JS7, p. 12  
<sup>22</sup> JS6, p. 8.  
<sup>23</sup> AI, p.5, CSW, p. 4, ISHR, p. 2 and JS7, p. 12.  
<sup>24</sup> HRFT, p. 4, 5.  
<sup>25</sup> CoE, p. 8. See also the European Commission against Racism and Intolerance on Turkey, p. 43-48, adopted on 10 December 2010 and published on 8 February 2011.  
<sup>26</sup> HRW, p. 5 and JS7, p. 13.  
<sup>27</sup> ISHR, p. 2.  
<sup>28</sup> ICC, p. 1 and 6.  
<sup>29</sup> ICC, p. 6.  
<sup>30</sup> AI, p.2, HRW, p. 5, HRFT, p. 1, 2, CSW, p. 3 and JS7, p. 1.  
<sup>31</sup> AI, p.2. and JS7, p. 1.  
<sup>32</sup> HRFT, p. 1, 2, HRA, p. 3, 6, HRW, p. 5, JS7, p. 2, 11, JS11, p. 13 and AI p. 5.  
<sup>33</sup> JS7, p. 1.  
<sup>34</sup> HRFT, p. 3.  
<sup>35</sup> JS7, p. 1.  
<sup>36</sup> JS10, p. 10.  
<sup>37</sup> CSW, p. 3.  
<sup>38</sup> ISHR, p. 2.  
<sup>39</sup> CoE, p. 8. CoE, p. 7. See also the European Commission against Racism and Intolerance on Turkey, adopted on 10 December 2010 and published on 8 February 2011.  
<sup>40</sup> AI, p.2, 4.  
<sup>41</sup> AI, p.2, 6, ERT. P. 7 and JS2, p. 6, 10.  
<sup>42</sup> JS2, p. 1, 5, 8 and 9.  
<sup>43</sup> ERT. P. 1.  
<sup>44</sup> JS11. P. 3, 11.  
<sup>45</sup> AI, p.1, LLG, p. 7, 8, JS11, p. 10, 11 and CoE, p. 3, 4. See also the report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe following his visit to Turkey from 1 to 5 July 2013, Strasbourg, 26 November 2013. See also the attached response of the Turkish Government comments on 21 November 2013 in the CoE submission to the UPR.  
<sup>46</sup> HRW, p. 2, JS7, p. 4.  
<sup>47</sup> JS7, p. 6.  
<sup>48</sup> HRA, p. 4-6.  
<sup>49</sup> CoE, p. 1. See also the Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), from 4 to 17 June 2009, Strasbourg, 31 March 2011. See also the response of the Turkish Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Turkey from 4 to 17 June 2009, Strasbourg, 31 March 2011.  
<sup>50</sup> CoE, p. 2. See also the Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), from 21 to 28 June 2012, Strasbourg, 10 October 2013. See also the response of the Turkish Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Turkey from from 21 to 28 June 2012, Strasbourg, 10 October 2013.  
<sup>51</sup> AI, p.1, 3, 5.

- 52 JS11, p. 13.  
53 JS2, p. 1 and JS7, p. 8.  
54 JS7, p. 10.  
55 ERT. P. 5.  
56 JS7, p. 9.  
57 JS7, p. 9, ICC, p. 1, and GIEACPC, p. 1-2.  
58 JS7, p. 9.  
59 JS7, p. 10.  
60 ERT. P. 5.  
61 JC, p. 1, 4.  
62 AI, p.2, 3.  
63 OSCE/ODIHR, p. 2.  
64 HRW, p. 5 and JS7, p. 14.  
65 HRW, p. 5.  
66 LLG, p. 2, 4 and JS5, p. 2.  
67 JS5, p. 2-4.  
68 AI, p.3, JS7 and HRW, p. 2.  
69 HRW, p. 2 and JS7.  
70 HRW, p. 3.  
71 HRFT, p. 4  
72 JS7, p. 13.  
73 HRW, p. 4.  
74 AI, p.1 and HRW, p. 2.  
75 CSW, p. 2.  
76 JS7, p. 7.  
77 HRW, p. 4.  
78 LLG, p. 6.  
79 HRW, p. 4.  
80 PI, p. 3-4.  
81 PI, p. 3-8, RWB, p. 5, JS6, p. 7 and LLG, p. 4, 5.  
82 PI, p. 3-8, RWB, p. 5, JS6, p. 7 and LLG, p. 4, 5.  
83 JS7, p. 4.  
84 JS3, p. 1-3, 7, 10, ECLJ, p. 2, CSW, p. 5 and JC, p. 2.  
85 JS12, p. 7.  
86 JS3, p. 1-3.  
87 ECLJ, p. 3.  
88 JS6, p. 2, 4, 5, 6 and 9, JS11, p. 2, RWB, p. 6 and HRA, p. 2.  
89 AI, p.1, JS4, p. 2, 3, JS6, p. 1,2, 9, JS7, p. 4-5 and HRW, p. 3.  
90 PI, p. 3-8, RWB, p. 5, JS6, p. 1,2, 7, 9, LLG, p. 4, 5, AI, p.1, JS4, p. 2, 3, JS7, p. 4-5 and HRW, p. 3.  
91 HRW, p. 2, 3.  
92 HRA, p. 2.  
93 JS11, p. 3.  
94 OSCE/ODIHR, p. 1-2.  
95 ISHR, p. 1.  
96 JS11, p. 4-5.  
97 AI, p.3, ISHR, p. 2 and LLG, p. 2.  
98 HRW, p. 3.  
99 HRW, p. 3, ISHR, p. 1-2 and RWB, p. 5.  
100 JS7, p. 8 and JS3.  
101 EAJCW, p. 2, 3.  
102 JS9, p. 1-6.  
103 AI, p.5.  
104 ERT. P. 2-3 and JS7, p. 10.  
105 JS7, p. 10.  
106 JS7, p. 9.  
107 HRW, p. 4.

- <sup>108</sup> AI, p.4.  
<sup>109</sup> JS10, p. 5.  
<sup>110</sup> HRFT, p. 5.  
<sup>111</sup> JS1, p. 1-8.  
<sup>112</sup> HRFT, p. 5.  
<sup>113</sup> HRA, p. 6.  
<sup>114</sup> ERT. P. 2-4.  
<sup>115</sup> HRW, p. 5 and ECLJ, p. 1.  
<sup>116</sup> ECLJ, p. 3.  
<sup>117</sup> JC, p. 2, JS12, p. 1-2 and CSW, p. 5.  
<sup>118</sup> CSW, p. 3, 6.  
<sup>119</sup> JS12, p. 1, 4-5.  
<sup>120</sup> LLG, p. 5.  
<sup>121</sup> ERT. P. 7.  
<sup>122</sup> OSCE/ODIHR, p. 4-5.  
<sup>123</sup> CoE, p. 1. See also the Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), from 4 to 17 June 2009, Strasbourg, 31 March 2011. See also the response of the Turkish Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Turkey from 4 to 17 June 2009, Strasbourg, 31 March 2011.  
<sup>124</sup> CoE, p. 8. See also the European Commission against Racism and Intolerance on Turkey, p. 8-9, 39-40, adopted on 10 December 2010 and published on 8 February 2011.  
<sup>125</sup> JS8, p. 4, 10, 11.  
<sup>126</sup> JS4, p. 3, 4 and 10.  
<sup>127</sup> HRA, p. 2.  
<sup>128</sup> HRW, p. 5 and JS6, p. 8.  
<sup>129</sup> JS7, p. 6.
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