

Universal Periodic Review

(21st session)

Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

Turkey

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not a state party to this Convention			Right to education
Convention on Technical and Vocational Education (1989)	Not a state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification 16/03/1983			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification 27/03/2006			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Not a state party to this Convention			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

2. The **Constitution of Turkey of 1982**, as amended in 2011¹, enshrines the right to education. According to **Article 42** on “Right and Duty of Training and Education” of the Constitution: “*No one shall be deprived of the right of education. [...] Primary education is compulsory for all citizens of both sexes and is free of charge in state schools. [...] The State shall provide scholarships and other means of assistance to enable students of merit lacking financial means to continue their education. The State shall take necessary measures to rehabilitate those in need of special education so as to render such people useful to society. [...].*” According to **Article 24**, “Everyone has the freedom of conscience, religious belief and conviction [...].” According to **Article 10** “*Everyone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds. Men and women have equal rights. The State has the obligation to ensure that this equality exists in practice [...].*” According to **Article 61** “*The state shall take measures to protect the disabled and secure their integration into community life.*”

Legislative Framework:

3. “An **amendment to the Turkish Education Law** extending compulsory education from 8 to 12 years and introducing a new approach for schools (4+4+4 instead of 8+4) was enacted in April 2012. The law introduces some amendments to the current education system, including flexibility to choose among different school types, i.e. general and vocational schools (lower secondary part of imam-hatip schools) as lower secondary school. Children will thus be able to begin religious education at the age of 10 rather than 14, a result which, together with the way in which this new legislation was introduced, caused controversy in Turkey.”²

4. The legislative framework of Turkish National Education is composed of:

- a) “**Basic Law on National Education, No 1739** dated **1973**, the Turkish National education system consists of two main parts, namely “formal education” and “non-formal education”.³
- b) **Law on Private Education Institutions (No 625)**
- c) **Primary Education and Training Law No 222** ensures compulsory and free primary education (article 2).
- d) **Law No 3684 concerning social assistance for students at primary and secondary schools**⁴

¹ <http://www.unesco.org/education/edurights/media/docs/e91d96b592e2fd043706c0a2669307b9b3ec046c.pdf>, Accessed on 10/02/2014

² European Commission “TURKEY 2012 PROGRESS REPORT”, pp 80-81

http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/tr_rapport_2012_en.pdf

³ Turkish Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2006, pp. 1-2

⁴ Ibid, p. 3

- e) The **Law No 4702** adopted in **2001** has brought about changes such as restructuring secondary education. [...] Vocational and Technical Education Regulation was amended and published in 2002 in order to organize vocational and technical education at secondary and tertiary level in unity. Vocational Open Education Regulation of the MoNE was amended and published in 2005 in order to eliminate the difficulties arising from applications in vocational open education.”⁵
- f) **Higher Education Law No 2547** regulates access to higher education and exemptions (article 45).⁶
- g) “Paragraph (a) of the 2nd article of the “**Law on Foreign Language Education and Teaching and Learning of Different Languages and Dialects of Turkish Citizens**” [...] has enabled the learning of different languages and dialects through private courses.”⁷
- h) “**Law no. 6284: Law to Protect Family and Prevent Violence Against Women,**” of 8 March 2012⁸ ensures that curriculum in primary and secondary education are conceived with a human right and gender equality perspective (article 16).

Policy Framework:

5. “Principally, works related with two basic policy documents that direct Turkish educational system’s future have been completed and put into implementation. First of them is the **Strategic Plan of Ministry of National Education 2010-2014**, and the other is '**Life Long Learning Strategy Document and Action Plan** in the frame of compatibility with the European Union system.”⁹

6. **The Ninth Development Plan (2007-2013)** was approved by the Turkish Grand National Assembly on 28/06/2006 with Law No: 877. Its objectives included education aiming at “Increasing the Sensitivity of Education to Labor Demand” and “Enhancing the Educational System”.¹⁰

7. “Within the context of the **Support to Basic Education Programme**, which has been supported by the European Union (EU), successful activities are organized for “**Children Living on Street/Working Children and Children under Risk**” at public education centers affiliated to the Ministry of National Education.”¹¹ “When the duration of compulsory education was extended from 5 to 8 years in 1997, **Open Primary School** application was initiated in order to provide opportunities for those who hold five-year primary education diplomas to complete their

⁵ Ibid, p. 3

⁶ Ibid, p. 5

⁷ Ibid, p. 7

⁸ “Law no. 6284: Law to Protect Family and Prevent Violence Against Women,” 8 March 2012, <http://www.resmigazete.gov.tr/eskiler/2012/03/20120320-16.htm>

⁹ Eurydice, Turkey profile, Ongoing reforms and policy developments, https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Turkey:Ongoing_Reforms_and_Policy_Developments, Accessed on 10/02/2014

¹⁰ The Ninth development Plan 2007-2013, pp 98-100

<http://www.maliye.gov.tr/Lists/TabMenuIcerik/Attachments/106/9developmentplan.pdf>

¹¹ Turkish Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2006, p. 3

eight-year primary education. Non-formal education programmes are offered in order to enable the continuing education on the basis of individual capacity.”¹²

Cooperation:

8. Turkey is **not party** to the 1960 UNESCO Convention against Discrimination in Education.
9. Turkey **reported** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:
 - a) **Sixth Consultation** of Member States (covering the period 1994-1999),
 - b) **Seventh Consultation** of Member States (covering the period 2000-2005).
10. However, Turkey **did not report** to UNESCO within the framework of the **Eighth Consultation** of Member States (covering the period 2006-2011).
11. Turkey **reported** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:
 - a) **Fourth Consultation** of Member States (covering the period 2005-2008),
 - b) **Fifth Consultation** of Member States (covering the period 2009-2012).
12. Turkey **reported** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the:
 - a) **First Consultation** of Member States (1993)
 - b) **Second Consultation** of Member States (2011).
13. Turkey is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

Constitutional and Legislative Framework:

14. Freedom of opinion and expression are guaranteed under Articles 25 and 26 of the Constitution of Turkey (1982, amended in 1995).¹³
15. Printed media is regulated under the Press Law (2004). In 2011, amendment to the Media Law (1994)¹⁴ was passed, allowing for television broadcasts to be suspended and stations to be fined or closed by the Prime Minister, or other designated ministers, in cases of emergency or threats to national security.¹⁵

¹² Ibid, p. 4

¹³ http://global.tbmm.gov.tr/docs/constitution_en.pdf

¹⁴ http://www.rtuk.org.tr/sayfalar/IcerikGoster.aspx?icerik_id=b41eac9a-bc39-4213-91f3-0d39931c1f1d

¹⁵ http://www.chadbourne.com/files/Publication/f7967d58-3521-41da-a47d-02e34dac6446/Presentation/PublicationAttachment/d74f2cf7-78b5-4e99-9e70-05b015243b13/Turkish_MediaLaw_ca%28yuksele%29.pdf

16. The Internet Law was passed in 2007, introducing criminal liability for people who post illegal content online.¹⁶ Under this Law, if such content is posted it should be taken down immediately either by authorities or by the Internet Service Providers themselves, even before the judge rules so. Since this Law entered into force, the number of blocked sites has increased.¹⁷

17. Defamation is a criminal offence under Article 125 of the Turkish Penal Code (1926, amended in 2011)¹⁸, carrying a punishment of a jail term from three months to two years, or a fine. The punishment is increased by one sixth in case of performance of defamation act openly; and up to one third if the offense is committed through press and use of any one of publication organs. Article 301 of the Penal Code makes it illegal to insult Turkey, the Turkish ethnicity, or Turkish government institutions. Such an offence shall be punished with imprisonment of from six months to two years.

18. Turkey passed the Law on Right to Information in 2003¹⁹.

19. The Telecommunication Communication Presidency (TIB) blocked the access to popular micro-blogging site in March 2014. The decision was later overturned by the Turkey's Constitutional Court in April 2014.

20. Turkish Anti-Terror Law (1991, 2006) which carries a broad remit has convicted many people since its introduction including a number of journalists.

Media Self-Regulation:

21. Media self-regulatory mechanisms exist including through the Turkish Press Council, Turkish Journalists Association and the Media Ethics Platform. (MEP)²⁰. The MEP's ethics code uniquely adds the online ethics advice²¹.

Safety of Journalists:

22. UNESCO recorded the killing of journalists Cihan Hayirsevener and Hrant Dink in Turkey between 2008 and 2012²². According to the information provided by Turkey to UNESCO, the perpetrator of the killing of Hrant Dink has since been convicted.

23. Media has reported cases of arrests and intimidations of journalists and attacks on them in Turkey in the past years.²³ The number of journalists in prison in Turkey has increased over the last several years²⁴.

¹⁶ http://www.wipo.int/wipolex/en/text.jsp?file_id=244466

¹⁷ <https://opennet.net/research/profiles/turkey>

¹⁸ <http://legislationline.org/documents/action/popup/id/6872/preview>

¹⁹ <http://www.legislationline.org/documents/action/popup/id/6419>

²⁰ http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/media_standards/Professional+Journalism+and+Self-Regulation.pdf

²¹ <http://www.medyadernegi.org/wp-content/uploads/2011/09/medyaetiking.pdf>

²² <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/turkey/>

²³ See:

<http://www.spiegel.de/international/world/media-repression-in-turkey-intimidates-and-imprisons-journalists-a-905164.html>

III. RECOMMENDATIONS

24. Recommendations made within the framework of the Working Group on the Universal Periodic Review in 2010

25. The recommendations formulated during the interactive dialogue and listed below have been examined by Turkey and enjoy its support:

- i) A - 100.76. Continue with its strategies aimed at **expanding the coverage of the right to education** (Saudi Arabia);
- ii) A - 100.77. Spread a **human rights** culture through school curricula (Saudi Arabia);
- iii) A - 100.78. Continue and intensify measures for **illiteracy reduction** and for the **access of girls and women** to all levels of education and teaching (Algeria);
- iv) A - 100.79. Continue its efforts aimed at promoting education in **rural areas**, in particular for women, as contained in the Ninth Strategic Development Plan, as well as extending this plan if necessary (United Arab Emirates);
- v) A - 100.80. Maintain education and training in human rights in those programmes for different persons working in the civil service and administration and the population as a whole (Senegal);
- vi) A - 100.81. Continue to strengthen its successful educational policy, with a view to achieving full **school inclusion** for all sectors of the country and, in this way, advance towards achieving the greatest social welfare of its people (Bolivarian Republic of Venezuela);

26. The following recommendations enjoy the support of Turkey, which considers that they are already implemented or in the process of implementation:

- i) A - 101.1. Undertake effective efforts and policies to **eliminate discriminatory practices**, dissemination of hate speech, including threats on resorting to forceful means such as deportation, to stop persistent hostile attitudes on the part of the general public, including attacks towards Roma, Kurds and non-Muslim minorities, also by taking demonstrable steps to prevent and combat such attitudes through information campaigns, awareness-raising and education, among others (Armenia);
- ii) 101.2. Take steps to prevent and combat hostile attitudes against persons belonging to **non-Muslim minorities**, by putting in place awareness-raising campaigns as well as education and training programmes for judges and law enforcement agents (Greece);

<http://www.thenational.ae/news/world/europe/journalists-arrests-in-turkey-threaten-plot-investigation;>
<http://www.presstv.com/detail/2013/07/24/315275/64-turkish-journalists-under-arrest-chp/>
<http://www.hurriyetdailynews.com/Default.aspx?pageID=238&nid=51241>
<http://www.ibtimes.com/turkey-targets-western-tv-reporters-crackdown-protests-1324745;>
[http://www.newyorker.com/online/blogs/comment/2012/03/turkeys-jailed-journalists.html;](http://www.newyorker.com/online/blogs/comment/2012/03/turkeys-jailed-journalists.html)
<http://www.reuters.com/article/2013/06/13/turkey-media-osce-idUSL5N0EO24S20130613;>
[http://blogs.wsj.com/numbersguy/seeking-meaning-in-jailed-journalists-count-1250/;](http://blogs.wsj.com/numbersguy/seeking-meaning-in-jailed-journalists-count-1250/)
<http://www.theguardian.com/media/greenslade/2012/jan/09/press-freedom-turkey>

²⁴ http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/tr_rapport_2012_en.pdf

27. The following recommendation was examined by Turkey, which was to provide its responses by the fifteenth session of the Human Rights Council, in September 2010:

- i) A - 102.32. *Develop human rights education and training to members of the police, military, prison and detention staff and judiciary in order to include specific focus on the protection of the rights of women, children and persons of minority ethnicity or sexual orientation and gender identity (Czech Republic);*

28. Analysis: Though Turkey expanded the coverage of the right to education and included a human right perspective to curricula, no sufficient measures have been taken yet to address discrimination on basis of gender, religion or sexual orientation.

29. Specific recommendations for the second UPR cycle on the right to education:

- 29.1 Turkey is encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.
- 29.2 Turkey is encouraged to continue to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
- 29.3 Turkey is encouraged to take further measures to promote education in rural areas.
- 29.4 Turkey is encouraged to intensify inclusion and integration of children with disabilities in society and the regular educational system.

Freedom of opinion and expression

30. Turkey is encouraged to decriminalize defamation, currently in its Penal Code, and place it within a civil code that is in accordance with international standards.
31. Turkey must ensure that that freedom of expression and press freedom is respected online and offline.
32. Turkey is encouraged to review its Anti-Terror Law (1991, 2006) to ensure that the fundamental right to freedom of expression is respected and protected.
33. Turkey must ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights. It must investigate all attacks on journalists and media workers, and ensure full implementation of the rule of law.

Cultural rights

34. Turkey is encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). Furthermore, as a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972) and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), Turkey is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Turkey is

encouraged to facilitate the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

**Freedom of scientific research and
the right to benefit from scientific progress and its applications**

35. With regard to contribution of science and technology to development, Turkey is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.