

## **Council of Europe contribution for the 21<sup>st</sup> UPR session regarding Turkey**

### **Prevention of torture**

#### *2009 periodic visit*

On 31 March 2011, the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published the report on its visit to Turkey from 4 to 17 June 2009, together with the response of the Turkish authorities (both documents are attached below).

In the course of the visit, the CPT's delegation interviewed a large number of persons detained in various police or gendarmerie establishments and remand prisons throughout Turkey and gained the distinct impression that the downward trend seen in recent years in both the incidence and the severity of ill-treatment by law enforcement officials was continuing. Nevertheless, a number of credible allegations of recent physical ill-treatment were received, which concerned mainly excessive use of force during apprehension.

Particular attention was paid during the visit to the conditions under which immigration detainees were held. In this connection, major shortcomings were found by the delegation in several of the detention centres visited, in particular at Ağrı and Edirne (e.g. severe overcrowding, dilapidated conditions, limited access to natural light, poor hygiene, lack of outdoor exercise, etc.). As regards the legal situation of immigration detainees, it became evident that they were being detained without benefiting from basic legal safeguards. Shortly after the visit, the Turkish authorities informed the CPT that the unit for male adult detainees at Edirne had been withdrawn from service. In their response to the visit report, the authorities have provided additional information concerning the measures being taken to improve the situation of immigration detainees.

Hardly any allegations of physical ill-treatment of prisoners by staff were received in most of the prison establishments visited by the CPT's delegation. Konya E-type Prison constituted an exception to this favourable situation; the delegation heard several allegations of physical ill-treatment by staff and it also gained the impression that interprisoner violence was a rather frequent occurrence in this establishment. As regards conditions of detention, many of the prisons visited were overcrowded, barely coping with the ever-increasing prison population. Further, the possibilities for organised activities (such as work, education, vocational training or sports) were limited for the vast majority of prisoners, including juveniles. In the report, the CPT has also expressed serious concern about the inadequate provision of health care to prisoners and a dramatic shortage of doctors in prisons.

A complete list of the CPT's recommendations, comments and requests for information is contained in Appendix I to the report.<sup>1</sup>



Turkey report  
2009.pdf



Turkey response  
2009.pdf

#### *2012 ad hoc visit*

On 10 October 2013, the CPT published the report on its *ad hoc* visit to Turkey from 21 to 28 June 2012, together with the Turkish authorities' response (both documents are attached below).

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<sup>1</sup> pp. 61-74.

The main objective of the visit was to examine the treatment and conditions of detention of juveniles held in prisons. The visit was triggered by allegations received earlier in 2012 of ill-treatment of juvenile prisoners by prison staff and inter-prisoner violence at Pozantı Prison. The delegation visited Ankara-Sincan Juvenile Prison, to which all the juveniles previously held at Pozantı Prison had been transferred, as well as Istanbul-Maltepe Juvenile Prison and the juvenile units of prisons for adults in Diyarbakır and Gaziantep.

In the course of the visit, the CPT's delegation interviewed many juveniles who had previously been held at Pozantı Prison. The great majority of them made consistent and credible allegations that they had been victims of frequent and severe violence by fellow inmates in that establishment. In addition, a number of juveniles claimed that they had been physically ill-treated by prison officers upon their arrival at Pozantı Prison.

As regards the situation of juveniles in the establishments visited during the 2012 visit, hardly any allegations of physical ill-treatment of juveniles were heard at Diyarbakır E-type Prison. In contrast, the CPT received a considerable number of consistent and credible allegations of deliberate physical ill-treatment of juvenile inmates by prison staff at Sincan Juvenile Prison. A number of similar allegations were also received from juveniles at Gaziantep E-type Prison. At Maltepe Prison, the delegation received a number of allegations of excessive use of force by prison officers when intervening to put a stop to inter-prisoner violence. Various recommendations are made to prevent ill-treatment of juveniles in the future.

The CPT's delegation gained a generally positive impression of two pilot projects which were being implemented in several units at Sincan and Maltepe Prisons, with a view to improving the care and social rehabilitation of juvenile prisoners. They included the permanent presence of a designated prison officer in every detention unit during the day and had resulted in a significant decrease in inter-prisoner violence.

While material conditions were generally of a very good standard at Sincan and Maltepe Prisons, they left a great deal to be desired in the juvenile units at Diyarbakır and Gaziantep E-type Prisons.

The CPT welcomes the fact that, in all the establishments visited, juveniles had unrestricted access to an outdoor exercise yard throughout the day. Further, at Maltepe Prison, and to lesser extent also at Sincan Prison, many juveniles regularly participated in various organised activities. However, despite efforts made by the management, the situation was far from satisfactory at Diyarbakır and Gaziantep E-type Prisons as regards activities for the juvenile inmates.

A complete list of the CPT's recommendations, comments and requests for information is contained in the Appendix to the report.<sup>2</sup>



Turkey report  
2012.pdf



Turkey response  
2012.pdf

### *2013 visit to the high security closed prison on the island of Imralı*

On 13 March 2014 the CPT published the report on its visit to the F-type High-Security Closed Prison on the island of Imralı in Turkey from 16 to 17 January 2013, together with the response of the Turkish Government (both documents are attached below).

In the course of the visit, the CPT's delegation examined the conditions under which Abdullah Öcalan and the five other inmates were being held in the establishment. It reviewed the measures

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<sup>2</sup> pp. 35-43.

taken by the Turkish authorities in the light of the recommendations made by the Committee after its previous visit to the prison (in January 2010), in particular as regards communal activities offered to the prisoners and the application in practice of the prisoners' right to receive visits from relatives and lawyers.

A complete list of the CPT's recommendations, comments and requests for information is contained in the Appendix to the report.



Turkey report  
2013.pdf



Turkey response  
2013.pdf

### **Council of Europe Commissioner for Human Rights**

On 26 November 2013, the Commissioner for Human Rights, Nils Muižnieks released the report on his visit to Turkey from 1 to 5 July 2013.<sup>3</sup>

The Commissioner's report focuses on following human rights issues:

- the conduct of law enforcement officials, with a focus on the policing of demonstrations<sup>4</sup>
- the legal and institutional frameworks for the protection and promotion of human rights at the national level<sup>5</sup>

The Commissioner provides specific conclusions and recommendations at the end of each section.<sup>6</sup>

Upon releasing his report, Nils Muižnieks said that "the police's handling of demonstrations in Turkey exposes once again the long-standing, serious human rights problem of the misconduct of law enforcement officials in the country. It is time for the Turkish police to improve their record of compliance with human rights standards".

Although Turkey has made important progress in the fight against torture and ill-treatment, the Gezi events in May-June 2013 drew the focus of attention to the Turkish police's systemic problem of insufficient respect for binding human rights standards, an issue that has been repeatedly condemned by international bodies, in particular by the European Court of Human Rights in the past decade. "There are serious, consistent and credible allegations of excessive use of force, in particular excessive and improper use of tear gas and ill-treatment during and after apprehensions. These raise very serious concerns, requiring a determined response from the Turkish authorities, such as clearer rules about the proportionate use of force by law enforcement officials in the context of demonstrations. Safeguards against ill-treatment should be strengthened and the right to free assembly better upheld." The Commissioner underlined that this would also require a review of the current legal framework concerning demonstrations, which he considered too restrictive in a democratic society.

In addition, the Commissioner is also deeply concerned about measures taken against a wide range of people and groups in connection with their non-violent actions during the Gezi events. "Some health workers, lawyers, academics, students, unions and journalists have been the target of investigations, fines or dismissals. I am particularly worried about the chilling effect that these measures could have on free assembly and expression, as well as on media freedom. I urge the authorities to discontinue and reverse any initiative that could have such an effect."

Commissioner Muižnieks recommends removing all obstacles which currently hamper judicial investigations concerning law enforcement officials and the suspension of officials who are the

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<sup>3</sup>A summary of the report appears on pp. 2-3.

<sup>4</sup> paras. 10-128.

<sup>5</sup> paras. 145-192.

<sup>6</sup> paras. 129-144 and 193-202.

subject of credible allegations of human rights violations. "Misconduct of law enforcement officials poses a direct threat to the rule of law. In no circumstances can human rights violations committed by them be tolerated or encouraged: progress is needed to ensure that all allegations are investigated adequately and followed by dissuasive sanctions where appropriate".

The Commissioner also drew attention to areas where the wide powers of the police raise concerns, such as the use of firearms and retention of personal data, as well as the lack of diversity within the police force. He added that the best way of ensuring full accountability for law enforcement officials would be the establishment of a fully independent police complaints mechanism. Referring to a bill currently before the Turkish Parliament regarding a law enforcement oversight commission, the Commissioner stated that "despite some positive aspects, the proposed commission could not fulfil this function".

Lastly, the report focuses on the legal and institutional framework for the protection of human rights. "I commend the Turkish authorities for ground breaking measures taken in recent years in this direction, in particular the establishment of the Ombudsman Institution, which has the potential to make a major contribution to human rights in Turkey." The Commissioner encouraged a review of the statute of the Turkish Human Rights Institution in order to improve its independence and the involvement of civil society in its work. "The Turkish authorities should also adopt anti-discrimination legislation and establish an equality body, as envisaged in the recently announced democratisation package, which should be able to deal with all grounds of discrimination, including nationality, national origin, sexual orientation and gender identity. In developing Turkey's human rights architecture, I urge the Turkish authorities to reinforce their partnership with Turkey's vibrant civil society".

The Commissioner's report on his visit to Turkey in 2013 and the comments of the Turkish authorities appear below.



CHR Turkey  
2013.pdf



Comments  
Turkey.pdf

## **Fighting corruption**

On 23 March 2012, the Group of States against Corruption (GRECO) published its Third Round Compliance Report on Turkey. In its report GRECO concluded that Turkey has implemented satisfactorily none of the seventeen recommendations contained in the Third Round Evaluation Report.

As regards incriminations, GRECO is pleased that Turkey has reported on a substantial reform process, within which all recommendations issued in the Evaluation Report have been considered and have been addressed at least to some extent. At the same time, GRECO regrets that the draft amendments to the Turkish Penal Code are not fully in line with the recommendations. The authorities must therefore pursue their commendable efforts in this respect and further amend the draft legislation – which is pending before Parliament – in order to establish a solid legal framework in compliance with the requirements of the Criminal Law Convention on Corruption (ETS 173). GRECO acknowledges that the authorities have confirmed their willingness to take account of GRECO's assessment in further stages of the ongoing legislative proceedings and it urges the authorities to make every effort to achieve tangible results as soon as possible.

In so far as the transparency of political funding is concerned, GRECO welcomes that in the framework of the 2010 "Strategy for Enhancing Transparency and Reinforcing the Fight Against Corruption" preparatory work in view of strengthening transparency in the financing of political parties and election campaigns has been conducted. It has been broadly inspired by GRECO's recommendations. It resulted in decisions to prepare legal and administrative amendments which,

in GRECO's opinion have the potential of addressing many of the concerns expressed in the Evaluation Report. That said, as the reform process is still at a very early stage and no tangible results – with a few exceptions, such as the adoption of legislation on campaign funding of presidential candidates – have been achieved to date, it is not yet possible to draw final conclusions and to assess whether GRECO's recommendations are being dealt with satisfactorily. It would appear, however, that some (planned) measures would not fully meet the requirements of the recommendations, in particular, as regards the strengthening of the monitoring mechanism which clearly needs to adopt a much more pro-active approach than in the past. GRECO urges the authorities to carry through the reforms planned and to pay particular attention to the effectiveness of measures, which need to include practical arrangements for proper implementation of the law.

The conclusions of the Compliance Report from 2012<sup>7</sup>, which is attached below, should be read in conjunction with GRECO's two evaluation reports from 2010. They have also been attached below. The second compliance report is not yet public since the Turkish authorities have not yet expressed their agreement to the lifting of the report's confidentiality.



GrecoRC3(2012)4\_Turkey\_EN.pdf



GrecoEval3(2009)5\_Turkey\_One\_EN.pdf



GrecoEval3(2009)5\_Turkey\_Two\_EN.pdf

## Execution of judgments and decisions of the European Court of Human Rights

At 31 December 2013, there were 1727 cases pending before the Committee of Ministers for supervision of their execution. 188 of these cases were a "leading case", i.e. raising a new structural/general problem and requiring the adoption of general measures. The main case or group of cases revealing such structural problems is listed below:

### 1. Main groups of cases under enhanced supervision

- ❖ Actions of security forces in particular during military operations and lack of effective investigation - *Erdogan and Others and other similar cases v. Turkey*, application No.19807/92, judgment final on 13/09/2006.
- ❖ Unjustified interferences with freedom of expression, owing notably to criminal convictions by state security courts - *Inçal v. Turkey*, application No.22678/93, judgment final on 09/06/1998
- ❖ Excessive length of detention on demand, lack of an effective remedy to challenge detention and lack of a right to compensation - *Demirel v. Turkey*, application No. 39324/98, judgment final on 28/04/2003
- ❖ Freedom of thought, refusal to carry out compulsory military service on account of religious beliefs - *Ulke v. Turkey*, application No.39437/98, judgment final on 24/04/2006
- ❖ Ineffectiveness of investigations and subsequent judicial proceedings into alleged abuses by members of the security forces - *Bati and others v. Turkey*, application No.33097/96, judgment final on 03/09/2004

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<sup>7</sup> Section III of the report, paras. 91-95.

- ❖ Excessive force used to disperse peaceful demonstrations – *Oya Ataman v. Turkey*, application No.74552/01, judgment final on 05/03/2007; other similar cases.
- ❖ Right to peaceful enjoyment of possessions: inability of foreigners to inherit real estate in Turkey – *Apostolidi and Others v. Turkey*, application No.45628/99, judgment final on 24/09/2007 ; and other similar cases
- ❖ Violation of the right to peaceful enjoyment of possessions on account of the considerable loss in value of the compensation granted, unfair administrative proceedings, lack of effective remedy – *Okçu v. Turkey*, application No.39515/03, judgment final on 21/10/2009.
- ❖ Right to peaceful enjoyment of possession, expropriation – *Yetis and Others v. Turkey*, application No.40349/05, judgment final on 06/10/2010.

#### Main individual cases under enhanced supervision

- ❖ Substantial and procedural violations of right to life, ineffective investigations in this respect - *Kakoulli v. Turkey*, application No.38595/97, judgment final on 22/02/2006
- ❖ Unjustified interference with the applicant's freedom of thought, conscience and religion as a result of the obligatory indication of religion in the identity cards - *Isik v. Turkey*, application No.21924/05, judgment final on 02/05/2010
- ❖ Access to information and freedom of expression - *Yildirim v. Turkey*, application No. 3111/10, judgment final 18/03/2013  
Right to life - substantial and procedural violations : *Dink v. Turkey*, application No.2668/07, judgment final on 14/12/2010; and other similar cases
- ❖ Violation of the right to family life – *Ozmen v. Turkey*, application No.28110/08, judgment final on 04/03/2013.
- ❖ Peaceful enjoyment of possessions – *Loizidou v. Turkey*, application No.15318/89, judgment final on 28/07/1998

#### 2. Inter-State case

- ❖ Fourteen violations in relation to the situation in the northern part of Cyprus - *Cyprus v. Turkey*, application No.25781/94, judgment final on 10/05/2001 ; *Xenides-Arestis v. Turkey*, application No.46347/99, judgment final on 22/03/2006 ; *Varnava v. Turkey*, application No.16064/90, judgment final on 18/09/2009.

The document attached presents a brief description of the violations and the latest detailed decisions taken by the Committee of Ministers and the responses given thereto by the respondent state.



Status execution  
judgments Turkey.pdf

## Fight against racism and intolerance

On 8 February 2011, the European Commission against Racism and Intolerance (ECRI) published its fourth report on Turkey.<sup>8</sup> ECRI's Chair, Nils Muiznieks, said that, while there have been improvements in certain areas, some issues give rise to concern, such as the situation of the Kurds, Roma and asylum-seekers, discrimination against members of minority religious groups and misuse of criminal law provisions.

The authorities have taken welcome steps to improve dialogue not only with recognised non-Muslim minorities but also with the Kurds, Roma and Alevis. The "democratic initiative" launched by the government for addressing unresolved issues with respect to Kurds through peaceful methods, and similar initiatives have helped to build a greater willingness in Turkish society to discuss issues of concern to persons belonging to minority groups.

Some of the most flagrant forms of discrimination have been criminalised, and training has been provided to the judiciary on human rights standards in force. Efforts have also been made to prevent misconduct by law enforcement officers, including against members of minority groups. Individuals have however continued to be punished for expressing peaceful views and aspirations as members of minority groups in Turkey, and the application of anti-terror provisions has exposed some groups – notably Kurdish children – to a greater risk of breaches of their rights.

Many Kurds moreover continue to live in difficult economic and social conditions; while welcome steps are in place to help internally displaced persons return, obstacles remain and progress is slow. The Roma also still suffer discrimination in many fields of daily life, and remain exposed to forced evictions.

Refugees recognised by the UNHCR have only a precarious status in Turkey, and asylum-seekers have suffered from serious failings in the applicable legal provisions and procedures. While benefiting from some favourable provisions, recognised non-Muslim minorities in Turkey face difficulties in education due to a lack of teachers and textbooks. Non-Muslim foundations' property rights remain an issue. There have also been fatal attacks and serious assaults against individuals that appear to have had a religious motivation.

The report contains findings and recommendations regarding the following issues:

- Existence and implementation of legal provisions<sup>9</sup>
- Discrimination in various fields including education, housing, health and access to public services<sup>10</sup>
- Vulnerable/target groups including non-Muslim minority groups covered by the Treaty of Lausanne, Alevis, Roman, Kurds, refugees and asylum seekers<sup>11</sup>
- Racist violence<sup>12</sup>
- Racism in public discourse<sup>13</sup>
- Antisemitism<sup>14</sup>
- Democratic initiative<sup>15</sup>
- Education and awareness-raising<sup>16</sup>
- Conduct of law enforcement officers<sup>17</sup>
- Monitoring racism and racial discrimination<sup>18</sup>

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<sup>8</sup> A summary of the report can be found on pp. 7-10.

<sup>9</sup> paras. 1-58.

<sup>10</sup> paras. 59-81.

<sup>11</sup> paras. 82-136.

<sup>12</sup> paras. 137-140.

<sup>13</sup> paras. 141-149.

<sup>14</sup> paras. 150-153.

<sup>15</sup> paras. 154-156.

<sup>16</sup> paras. 157-161.

<sup>17</sup> paras. 162-168.

<sup>18</sup> paras. 169-170.

The following three recommendations were selected for priority implementation to be revisited two years later:

- Strengthen criminal law provisions against racism, in particular by making racist motivation an aggravating circumstance for all ordinary offences;
- Exempt asylum-seekers and refugees from the payment of residence fees;
- Establish an independent body entrusted with investigating allegations of misconduct by members of the police or security forces.

Subsequently, on 5 December 2013, ECRI adopted conclusions on the implementation of these recommendations for which priority follow-up was requested.

ECRI's report on Turkey, including Government observations, and the conclusions on the implementation of the recommendations subject to interim follow-up, are attached below.



ECRI report  
Turkey.pdf



Turkey interim  
follow-up.pdf

## **Protection of minorities**

### *Framework Convention for the Protection of National Minorities*

Turkey has not yet signed or ratified the Framework Convention for the Protection of National Minorities. For this reason, it is not yet concerned by the monitoring procedure undertaken by the Council of Europe Advisory Committee on this Convention.

### *European Charter for Regional or Minority Languages*

Turkey has not yet signed or ratified the European Charter for Regional or Minority Languages. Thus, the country is not yet covered by the monitoring carried out by the Committee of Independent Experts under the Charter.

## **Action against trafficking in human beings**

Turkey has signed the Council of Europe Convention on Action against Trafficking in Human Beings but has not yet ratified it. Therefore the country is not covered by the monitoring procedure carried out by Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA).

## **Preventing and combating violence against women and domestic violence**

Turkey has ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. It will be covered by the monitoring procedure to be put in place following the entry into force of the Convention on 1 August 2014.

## **European Commission for Democracy through Law (Venice Commission)**

The Venice Commission has adopted a number of opinions on draft laws and on the constitutional situation in Turkey. A list of adopted opinions, with hyperlinks to the texts, appears in the attachment below.



Contribution -  
Tur.pdf

## **Social and economic rights**

Turkey ratified the Revised European Social Charter on 27/06/2007 and has accepted 91 of the revised Charter's 98 paragraphs (it had previously ratified the 1961 Charter on 24/11/1989).

It has not accepted the collective complaints procedure.

### Cases of non-compliance

#### *Thematic Group 1 "Employment, training and equal opportunities"*

##### ► Article 1 - Right to work-Paragraph 1 - Policy of full employment

It has not been established that employment policy efforts have been adequate in combatting unemployment and in promoting job creation.

(Conclusions 2012, p. 6)

##### ► Article 1§2 – Right to work – freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)

1. There is insufficient protection against discrimination in employment, in particular on grounds of age and sexual orientation.

2. The upper limits on the amount of compensation that may be awarded in discrimination cases may preclude damages from making good the loss suffered and from being sufficiently dissuasive.

3. Restrictions on access of nationals of other States Parties to several categories of employment are excessive

4. The Commercial Code authorised during the reference period the captain of a ship to use force to bring sailors back on board, even in cases where there is no threat to the safety of the vessel.

5. Certain provisions of the Martial Law No. 1402/1971 as amended by Act No. 4045/1994 and Act No. 2935/1983 permit restrictions on employment which go beyond those permitted by Article G of the Charter.

(Conclusions 2012, p. 9)

##### ► Article 18§2 – Right to engage in a gainful occupation in the territory of other Parties – simplifying formalities and reducing dues and taxes

There is a dual application procedure for work and residence permits.

(Conclusions 2012, p. 30)

##### ► Article 18§3 – Right to engage in a gainful occupation in the territory of other Parties – liberalising regulations

The rules governing self-employment of foreign workers have not been liberalised and it has not been established that a residence permit of a foreign worker who loses his/her job is not automatically revoked.

(Conclusions 2012, pp. 31-32)

##### ► Article 20 - Right to equal opportunities and equal treatment in employment and occupation without sex discrimination

The employment of all women in certain underground or underwater occupations is prohibited; and women who do not have an indefinite labour contract with at least six months service and who are not employed at a business employing thirty or more workers are not protected by the prohibition of dismissal on grounds of sex.

(Conclusions 2012, p. 35)

##### ► Article 24 - Right to protection in case of dismissal

The maximum amount of compensation in case of unlawful dismissal is inadequate.

(Conclusions 2012, p. 38)

► Article 25 - Right of workers to protection of their claims in the event of the insolvency of their employer

Employees having worked for less than one year for the same employer are excluded from protection against insolvency.

(Conclusions 2012, p. 40).

#### *Thematic Group 2 “Health, social security and social protection”*

► Article 3§3 – Right to safe and healthy working conditions - enforcement of safety and health regulations

Measures to reduce the excessive rate of fatal accidents are inadequate.

(Conclusions 2013, p. 13)

► Article 3§4 – Right to safe and healthy working conditions - occupational health services

It has not been established that there is a strategy to institute access to occupational health services for all workers in all sectors of the economy.

(Conclusions 2013, p. 15)

► Article 11§2 – Right to protection of health – advisory and educational facilities

It has not been established that counselling and screening of the population at large as well as of children and adolescents, through school medical check-ups, are adequate.

(Conclusions 2013, p. 19)

► Article 13§1 – Right to social and medical assistance – adequate assistance for every person in need

There is no legally established general assistance scheme that would ensure that everyone in need had an enforceable right to social assistance;

Foreign nationals of other States Parties, lawfully residing in Turkey, are entitled to social and medical assistance on an equal footing with Turkish nationals only under condition of reciprocity.

(Conclusions 2013, p. 31)

► Article 14§1 – Right to social welfare services – promotion or provision of social welfare services

It has not been established that there exists an effective and equal access to social services.

(Conclusions 2013, p. 36)

► Article 14§2 – Right to social welfare services – public participation in the establishment and maintenance of social services

It has not been established that the conditions under which non-public providers take part in the provision of welfare services are adequate.

(Conclusions 2013, p. 37)

► Article 23 – Right of the elderly to social protection

It has not been established that there is legislation protecting elderly persons from discrimination on grounds of age.

(Conclusions 2013, p. 40)

#### *Thematic Group 3 “Labour rights”*

► Article 4§4 – Right to a fair remuneration – reasonable notice of termination of employment

Eight weeks’ notice is not reasonable in the case of employees who have been working in the same company for fifteen years or more.

(Conclusions 2010, p. 11)

► Article 4§5 – Right to a fair remuneration – limits to deduction from wages  
It has not been established that deductions from wages will not deprive workers and their dependents of their very means of subsistence.  
(Conclusions 2010, p. 12)

*Thematic Group 4 “Children, families, migrants”*

► Article 7§1 – Right of children and young persons to protection – prohibition of employment under the age of 15  
The prohibition of employment under the age of 15 is not guaranteed in practice.  
(Conclusions 2011, p. 6)

► Article 7§2 – Right of children and young persons to protection – prohibition of employment under the age of 18 for dangerous or unhealthy activities  
1. The minimum age of admission to employment in occupations regarded as dangerous or unhealthy is below 18 years;  
2. The situation in practice does not ensure the effective protection against employment under the age of 18 for dangerous or unhealthy activities.  
(Conclusions 2011, p. 8)

► Article 7§3 – Right of children and young persons to protection – prohibition of employment of young persons subject to compulsory education  
Turkish law and practice do not ensure that children are not deprived of the full benefit of compulsory education.  
(Conclusions 2011, p. 9)

► Article 7§4 – Right of children and young persons to protection – length of working time for young persons under 16  
The working time for children is manifestly excessive.  
(Conclusions 2011, p. 9)

Article 7§8 – Right of children and young persons to protection – prohibition of night work  
Night work for workers under 18 years of age is prohibited only in industrial undertakings.  
(Conclusions 2011, p. 12)

► Article 7§10 – Right of children and young persons to protection – special protection against physical and moral dangers  
It has not been established that sufficient measures have been adopted to protect children from trafficking and all forms of sexual exploitation.  
(Conclusions 2011, p. 16)

► Article 8§1 – Right of employed women to protection of maternity – maternity leave  
The level of maternity benefits provided to women employed in the private sector is not adequate.  
(Conclusions 2011, p. 18)

► Article 8§2 – Right of employed women to protection of maternity – illegality of dismissal  
Not all employed women are entitled to reinstatement in case of unlawful dismissal during pregnancy or maternity leave.  
(Conclusions 2011, p. 19)

► Article 8§5 – Right of employed women to protection of maternity – prohibition of dangerous, unhealthy or arduous work  
Pregnant women, women who have recently given birth or who are breastfeeding are granted only unpaid leave when they cannot be reassigned to another post because of the dangerousness of their usual work.  
(Conclusions 2011, p. 21)

► Article 16 – Right of the family to social, legal and economic protection

1. Measures implemented to address the problem of domestic violence have not been sufficient;
2. It has not been established that there is a general system of family benefits.

(Conclusions 2011, p. 24)

► Article 17§1 – Right of children to social and economic protection – assistance, education and training

1. Corporal punishment in the home is not explicitly prohibited;
2. Prison sentences for minors may be up to 20 years.

(Conclusions 2011, p. 27)

► Article 17§2 – Right of children to social and economic protection – free primary and secondary education; regular attendance at school

Children unlawfully present on the territory do not have effective access to education.

(Conclusions 2011, p. 28)

► Article 19§1 – Right of migrant workers and their families to protection and assistance – assistance and information on migration

1. It has not been established that free services are provided to migrant workers, particularly in obtaining accurate information;
2. It has not been established that measures against misleading propaganda relating to emigration and immigration have been taken.

(Conclusions 2011, p. 30)

► Article 19§4 – Right of migrant workers and their families to protection and assistance – equality regarding employment, right to organise and accommodation

It has not been established that migrant workers may become founding members of trade unions.

(Conclusions 2011, p. 33)

► Article 19§6 – Right of migrant workers and their families to protection and assistance – family reunion

It has not been established that the requirements imposed on migrant workers, notably with respect to health, are reasonable and likely to facilitate as far as possible the reunion of their family.

(Conclusions 2011, p. 34)

► Article 19§8 – Right of migrant workers and their families to protection and assistance – guarantees concerning deportation

1. It has not been established that grounds for expulsion of a migrant worker are limited to those permitted by Article 19§8 of the Charter;
2. Article 21 of the 'Law on the Movement and Residence of Aliens' (Law 5683) provides that 'the Ministry of Internal Affairs is authorized to expel stateless and non-Turkish citizen gypsies and aliens that are not bound to the Turkish culture'.

(Conclusions 2011, p. 35)

► Article 19§10 – Right of migrant workers and their families to protection and assistance – Equal treatment for the self-employed

The situation in Turkey is not in conformity with Article 19§10 on the same grounds for which it is not in conformity with paragraphs 1, 4c, 6 and 8 of the same Article.

(Conclusions 2011, p. 36)

► Article 27§2 – Right of workers with family responsibilities to equal opportunity and treatment – parental leave

The law does not provide fathers with a right to parental leave.

(Conclusions 2011, p. 40)

► Article 31§1 – Right to housing – adequate housing

1. Measures taken by public authorities to improve the substandard housing conditions of most Roma in Turkey are inadequate;

2. Insufficient measures were taken by public authorities to improve the substandard housing conditions of most internally displaced persons.

(Conclusions 2011, p. 43)

► Article 31§2 – Right to housing – reduction of homelessness

Evictions of Roma have occurred without respecting the necessary procedural safeguards to guarantee full respect of every individual's human dignity.

(Conclusions 2011, p. 46)

Please find attached below the Conclusions regarding Turkey from 2010, 2011, 2012 and 2013, as well as the country fact sheet.



Turkey2010\_en.pdf



Turkey2011\_en.pdf



Turkey2012\_en.pdf



Turkey2013\_en.pdf



Turkey  
factsheet\_en.pdf