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

Turkey*

The present report is a summary of 25 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. 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. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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

I. Background and framework

A. Scope of international obligations

1. Joint submission 1 (JS1) emphasized that Turkey should undertake to respect and apply internationally recognized human rights standards, particularly the instruments to which it is a party. JS1 indicated that Turkey should also undertake to implement the recommendations of the United Nations treaty bodies and amend its legislation in line with the judgements of the European Court of Human Rights.²
2. The Organization for Defending Victims of Violence (ODVV) urged Turkey to ratify the Optional Protocol to the Convention against Torture (CAT).³
3. Regarding minority rights and lesbian, gay, bisexual, and transgender (LGBT) rights, Human Rights Watch (HRW) urged Turkey to withdraw its reservation to article 27 of the International Covenant on Civil and Political Rights (ICCPR) on minority rights and ratify the Council of Europe Framework Convention for the Protection of National Minorities and other international instruments relating to minority rights, and ensure that they are fully enforced.⁴
4. The Kurdish Human Rights Project (KHRP) mentioned that Turkey reservations regarding the rights of minorities and concerning the Covenant on Economic, Social and Cultural Rights (ICESCR) regarding the right to education are causes for concern. Turkey has not signed the European Charter for Regional or Minority Language.⁵
5. The Council of Europe's Commissioner for Human Rights (CoE Commissioner) recommended that Turkey sign the Council of Europe of Europe Convention on Action against Trafficking in Human Beings in 2009 and called for its speedy ratification.⁶

B. Constitutional and legislative framework

6. HRW reported that Turkey should revise its Constitution to ensure that no provisions impede the enjoyment of fundamental rights and freedoms and rule of law.⁷ According to KHRP, further reforms are necessary at constitutional level to bring Turkey's national legislation in line with its obligations under international law.⁸
7. Regarding torture and other ill-treatment and impunity, Amnesty International (AI) recommended that Turkey revise its anti-terrorism law to prevent incommunicado detention, and the Law amending the Law on the Duties and Powers of Police to ensure that the use of lethal force by law enforcement officials complies with international standards.⁹
8. The Parliamentary Assembly of the Council of Europe (CoE PACE) called on Turkey to complete the revision of the Criminal Code, with the Council of Europe's assistance.¹⁰
9. JS1 recommended legislative reforms concerning the status of political parties, the electoral process, the Criminal Code, the fight against terrorism, police powers, education and the exercise of the profession of journalist, with the aim of ensuring all freedoms and all fundamental rights for everyone.¹¹

C. Institutional and human rights infrastructure

10. HRW recommended that Turkey ensure adherence to the Paris Principles, by creating a national preventative mechanism (or national human rights institution containing such a mechanism) as an independent body, adequately skilled, resourced and empowered, accountable to the public and established with the active participation of civil society groups.¹²

11. The Council of Europe Group of States against Corruption (CoE GRECO) noted that the Law on the Ombudsman has been adopted but suspended by the Constitutional Court.¹³ CoE GRECO recommended that Turkey give high priority to the establishment of an Ombudsman institution.¹⁴ The CoE Commissioner made similar recommendation.¹⁵

12. CoE GRECO was particularly concerned that several recommendations of principal importance had not been addressed, for example entrusting an oversight body, with the involvement of the civil society, with the responsibility of overseeing the implementation of national anti-corruption strategies.¹⁶ CoE GRECO recommended that Turkey develop systems for monitoring the impact of anti-corruption measures.¹⁷

13. KHRP welcomed the establishment of two subcommittees within the Human Rights Investigation Committee to investigate torture and ill-treatment in prisons and detention centres. While a positive development, the findings of the Committee have not since been followed by concrete change in practice.¹⁸

II. Promotion and protection of human rights on the ground

A. Implementation of international human rights obligations

1. Equality and non-discrimination

14. HRW urged Turkey to revise laws containing discriminatory provisions, enact comprehensive anti-discrimination legislation, and include the prohibition of discrimination on grounds of sexual orientation and gender identity in the Constitution.¹⁹

15. The Women's Rights Organization against Discrimination (AKDER) mentioned that Turkey should reinforce its legislative framework and institutional mechanisms to exclude all discriminatory practices that prevent equal access to employment for all persons.²⁰

16. AKDER mentioned that Turkey should stop imposing dress styles in the workplace that are not required by the profession concerned. The headscarf ban on public sector workers, government employees, and elected representatives should be lifted.²¹ Turkey should enact and enforce laws to remove any kind of discrimination against women wearing headscarves in the workplace. It must also take effective measures against individuals who discriminate against women who wear scarves.²² The Islamic Human Rights Commission (IHRC) expected Turkey to take every necessary measure to provide non-discriminatory, at the highest level, health service to women wearing headscarves or those wearing religiously dress.²³

17. According to AKDER, Court officials, judges and lawyers need to be trained in effective anti-discrimination practices to ensure that the spirit of anti-discrimination is consistent in judgments and cases.²⁴

18. The Forum 18 News Service (F18NS) reported on frequent allegations that non-Muslims experienced discrimination as they were not considered as "genuine" Turks, and therefore were not allowed to gain a high ranking civil servant or military positions, even when they were fully qualified.²⁵ F18NS reported that full legal recognition of all religious

communities would be a major step forward in addressing the prejudice that non-Muslim religious communities are “foreign” and not genuinely Turkish.²⁶

19. According to F18NS, non-Muslim communities (such as Armenians, Greeks, Syriac Orthodox and Jews) gained partial recognition, which does not give them legal personality, and therefore they have not acquired the rights to religious freedom envisaged by Article 9 of the European Convention on Human Rights.²⁷ F18NS underlined that denial of recognition left the adherents of many faiths vulnerable to discrimination, as citizens have their religious affiliation recorded in official records.²⁸ Even recognised religious communities cannot own properties such as places of worship.²⁹

20. The European Centre for Law and Justice (ECLJ) reported that religious minority churches faced difficulty operating due to restrictions, prejudice, and an inability to register with the government. Local authorities still deny applications from Christian groups seeking to have their properties rezoned as places of worship. ECLJ noted that Turkey amended its Public Works Statute 3194, governing construction of religious facilities, to allow for “places of worship” to be built and recognized.³⁰

21. According to F18NS, as non-Muslim communities were under threat of violent attacks, the Interior Ministry issued a circular in June 2007 asking law enforcement forces to protect non-Muslim places of worship, and be watchful for plans to attack them. A number of plans to mount attacks were subsequently uncovered and prevented.³¹

22. F18NS mentioned that, as a participating State of the Organisation for Security and Co-operation in Europe (OSCE), Turkey has agreed to implement measures “to counter prejudices and misrepresentation, particularly in the field of education” like the Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools. F18NS underlined that Turkey has shown no visible interest in providing education on religions and beliefs in schools.³²

23. According to HRW, Turkey had a longstanding record of violence and abuse targeting people on the basis of their sexual orientation and gender identity. HRW has recorded eleven killings of transgender people since July 2008. Turkey tried to close down several LGBT groups on the ground that no association may be founded for purposes against law and morality. In April 2009, the Court of Cassation ruled against the closure of Lambda Istanbul Solidarity Association. However, the Court’s ruling included the condition that the association should not encourage lesbian, gay, bisexual, transvestite and transsexual behaviour which aim to spread such sexual orientations.³³

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

24. Joint submission 2 (JS2) produced lists of victims of summary and extrajudicial executions³⁴ and of non-elucidated enforced disappearances.³⁵

25. The Human Rights Foundation of Turkey (HRFT) indicated that, although the definitions of torture and ill-treatment in the Criminal Code are more extensive than the definition provided by CAT, the implementation of the law remained deficient. Impunity is one of the most serious problems.³⁶

26. HRFT reported that Turkey had not effectively implemented the “zero tolerance for torture” policy, and that torture and ill-treatment cases were ongoing and serious in nature.³⁷ HRFT observed that, since 2006, torture and ill-treatment practices were more brutal and violent than in previous years resulting in severe physical injuries and psychological trauma.³⁸ According to HRFT, while various safeguards have been introduced to prevent torture in detention centres and prisons, this did not significantly reduce torture as it was increasingly being applied in places other than official detention places.³⁹

27. Despite procedural reforms, KHRP indicated that in most cases of torture committed by state agents little, if any, investigation was carried out. An investigation was undertaken only in cases where the torture had serious consequences, as the death in custody of the victim.⁴⁰
28. ODVV mentioned that the European Court of Human Rights decided in several rulings that acts of torture and inhuman treatment had been committed in detention centres, police cells and illegal prisons, and decided to award compensation.⁴¹
29. KHRP pointed out that, if ratified, OP-CAT would provide for the establishment of an effective and independent regime for the inspection of places of detention aimed at more effectively ensuring the prevention of torture and other cruel, inhuman or degrading treatment or punishment.⁴²
30. HRW indicated that ill-treatment by the police was a widespread problem and occurred both in and outside places of official detention, as well as during arrest and demonstrations.⁴³
31. The European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CoE CPT) recommended that the management of all three psychiatric hospitals it visited should deliver a clear message to orderlies that all forms of ill-treatment of patients are unacceptable and will be the subject of severe sanctions.⁴⁴ Turkey responded to this recommendation.⁴⁵
32. KHRP expressed concern about conditions of detention, including overcrowding, unsatisfactory access to medical care for prisoners and arbitrary and unfair disciplinary proceedings, and an acute lack of transparency, accountability and independent oversight within the prison system.⁴⁶
33. AI recommended that Turkey ensure access to appropriate medical treatment required by all persons in detention.⁴⁷ AI recommended that Turkey create an independent national monitoring mechanisms to carry out regular and unannounced visits to all places of detention, to ensure prompt, independent, impartial and thorough investigations of all allegations of human rights violations by members of the security forces, to develop an effective complaints mechanism to carry out prompt, independent, impartial and thorough investigations into human rights violations allegedly committed by law enforcement officials, to suspend from active duty officers under investigation for human rights violations and to ensure their dismissal if convicted.⁴⁸
34. The CoE Commissioner called upon Turkey to ensure proper protection of LGBT persons in all places of detention.⁴⁹
35. The Christian Solidarity Worldwide (CSW) reported acts of increasing violence against Christians, such as material damage of Christian property, death threats, minor assaults, attempted kidnappings, and murders,⁵⁰ and urged Turkey to address such violence, bringing the perpetrators to justice.⁵¹
36. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) highlighted that corporal punishment of children is lawful in the home and in alternative care settings, and strongly recommended that Turkey enact and implement legislation to ensure complete prohibition.⁵²
37. The Society for Threatened Peoples (STP) reported that children were sentenced to long terms of imprisonment on the basis of laws, which infringe human rights, and were tortured by officials. Long prison sentences were imposed in all cases on the basis of alleged membership and/or support to a terrorist organization. This is also made possible through the 2006 anti-terror law. Violence was also meted out on minors at public meetings and demonstrations according to STP.⁵³

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

38. JS2 stressed that it was extremely rare to see members of the security forces who commit serious human rights violations (in particular killings and torture) sentenced by Turkish courts, and that some court decisions tended to encourage human rights violations. Many complaints against the practice of torture are simply classified without any follow-up. Moreover, 98 per cent of complaints, administrative and judicial, filed between 2003 and 2008 against members of law enforcement, have resulted in acquittals or dismissal of the charge concerned.⁵⁴

39. HRW urged Turkey to establish an effective independent mechanism to carry out prompt, impartial, and thorough investigations into allegations of misconduct by members of the security forces. These should be capable of leading to prosecution of offenders and in which senior officers are held responsible for the conduct of junior officers; trial hearings of law enforcement officials should take place without undue delay.⁵⁵

40. F18NS reported on the length of ongoing trials. This is the case for two Turkish Protestants charged with “insulting Turkishness” and defamation of Islam, following their involvement in a Bible correspondence course in October 2006 and that of five men accused of murdering three Protestant Christians in 2007.⁵⁶

4. Freedom of religion or belief, expression, association and peaceful assembly and right to participate in public and political life

41. CSW recalled that freedom of religion and belief, including the freedom to manifest and proselytize a religion or belief, are protected by the Constitution and Criminal Law,⁵⁷ in addition to international human rights treaties to which Turkey is a party.⁵⁸ CSW indicated that Turkey must seek to fulfil its obligations under the ICCPR, not only through national legislation, but also in policy and practice. CSW urged Turkey to accommodate non-Muslim minorities in mainstream society and address their socio-economic concerns.⁵⁹ CSW urged Turkey to end its official classification of ‘missionary activities’ as a national threat, uphold its freedom of religion and belief obligations under international human rights law, stop state propaganda and remove all classification of non-Muslim activities as a national threat from school textbooks, military and police national security briefings, and proactively promote a culture of tolerance and respect to other religious creeds.⁶⁰

42. The Association of Protestant Churches (APC) reported that, in light of the Malatya murders and ongoing acts of violence against the Christian minority, policies regarding education against discrimination based on religion should be implemented in schools and throughout Government ministries.⁶¹

43. The Institute on Religion and Public Policy (IRPP) reported that minorities occasionally faced abuse and discrimination for trying to practice their religion.⁶² Although the practice of religion is generally free, the secularism of the Government has restricted this right.⁶³ ECLJ reported that several orthodox branches of Christianity continued to face confiscation of their property by the Turkish government.⁶⁴ The Becket Fund for Religious Liberty (BFRL) indicated that hundreds of minority properties were seized and that Non-Muslim communities are thus severely limited in their property, assembly and association rights. In February 2008, Turkey passed a new foundation law that made it possible for organizations to redeem their property from the State, but not from third parties who may have acquired it.⁶⁵ According to F18NS, two recent decisions of the European Court of Human Rights (ECHR) — concerning the Ecumenical Patriarchate in 2008 and a Greek Orthodox Foundation in 2009 — have not yet resulted in the recovery of confiscated property.⁶⁶

44. IRPP indicated that even Muslims had the free exercise of religion restricted, as they could not wear headscarves in universities or public buildings.⁶⁷ F18NS reported that

though the Constitutional Court prohibited wearing headscarves, or any religious symbol, this prohibition was not consistently implemented.⁶⁸ However, civil servants who are devout faced discipline or loss of their jobs if they practice their religion.⁶⁹

45. F18NS reported that conscientious objection to compulsory military service is not permitted.⁷⁰ The European Court of human Rights stated that Turkey continued to disregard the 2007 call of Committee of Ministers of the Council of Europe for it “to adopt rapidly the legislative reform necessary to prevent similar violations”.⁷¹

46. The Conscience and Peace Tax International (CPTI) indicated that civilian conscientious objectors who refused to perform military service, were put on trial before military courts under military law. They were routinely sentenced to detention in military penal facilities.⁷² CPTI mentioned numerous reports of the physical mistreatment of conscientious objectors within military detention facilities.⁷³

47. CPTI reported that, on release from detention, conscientious objectors were subject to repeated call-up to perform military service. Continued refusal frequently resulted in repeated periods of detention.⁷⁴ AI recommended that Turkey introduce legislation preventing the repeated prosecution of conscientious objectors to military service, and institute laws that recognize and guarantee the right to conscientious objection to military service and provide for a genuinely civilian alternative that is not punitive in length.⁷⁵

48. According to CPTI, conscientious objectors, along with others who have not performed military service or been exempted by the military authorities, suffered severe and continuing civic disabilities.⁷⁶

49. AI recommended that Turkey abolish Articles 301 and 318 of the Penal Code which limit the right to freedom of expression, and ensure that the application of all articles of the Penal Code and other laws are in line with relevant international standards, including ensuring that lawful restrictions on the exercise of the right to freedom of expression on grounds, such as national security and public order, are demonstrated to be necessary and proportional.⁷⁷

50. AI reported that, article 301 of the Penal Code, as amended in 2008, criminalizes denigration of the Turkish Nation rather than denigration of Turkishness. AI is concerned that despite these changes, Article 301 remains a direct and illegitimate limitation to freedom of expression. This Article is often used to prosecute conscientious objectors and their supporters when they voice their legitimate opposition to compulsory military service.⁷⁸ BFRL reported that, under this article, over 700 individuals were convicted.⁷⁹

51. Joint Submission 3 (JS3) recommended that Turkey repeal or amend all legislation that penalises freedom of expression.⁸⁰ AI reported that groups frequently made the target of such prosecution include writers, journalists, human rights defenders, lawyers, and officials and activist members of pro-Kurdish political parties. Speech expressing dissenting opinions regarding the position of Armenians or Kurds in Turkey and criticism of State institutions, especially the armed forces, frequently resulted in criminal prosecution.⁸¹

52. KHRP mentioned that reports of harassment, arbitrary detention and criminalization of political activists and human rights defenders have not abated in recent years, despite supposed improvements engendered by the European Union accession process.⁸²

53. According to ODVV, human rights defenders, writers, journalists and members of the opposition were arbitrarily detained and faced threats and violence by the police and other groups. Through their rulings, the courts play a very important role in this restriction.⁸³ JS3 provided an overview of legislation allowing for the prosecution of writers and print journalists and recommended Turkey refrain from prosecuting writers and publishers.⁸⁴

54. AI recommended that Turkey take further steps to ensure that human rights defenders are granted their right to the protection of the State, and to conduct thorough, effective and impartial investigations into threats against them and others expressing dissenting views, monitor all criminal investigations of human rights defenders, and halt all investigations launched for conduct that is protected by international standards.⁸⁵

55. Reporters Without Borders (RWB) recommended that Turkey entirely repeal all laws and articles of the Criminal Code that narrow the space for democratic debate in the media; repeal the Anti-Terrorism Law; put an end to the practice of temporary closing newspapers investigating sensitive issues, and review the Law on online crime in order to clarify the nature of these crimes and introduce restrictions to the practice of blocking access to suspect web-sites.⁸⁶

56. RWB recommended that Turkey seriously investigate connections between radical nationalist groups, State and justice institutions, ensure that the pluralism of media and press freedom were taken into consideration in the final decision on penalties imposed on Dogan Yayin group.⁸⁷ RWB regretted the lack of accountability of State bodies. The public's, NGOs' and journalists' access to information from these institutions is frequently hampered.⁸⁸

57. F18NS reported on the internet censorship of the website of a well-known atheist through a court decision, in Turkey. His books and those of other atheists are however permitted, despite legal attempts to ban them.⁸⁹

58. The Association of Turkish University Women (ATUW) asked Turkey to provide for the participation of women at all levels of political governance by introducing at least 30 per cent quota.⁹⁰

5. Right to work and to just and favourable conditions of work

59. Education International (EI) highlighted the fact that full trade union rights have yet to be created in Turkey. The rights to organize, to strike and to bargain collectively still need to be brought in line with EU standards and ILO Conventions. Unions organizing strikes were being thwarted through massive lay-offs of their members, court cases and arrests of their leaders. Strikers and peaceful demonstrators faced excessive police violence.⁹¹

60. EI recommended that Turkey review all cases of detained trade unionists with a view to their release, respect the fundamental trade union rights of workers' organisations and bring laws and practices in line with international human rights standards.⁹²

61. KHRP expressed concerns at the situation in regions of the country, where conflict and political tensions and the collective mobilisation of employees was particularly likely to be viewed as a threat, especially in connection with expressions of Kurdish culture. KHRP underlined the fact that violations of trade union rights were systematic and that this situation was deeply intertwined with wider patterns of violations of freedom of association, freedom of speech and cultural and language rights.⁹³

6. Right to education

62. ATUW urged Turkey to allocate more funds for education. The curricula should be adjusted to improve the role of women in the society. Teachers should be trained and encouraged to promote education based on gender equality and prevention of violence.⁹⁴

63. IHRC recommended Turkey to halt its discriminatory policies towards girls and women wearing headscarves in schools and institutes of higher education, to take all the necessary measures to include women wearing headscarves within the education system.⁹⁵

64. IRPP indicated that only religious groups recognized by the government are allowed to operate schools.⁹⁶

65. F18NS reported that, unlike in the case of children adhering to the two non-Muslim religious communities acknowledged in the education system — Christians and Jews — Alevis, Baha'is children and those of other faiths and atheists were de facto forced to attend Sunni religious education classes in public and private schools.⁹⁷

7. Minorities and indigenous peoples

66. According to KHRP, the Constitution denied the fundamental rights of ethnic, religious and other minorities regarding cultural and political freedoms.⁹⁸

67. Although the Constitution guarantees equality of all citizens before law and prohibits discrimination, KHRP reported that it also includes a concept of citizenship based on Turkishness and states that every citizen is referred to as a Turk regardless of his/her ethnic, linguistic or cultural origins.⁹⁹

68. The CoE Commissioner remained concerned at Turkey's refusal to recognize the existence of any other minorities except for the non-Muslim ones (Armenians, Greeks and Jews), following an over-restrictive interpretation of the 1923 Lausanne Peace Treaty. The CoE Commissioner recommended that Turkey create an effective framework of consultations that would create an effective dialogue with all minority groups in the country and pursue reforms with a view to align law and practice fully with the Council of Europe human rights standards concerning minorities. The CoE Commissioner recommended the creation and implementation of a comprehensive anti-discrimination legislation and the ratification of Protocol N° 12 to the European Convention on Human Rights.¹⁰⁰

69. The CoE Commissioner noted with concern the social marginalization of Roma in Turkey, the serious difficulties they face in enjoying effectively certain social and civil rights, such as those concerning adequate housing, employment, health care and social assistance, and violence against them by police and non-state actors. The Commissioner recommended that Turkey adopt and implement promptly a coherent, comprehensive and adequately resourced national and regional strategy with short- and long-term action plans directed at implementing policies that address legal and/or social discrimination against Roma, in accordance with the Council of Europe standards. The CoE Commissioner remained very concerned about the dislocation of Roma people, in particular in the context of urban renovation projects. Of special concern were house demolitions, evictions and dislocation of Roma from the historic area of Sulukule, Istanbul. The CoE Commissioner urged Turkey immediately to take measures to effectively respect and protect cultural heritage, review urban renovation legislation, practice and ratify promptly the 2005 Council of Europe Framework Convention on the Value of Cultural Heritage for Society.¹⁰¹

70. The CoE Commissioner expressed concern at a number of persisting restrictions imposed upon the education of minority members, including in respect of teaching and learning of their mother tongues. The CoE Commissioner recommended the adoption of measures to enhance minority group members' education and teaching and learning of their mother tongues.¹⁰² KHRP indicated that minority groups faced severe restrictions on their right to broadcast in languages other than Turkish, and were banned from using minority languages in official contexts.¹⁰³

71. KHRP reported limited signs of progress in relation to Kurdish cultural and language rights. At the end of 2008, the State-run Turkish Radio and Television Corporation (TRT) began broadcasting TRT-6, its first ever Kurdish-language channel; however privately operated Kurdish-language broadcasters have continued to be affected by oppressive regulations.¹⁰⁴

72. KHRP added that there is a need for a dialogue between Turkey and the OSCE High Commissioner on National Minorities including on the participation of minorities in public life and broadcasting in minority languages. Full respect for and protection of language, culture and fundamental rights, in accordance with European standards have yet to be fully achieved.¹⁰⁵

8. Migrants, refugees and asylum-seekers

73. AI expressed concern at the denial of the rights of refugees and asylum-seekers to international protection, and their exposure to unlawful procedures and ill treatments. AI reported that Turkey continued to refuse to recognise persons as refugees, and has not implemented a functioning asylum procedure for persons fleeing persecution in States within the Council of Europe.¹⁰⁶

74. Urging Turkey to lift the geographic limitation on the 1951 UN Refugee Convention speedily, the CoE Commissioner recommended that domestic definitions of asylum seekers and refugees be aligned with international standards.¹⁰⁷ Noting with concern certain lacunae in ensuring effective access to asylum procedures, the CoE Commissioner also recommended the implementation of a system to better and more speedily identify asylum seekers in the flow of mixed migration at the outset, notably by enhancing training of border officers.¹⁰⁸ AI recommended that Turkey bring into force comprehensive national asylum legislation consistent with international standards.¹⁰⁹

75. AI also recommended that all persons who may be in need of protection within Turkey's jurisdiction, both within its territory and at its borders, be given access to a fair and effective refugee status determination procedure. Furthermore, all persons in need of international protection, including persons excluded from refugee status should not be forcibly returned to a place where they were at risk of serious human rights abuses, and necessary procedures to examine their claims should be established.¹¹⁰

76. ECLJ expressed concern at the permanent refusal to grant asylum to people from third countries, who seek protection from religious persecution because they converted to Christianity.¹¹¹

77. AI recommended that asylum-seekers and refugees should reside in conditions consistent with international standards on reception, and that Turkey end the practice of detention of refugees and asylum-seekers for immigration purposes, in line with international human rights standards. In situations where detention is unavoidable, AI urged Turkey to ensure that refugees and asylum-seekers are held in adequate conditions and granted access to all procedural rights, as defined under international law and standards.¹¹²

78. The CoE Commissioner recommended that Turkey review the current restrictions on obtaining employment permit for asylum seekers and refugees and ensure them legal access to the labour market.¹¹³

79. The CoE Commissioner recommended that Turkey intensify awareness raising for society at large and provides special training for police including border officials and asylum officers to combat hostile attitudes towards LGBT asylum seekers and refugee vulnerable groups,¹¹⁴ and provide for a safe environment of LGBT asylum seekers and refugees.¹¹⁵

9. Internally displaced persons

80. The CoE Commissioner expressed concern about the persistent human rights situation of internally displaced people (IDPs) in and from the eastern and southeast Turkey, and recommended the prompt adoption of further measures that would accelerate and make more effective the repatriation of the IDPs, including the facilitation of exercise

by IDPs of their right to voluntary return. In cases where this is not possible, voluntary resettlement or local integration should be facilitated by the authorities, in accordance with the 1998 UN Guiding Principles on Internal Displacement and the Council of Europe Committee of Ministers Recommendation (2006) 6 on internally displaced persons.¹¹⁶

III. Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

81. Between November 2006 and November 2007, the Council of Europe carried out capacity-building activities in Turkey for key professional groups including judges and prosecutors, inspectors, governors, deputy governors, the Police and Jandarma officers, officials of the Human Rights Presidency and the Human Rights Boards and lawyers.¹¹⁷

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

Civil society

AI	Amnesty International, London, United Kingdom*;
AKDER	Women's Rights Organization against Discrimination, Istanbul, Turkey;
APC	Association of Protestant Churches, Turkey;
ATUW	Association of Turkish University Women, Turkey;
BFRL	Becket Fund for Religious Liberty, Washington, USA*;
CPTI	Conscience and Peace Tax International, Thônex, Switzerland
CSW	Christian Solidarity Worldwide, Surrey, United Kingdom;
ECLJ	European Centre for Law and Justice, Strasbourg, France;
EI	Education International, Brussels, Belgium;
F18NS	Forum 18 News Service, Oslo, Norway;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom;
HRFT	The Human Rights Foundation of Turkey, Ankara, Turkey;
HRRA	Human Rights Research Association, Ankara, Turkey;
HRW	Human Rights Watch, Geneva, Switzerland*;
IHRC	Islamic Human Rights Commission, UK;
IRPP	The Institute on Religion and Public Policy, Washington, USA;
Joint Submission 1	Amitiés Kurdes de Bretagne, Rennes, France; Mouvement contre le Racisme et pour l'Amitié entre les Peuples (MRAP), Paris, France;
Joint Submission 2	International Association of Democratic Lawyers (AIJP), Bruxelles, Belgique; Europe-Third World Centre (CETIM), Genève, Suisse; Mouvement contre le Racisme et pour l'Amitié entre les Peuples (MRAP), Paris, France; Women's International League for Peace and Freedom (WILPF), Genève, Suisse;
Joint submission 3	International PEN*; International Publishers Association*; Index of Censorship, London, United Kingdom;
JW	Jehovah's Witnesses, London, United Kingdom;

- KHRP Kurdish Human Rights Project, London, United Kingdom;
 ODVV The Organization for Defending Victims of Violence, Teheran, Iran;
 RWB Reporters Without Borders, Paris, France*;
 STP Society for Threatened Peoples, Göttingen, Germany.
- Regional intergovernmental organization*
- COE Council of Europe, Strasbourg, France
- 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 19 to 22 May 2007, CPT/Inf (2008) 13;
 - Addendum to the report 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 19 to 22 May 2007, CPT/Inf (2008) 13 Addendum;
 - 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 19 to 22 May 2007; CPT/Inf (2008) 14;
 - Group of States Against Corruption (GRECO), Joint First and Second Round Evaluation, Compliance Report on Turkey, 4 April 2008, Greco RC-I/II (2008) 2E;
 - Parliamentary Assembly, “The functioning of democratic institutions in Turkey: recent developments”, Report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), 24 June 2008, Doc. 11660;
 - European Social Charter, European Committee of Social Rights, Conclusions XIX – 1 (Turkey), Articles 1, 9, 10 and 18 of the Charter, November 2008;
 - Parliamentary Assembly, Information note on the fact-finding visit to Turkey by the Chair of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), (24–26 November 2008), 7 April 2009, AS/Mon (2009) 10 rev.
 - 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 22 November to 4 December 2006, CPT/Inf (2009) 17;
 - 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 22 November to 4 December 2006, CPT/Inf (2009) 18;
 - Report by the Commissioner for Human Rights of the Council of Europe, 1 October 2009, CommDH (2009) 30;
 - Report by the Commissioner for Human Rights of the Council of Europe, 1 October 2009, CommDH (2009) 31;
 - Contribution for the 8th session of the Universal Periodic Review (UPR) on the human rights situation in Turkey (as regards human rights capacity-building), by Justice Reform and Police Division Legal and Human Rights Capacity-Building Department, Directorate General of Human Rights and Legal Affairs, 21 October 2009.

² JS1, p. 5; see also JS2, p. 5.

³ ODVV, p. 3, para. 10; see also KHRP, p. 2, para. 11; AI, p. 7; HRW, p. 5; GIEACPC, p. 5, para. 28.

⁴ HRW, p. 5.

⁵ KHRP, p. 5, para. 23.

⁶ CoE Commissioner, CommDH (2009) 31, p. 20, para. 85.

⁷ HRW, p. 5.

⁸ KHRP, p. 5, para. 25; see also JS1, p. 5; JS2, p. 5.

- ⁹ AI, p. 6.
- ¹⁰ CoE-PACE, AS/Mon (2009) 10 rev., p. 6, para. 40.
- ¹¹ JS1, p. 4.
- ¹² HRW, p. 5.
- ¹³ COE-GRECO, p. 10, para. 63.
- ¹⁴ COE-GRECO, p. 10, para. 61.
- ¹⁵ CoE Commissioner, CommDH (2009) 30, p. 2, para.1.
- ¹⁶ COE-GRECO, p. 3, para. 10.
- ¹⁷ COE-GRECO, p. 2, para. 6.
- ¹⁸ KHRP, p. 2, para. 12.
- ¹⁹ HRW, p. 5; see also CoE ECSR, p. 4.
- ²⁰ AKDER, p. 5, para. 23.
- ²¹ AKDER, p. 5, para. 24.
- ²² AKDER, p. 5, paras. 25–26.
- ²³ IHRC, p. 5.
- ²⁴ AKDER, p. 5, para. 26.
- ²⁵ F18NS, p. 5, para. 30.
- ²⁶ F18NS, p. 3, para. 19.
- ²⁷ F18NS, p. 3, para. 20.
- ²⁸ F18NS, p. 4, para. 22.
- ²⁹ F18NS, p. 4, para. 23; see also IRPP, p. 5; APC, p. 1.
- ³⁰ ECLJ, p. 3.
- ³¹ F18NS, p. 1, para. 4.
- ³² F18NS, p. 5, para. 29.
- ³³ HRW, p. 3.
- ³⁴ JS2, annex 1.
- ³⁵ JS2, annex 2 2.
- ³⁶ HRFT, p. 3, para. 15
- ³⁷ HRFT, p. 2, para. 10.
- ³⁸ HRFT, p. 2, para. 11; see also KHRP, p. 2, para. 8.
- ³⁹ HRFT, p. 2, para. 13.
- ⁴⁰ KHRP, p. 1, para. 9.
- ⁴¹ ODVV, p. 3, para. 9.
- ⁴² KHRP, p. 2, para. 11.
- ⁴³ HRW, p. 3; see also ODVV, p. 3, para. 9; HRFT, p. 2, para. 13; and KHRP, p. 2, para. 8.
- ⁴⁴ CoE CPT, CPT/Inf (2009) 17, p. 12, para. 13.
- ⁴⁵ CoE CPT, CPT/Inf (2009) 18, pp. 7–8.
- ⁴⁶ KHRP, pp. 1–2, para. 7; see also STP, p. 2; HRFT, p. 4, para. 21.
- ⁴⁷ AI, p. 3.
- ⁴⁸ AI, p. 3; see also HRW, p. 5.
- ⁴⁹ CoE Commissioner, CommDH (2009) 31, p. 25, para. 113.
- ⁵⁰ CSW, p. 4, para. 21; see also F18NS, p. 2, para. 8.
- ⁵¹ CSW, p. 5, para. 24.
- ⁵² GIEACPC, pp. 1–2.
- ⁵³ STP, p. 2.
- ⁵⁴ JS2, p. 4.
- ⁵⁵ HRW, p. 5; see also RWB, p. 3; AI, p. 3; and HRFT, p. 5, para. 30.
- ⁵⁶ F18NS p. 1, para. 6.
- ⁵⁷ CSW, p. 1, para. 3; see also IRPP, p. 1; KHRP, p. 3, para. 15; ECLJ, pp. 1–2; CPTI, p. 1, para. 4.
- ⁵⁸ CSW, p. 1, para. 3.
- ⁵⁹ CSW, p. 2, para. 10.
- ⁶⁰ CSW, p. 4, para. 18.
- ⁶¹ APC, p. 5; see also CSW, p. 5.
- ⁶² IRPP, p. 1; see also STP, pp. 3–4.
- ⁶³ IRPP, p. 1.
- ⁶⁴ ECLJ, p. 3; see also F18NS, p. 1, para. 3.

- ⁶⁵ BFRL, pp. 5–6.
⁶⁶ F18NS, p. 2, para. 7.
⁶⁷ IRPP, p. 5.
⁶⁸ F18NS, p. 5, para. 5.
⁶⁹ IRPP, p. 5.
⁷⁰ F18NS, p. 5, para. 32; see also JW, p. 2.
⁷¹ F18NS, p. 5, para. 32.
⁷² CPTI, p. 1, para. 4.
⁷³ CPTI, p. 2, para. 7.
⁷⁴ CPTI, p. 1, para. 5; see also F18NS, p. 5, para. 32.
⁷⁵ AI, p. 6.
⁷⁶ CPTI, p. 1, para. 6.
⁷⁷ AI, p. 6.
⁷⁸ AI, p. 3.
⁷⁹ BFRL, p. 3.
⁸⁰ JS3, p. 5; see also AI, p. 3.
⁸¹ AI, p. 3.
⁸² KHRP, p. 3, para. 16.
⁸³ ODVV, p. 2, para. 8.
⁸⁴ JS3, pp. 1–5.
⁸⁵ AI, p. 6.
⁸⁶ RSF, p. 3.
⁸⁷ RSF, pp. 3–4.
⁸⁸ RSF, p. 3.
⁸⁹ F18NS, p. 5, para. 33.
⁹⁰ ATUW, p. 1.
⁹¹ EI, p. 1; see also KHRP, p. 4, para. 18.
⁹² EI, p. 3.
⁹³ KHRP, p. 4, para. 18.
⁹⁴ ATUW, p. 2.
⁹⁵ IHRC, p. 5.
⁹⁶ IRPP, p. 1.
⁹⁷ F18NS, p. 4, para. 25.
⁹⁸ KHRP, p. 4, para. 19.
⁹⁹ KHRP, p. 4, para. 20.
¹⁰⁰ CoE Commissioner, CommDH (2009) 30, p. 2, para. 1.
¹⁰¹ CoE Commissioner, CommDH (2009) 30, p. 3, para. 6.
¹⁰² CoE Commissioner, CommDH (2009) 30, p. 2, para. 2; see also KHRP, p. 5, para. 21; see also JS1, p. 5; and HRW, p. 2.
¹⁰³ KHRP, p. 5, para. 21; see also JS1, p. 5.
¹⁰⁴ KHRP, p. 5, para. 24.
¹⁰⁵ KHRP, p. 5, para. 23.
¹⁰⁶ AI, pp. 5–6.
¹⁰⁷ CoE Commissioner, CommDH (2009) 31, pp. 21–22, para. 91; see also AI, p. 7.
¹⁰⁸ CoE Commissioner, CommDH (2009) 31, pp. 21–22, para. 91.
¹⁰⁹ AI, p. 7; see also CoE Commissioner, CommDH (2009) 31, 1 October 2009, p. 2.
¹¹⁰ AI, p. 7.
¹¹¹ ECLJ, p. 3.
¹¹² AI, pp. 7–8.
¹¹³ CoE Commissioner, CommDH (2009) 31, p. 23, para. 100.
¹¹⁴ CoE Commissioner, CommDH (2009) 31, p. 25, para. 113.
¹¹⁵ CoE Commissioner, CommDH (2009) 31, p. 19, para. 82.

¹¹⁶ CoE Commissioner, CommDH (2009) 30, p. 36, para. 183.

¹¹⁷ CoE, Justice Reform and Police Division Legal and Human Rights Capacity Building Department, Directorate General of Human Rights and Legal Affairs, pp. 1–2.
