



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2409th meeting

Held at the Palais Wilson, Geneva, on Friday, 4 December 2015, at 10 a.m.

Chair: Mr. Calí Tzay

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The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined fourth to sixth periodic reports of Turkey (continued)
(CERD/C/TUR/4-6 and CERD/C/TUR/Q/4-6)

1. *At the invitation of the Chair, the delegation of Turkey took places at the Committee table.*

2. **Mr. Ulusoy** (Turkey) said that when Turkey had acceded to the Convention it had made declarations and reservations in full conformity with the relevant article of the Convention. One of the declarations made at that time had been that the Convention was ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey were applied.

3. Like many other members of the Council of Europe, Turkey refrained from collecting personal data on ethnicity in order to protect citizens' privacy and prevent the profiling of specific groups. There were no restrictions on studies on ethnicity being conducted for academic or other specific purposes, nor were there any restrictions on people's right to self-identify as belonging to an ethnic or other group. Replying to a question raised concerning the term "minority", he said that that had been the term used in the Lausanne Peace Treaty of 1923. There was no agreed definition of the term in regional or international instruments: it was States' prerogative to define the concept.

4. Several measures had been taken in recent years to promote the use of languages other than the official language of Turkey, such as broadcasting in those languages on State television and in other media and the renaming of some towns and cities. Article 66 of the Constitution stipulated that everyone bound to the Turkish State through the bond of citizenship was a Turk. The citizens of Turkey were called Turks regardless of their origin. It was a purely legal term and did not indicate kinship based on blood. The reference to "Turkishness" in article 301 of the Penal Code had been replaced with "Turkish nation" in 2008 in order to clear up the misunderstanding that had arisen. Nevertheless, both terms referred to citizens of Turkey.

5. The Turkish National Human Rights Institution was an independent public legal entity with administrative and financial autonomy. It monitored implementation of the human rights conventions to which Turkey was a party and served as the country's national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Institution and the Office of the Ombudsman were both preparing for accreditation. In response to the concern expressed by a Committee member over the multiplicity of human rights bodies, he assured the Committee that every effort had been made to avoid duplication among the five institutions. Each one possessed the necessary expertise and capacity to address the issues within its remit.

6. The Government was engaged in several joint projects with international organizations, such as the United Nations Children's Fund (UNICEF), to build schools for Syrian children in particular. Turkish schools also provided those children with education and worked with Syrian teachers, whose salaries were paid under the projects. Syrian schoolchildren therefore could continue their education in Arabic, which was in keeping with the "No Lost Generation" campaign under way in Turkey. It was his Government's humanitarian responsibility and moral obligation to support those in need as long as it could; he wished that other members of the international community would do the same. The Government had long recognized Islamic State in

Iraq and the Levant (ISIL) as a terrorist group. Thousands of terrorist combatants had been expelled from Turkey and banned from returning.

7. There was no difference in principle in the rights and freedoms enjoyed by citizens and foreign nationals under the Constitution. That being said, some political rights were naturally reserved for citizens, such as the right to vote and the right to stand for election. Courtroom interpretation was provided for persons who did not speak Turkish.

8. Responding to the question concerning the definition of “martyrs”, Turkish law defined as martyrs all law enforcement officials and military personnel who had died in the line of duty. The term was intended to honour the fallen and bring solace to those left behind; it had nothing to do with religion.

9. In reply to the question about whether Turkey was European or Asian, he said that it was a European country by virtue of geography, history and its membership in all pan-European organizations. At the same time, Turkey had direct contacts with other regional organizations. In the United Nations, it was part of both the Asia-Pacific and the Western European and other States groups.

10. **Mr. Akkoç** (Turkey) said that the principle of equality and the prohibition against discrimination were provided for under the draft anti-discrimination and equality law and in article 10 of the Constitution. The draft law envisaged the establishment of an independent anti-discrimination and equality board that would include representatives of professional bodies and NGOs active in that sphere. Many forms of discrimination were covered in the draft law, such as discrimination based on gender, race, colour, language, religion, beliefs, ethnic origin, political opinions, social origin, wealth, nationality or health status. The law also covered multiple discrimination, direct and indirect discrimination, mobbing, hate speech and harassment. The board would have authority to hear individual complaints and intervene ex officio in cases of discrimination. It would also have the power to impose fines, which would range between 2,500 and 15,000 Turkish liras for institutions and companies found to have discriminatory practices. Public institutions implementing such practices would be subject to fines of between 1,000 and 5,000 liras. In reply to the question raised about the law enforcement monitoring commission that would be established under the draft law, the independence and impartiality of the commission would be ensured by not including representatives of the law enforcement authorities as members.

11. With regard to the assassination of Hrant Dink in 2007, the Government had been satisfied that the perpetrators had been brought to justice and duly tried. In 2014, however, the Constitutional Court had issued a detailed ruling in which it had called for the investigation of civil servants involved in the case. A new investigation had since been launched and 10 police officers were currently under investigation. The parliament had strongly condemned the killing. In a speech marking the anniversary of the assassination in January 2015, the Prime Minister had stated that Dink, throughout his life, had sought to help find ways through which Turks and Armenians might build a common future.

12. **Ms. Akın** (Turkey) said that Turkey had adopted the principle of “explicit but not exclusive targeting” under the Ten Common Basic Principles on Roma Inclusion initiative of the European Union. That principle implied focusing on the Roma community as a target group but not to the exclusion of others in similar social and economic circumstances. The Government had accordingly introduced a measure to promote greater inclusion of Roma over the period 2016-2017 in areas with significant Roma populations. The situation of Roma would be analysed over the period to measure progress in coverage of education, health and social services. The Ministry of

Education was training some 1,300 teachers to lead extracurricular activities for Roma children. Training was also being provided to some 700 teachers and trainers on combating discrimination against Roma and social exclusion. Some 4,000 persons living in areas with significant Roma populations were expected to benefit from planned health awareness activities. The national strategy for Roma integration addressed employment and gender equality. Lastly, the Government had instructed governorates to issue identity cards, without charging a fee, to all Roma citizens who did not already have one.

13. **Ms. Türker** (Turkey) said that she wished to draw attention to a number of projects that were being carried out as part of the National Development Plan for the period 2014-2018. The South-east Anatolia Project, for instance, sought to accelerate economic growth, strengthen social development, improve living conditions in cities, enhance infrastructure and increase institutional capacity; it had an estimated cost of US\$ 9.1 billion. Other projects included the Eastern Anatolia Project, the Eastern Black Sea Development Project and the Konya Plain Project.

14. Public investment as an instrument for reducing interregional differences in economic growth and social development was one of the priority areas of the government programme announced on 25 November 2015. The regional dimension of the country's investment incentive system had been strengthened, and projects to improve water supply, sanitation and urban infrastructure had been introduced.

15. The Social Support Programme had been set up to support projects carried out by government agencies and NGOs to benefit disadvantaged groups, such as children, women, migrants and people living in urban slums. Its three main areas of focus were employment; social inclusion; and culture, arts and sports. Between 2008 and 2015, nearly 8,000 projects had been funded through the Programme, which had disbursed a total of US\$ 475,000. Launched originally in south-western Anatolia, it had subsequently expanded to eastern Anatolia and currently covered a total of 34 cities.

16. The Return to Village and Rehabilitation Project fostered the return of people who had left their villages because of terrorism in eastern and south-eastern Anatolia. It also aimed to reintegrate displaced persons through social support programmes. Between 1999 and 2015, about US\$ 71 million had been allocated to finance activities in 14 cities. Of the more than 385,000 people who had left their villages for security reasons, about 188,000 had returned.

17. Compensation was provided to victims of terrorist acts and counter-terrorism measures pursuant to the 2004 Law on Compensation for Damages Caused by Terrorist Acts and Counter-terrorism Measures. The Law established a framework for efficiently providing compensation for losses from death, injury, disability, damaged property and other causes. Damage assessment and compensation committees had been established in the provinces and were chaired by deputy governors. A total of 21 such committees were currently operating, while 64 others had already completed their work. As at October 2015, the committees had received about 367,000 applications for compensation. Of those, some 184,000 had been accepted and 161,000 had been rejected. The committees had approved the payment of roughly 3.4 billion Turkish liras; most of that amount had already been paid out to the recipients. The European Court of Human Rights had ruled that the Law provided an effective domestic remedy for victims of terrorist acts and counter-terrorism measures.

18. **Mr. Sevim** (Turkey) said that, pursuant to a legislative amendment passed in 2014, foreign nationals of Turkish origin were subject to the same requirements as other foreigners when applying for a work permit. There was no discrimination on the ground of ethnicity in that regard.

19. **Mr. Hacibektaşoğlu** (Turkey) said that the objective of the Law on Foreigners and International Protection was to establish an effective migration system in the country. The Law, which had been passed unanimously by the parliament, placed emphasis on human rights protection and was in line with relevant regional and international standards. Pursuant to the Law, the Directorate General of Migration Management had been established in April 2014, and by May 2015 regional offices had been set up across the country.

20. While Turkey did maintain the geographical limitation to the 1951 Convention relating to the Status of Refugees, all refugees were entitled to receive education, health care and access to the labour market. Of the applications for international protection received between 2005 and 2015, about 42,000 had been granted, 2,800 had been rejected and 131,000 were still under consideration. As at 2014, there were some 380,000 foreigners living in Turkey. They came from various countries, including Iraq, the Syrian Arab Republic, Afghanistan and Germany.

21. A coordination unit had been established to address irregular migration, and an action plan containing specific priorities and targets had been prepared for that purpose. Processing centres had been set up in 15 provinces and had capacity to process 2,980 people. It was expected that, by the end of 2019, there would be a total of 38 centres with capacity to process 13,050 people. Thus far, 125,000 irregular migrants had been apprehended, and as at June 2015 a total of 19,587 had been deported. Most of those persons were of Syrian origin.

22. Turkey had become a party to the 1954 Convention relating to the Status of Stateless Persons in 2014. Stateless persons were issued identity cards that granted them the same rights as holders of residence permits. They were not deported, but were issued with travel documents and could apply for international protection. In October 2015, a regulation had been issued on granting temporary protection to stateless persons from the Syrian Arab Republic. Those persons were entitled to a number of services, including health care, education and interpretation.

23. **Mr. Doğan** (Turkey) said that the Action Plan on Prevention of European Court of Human Rights Violations had been adopted in February 2014 and covered a five-year period. It included a number of specific aims, goals and activities intended to eliminate problems that led to violations as determined by the European Court of Human Rights. A report on the first year of implementation of the Action Plan had been issued in May 2015. Efforts undertaken to implement the Action Plan included providing training to law enforcement officials and amending regulations governing demonstrations and public meetings. With a view to speeding up court proceedings, about 3,500 new judges and prosecutors would be recruited and trained.

24. The Penal Code contained a number of articles dealing with racism and discrimination. For example, it included provisions that specifically penalized incitement to hatred and defamation on grounds of skin colour, race or ethnicity. Article 116 of the Code established punishment for anyone who forced another person by means of violence or threats to disclose or change his or her religious, political or philosophical beliefs or prevented a person from disclosing or practising such beliefs. Punishment was also defined for anyone who damaged places of worship or cemeteries.

25. Judges gave consideration to the perpetrator's motivation when handing down sentences for offences under the Code. Discrimination, including on racial grounds, was specifically criminalized in article 122 of the Code in relation to, inter alia, participation in an ordinary economic activity or access to a public service. There were many examples of case law in which such practices had been penalized.

26. The Committee's concerns about discrimination would be fully addressed with the promulgation of the draft anti-discrimination law. The Turkish judiciary consisted of a number of separate and independent courts, including civilian, administrative and military courts. If two courts both considered a case to fall within their jurisdiction, the matter would be settled by the Court of Jurisdictional Disputes.

27. The Ministry of Justice did not collect data on offences disaggregated by the race or ethnicity of the victim or the perpetrator. Discrepancies in the statistics provided could be explained by the fact that there was sometimes more than one defendant in a case. In 2014, of the 142 cases involving violations of article 216 (1) of the Penal Code, 12 had resulted in convictions, 62 in acquittals and 68 in other sentences, which might be suspended in cases where the defendant had no previous criminal record and the sentence was less than 2 years' imprisonment.

28. **Mr. Ulusoy** (Turkey) said that the parliament included members from officially recognized minority groups and from various ethnic backgrounds, including Roma. Women accounted for about 15 per cent of members of the parliament.

29. **Mr. Avtonomov** asked to what extent the Directorate General of Foundations regulated the religious affairs of Christian groups, minority denominations of Islam and other religions and to what extent it assisted with the restoration of their religious monuments. He also wished to know whether the State party had planned any activities to commemorate the International Decade for People of African Descent.

30. **Ms. Crickley** said that the State party would do well to ratify the Council of Europe's Framework Convention for the Protection of National Minorities. She asked whether the State party's report and the Committee's concluding observations would be translated into Turkish and made available to civil society organizations in Turkey. She also asked whether there was a timeline for the enactment of the draft anti-discrimination and equality law, whether it provided for the establishment of an associated monitoring mechanism and how data on the groups potentially affected by discrimination would be collected. More broadly, was Turkey considering developing a national action plan to combat racism and racial discrimination?

31. In addition, she would welcome further information on the State party's strategies to promote the employment of Roma women. It would be useful to know, for example, if specific targets had been set as part of the implementation of those strategies. Would Roma and their representative organizations be involved in the development and assessment of strategies for the advancement of the Roma community over the coming five years?

32. **Mr. Ulusoy** (Turkey) said that the Law on Foundations had been amended to enable non-Muslim foundations to recover property they had lost. As a result, more than 300 properties had been returned to such foundations, while compensation had been paid for the loss of 21 others. One of the Government's current priorities was to grant legal status to *cemevleri*, which were Alevi houses of worship. Although there were not many people of African descent in Turkey, they were seen as an example of the richness of Turkish culture. Communities in the Niger, for instance, had historical ties to an Ottoman sultan.

33. Note had been taken of Ms. Crickley's recommendations to ratify the Framework Convention for the Protection of National Minorities and to make the State party's report and the Committee's concluding observations available in Turkish translation. The Turkish State was resolved to involve civil society in the preparation of its reports on the implementation of the international instruments to which it was a party.

34. Women who had fled the Syrian Arab Republic had on occasion fallen victim to crimes in refugee camps in Turkey. Given the large number of refugees, such

deplorable incidents were inevitable. Programmes put in place by relevant authorities focused on providing education and support to Syrian women in refugee camps.

35. **Ms. Akın** (Turkey) said that the national strategy to promote inclusion of the Roma community, which was to be launched in 2016, was built around training, education, employment, housing and social services. Another project, which was to be launched at the same time, involved the conduct of a study on Roma populations and the establishment of service coordination units in a number of provinces with Roma populations. The outcome of the six special measures mentioned in the report would be examined, as would the effectiveness of efforts to increase the workforce participation rates of Roma.

36. **Mr. Hacıbektasoğlu** (Turkey) said that, although the number was in constant flux, about 2.5 million Syrian refugees had entered the country and some 261,000 were living in refugee camps. The crime rate in the camps was remarkably low, but there had been incidents of human trafficking and other crimes. Pursuant to the Law on Foreigners and International Protection, a special department had been set up to coordinate the State's response to human trafficking. More than 2,000 traffickers, who could be given prison sentences of up to 12 years, had been apprehended between 2005 and 2015. Because Syrian refugees were an especially vulnerable group, any reports received of trafficking immediately triggered a coordinated response involving law enforcement authorities, the public prosecutor's office, social workers, psychologists and, if necessary, interpreters and legal aid. Hotlines had been set up for Syrian refugees in four Turkish provinces, and the Coast Guard had rescued more than 1,200 persons from human traffickers since late August 2015.

37. **Mr. Ulusoy** (Turkey) said that a humanitarian aid programme to combat gender-based violence against Syrian women living in refugee camps had been launched by the Ministry of Family and Social Policies in cooperation with the United Nations Population Fund. One of the main components of the programme was to train the trainers who worked directly with female refugees. The Special Representative of the Secretary-General on Sexual Violence in Conflict had recently visited refugee camps in the border area and had commended the Turkish authorities for their efforts to prevent such violence.

38. **Mr. Vázquez** said that he would appreciate clarification of the assertion that officially recognizing some minorities would constitute a breach of the Lausanne Peace Treaty. Were Kurds recognized as a distinct minority protected by law from discrimination? It was his understanding that discrimination on the ground of ethnic origin was not explicitly prohibited. Did the draft anti-discrimination and equality law rectify that shortcoming?

39. He wondered whether the concept of "Turkish origin" appeared in any laws in force in the State party and, if so, what practical consequences it had had. He expressed appreciation for the delegation's statement acknowledging the importance of the work of Hrant Dink, who had been prosecuted three times for denigrating Turkishness. In that connection, he wished to know what steps the State party had taken to ensure that the law criminalizing public denigration of the Turkish nation was not used simply to suppress dissent.

40. **Ms. Hohoueto** asked whether the law under which discrimination was penalized provided for compensation for victims of discrimination. In addition, the Committee would appreciate the inclusion of data on the numbers of non-Muslim employees in both the private and public sectors in the State party's next periodic report.

41. **Mr. Ulusoy** (Turkey) said that the draft anti-discrimination and equality law included ethnic origin as an explicitly prohibited ground of discrimination. The law,

once enacted, would be a special law, and as such it would provide for the compensation not explicitly provided for in the Penal Code.

42. Whether a group was an officially recognized minority was of less concern than whether its members enjoyed individual liberties, and in that respect Turkey had made great strides. In 2011, for example, an academic institute had been founded to conduct research into the languages and dialects spoken in the country. On the strength of that research, Kurdish language courses had subsequently been offered as electives in primary and secondary schools, universities had created Kurdish language and literature departments, Turkish State television had begun broadcasting the news in Kurdish, accused persons had been allowed to defend themselves in their native language, local authorities had been granted permission to change local place names and penalties for using letters not found in the Turkish alphabet but used in other languages spoken in Turkey had been abolished.

43. People of different origin and descent thus enjoyed fundamental rights and freedoms without hindrance in Turkey. However, the decision as to whether they should be classified as minorities was a prerogative of the State, which acted in accordance with the Lausanne Peace Treaty.

44. Action had indeed been taken on behalf of the Assyrian community in the areas of religion, worship and language. Preschool facilities had been established and diverse other measures had been implemented in response to requests for additional rights from members of the community. Generally speaking, the Government's policy on reform was demand-driven.

45. **Ms. Demircan** (Turkey) said that the 1915 events were not a taboo subject in Turkey. Books and debates providing support for the Armenian narrative were not uncommon and divergent narratives were legally acceptable in line with the principle of freedom of expression. Legal proceedings had been launched in the past concerning statements considered to constitute denigration under article 301 of the Penal Code. However, the article had been amended in 2008 and any prosecution for denigration now required approval from the Minister of Justice. As a result, there had been a significant decline in the number of cases brought. Precise figures were not available, but permission to prosecute had been granted in only 10 per cent of cases between 2010 and 2014.

46. **Mr. Doğan** (Turkey) said that victims of unlawful acts could institute legal proceedings with a view to obtaining compensation under the Code of Obligations. The Justice Academy provided training courses on the principle of non-discrimination, human rights and freedom of expression.

47. **Mr. Akkoç** (Turkey) said that the draft anti-discrimination and equality law prohibited discrimination on grounds of racial or ethnic origin, social status and many other grounds. A training course on the issues involved had been launched in the Ministry of the Interior. About 500 inspectors, governors and law enforcement officers had been trained to date. The draft law clearly defined the offence of discrimination and the persons who could be considered victims. Decisions regarding compensation would be taken by the anti-discrimination and equality board and pecuniary or non-pecuniary compensation would be provided by the State.

48. **Mr. Diaconu**, welcoming the statement that the new law would include ethnic origin as a prohibited ground of discrimination, said he was pleased to hear that the national strategy and action plan concerning Roma would provide for measures in the areas of education, employment, housing and, presumably, health care. With regard to the demand-driven approach, he recommended that advice should be sought primarily from the representatives of the community and not just from individuals who filed specific requests.

49. Roma communities were subjected to structural discrimination in many European countries as a result of historically rooted attitudes among both the general public and politicians. Such prejudicial attitudes had been translated into legislation and discriminatory practices. Special measures should be taken to combat and remedy structural discrimination.

50. The Committee had received reports from NGOs concerning organizations and groups, such as the Grey Wolves, that were promoting racism and racial discrimination. He asked whether any action was being taken to curb their activities.

51. **Mr. Khalaf**, noting that the State acknowledged that its citizens differed in terms of their language, religion and origins, asked whether the unique nature of the country's citizenship precluded the development of problems arising from membership of a specific subgroup.

52. Article 216 of the Penal Code criminalized incitement to hatred only if it posed a threat to law and order, whereas it should be criminalized under all circumstances.

53. He had requested statistical data concerning crimes at the previous meeting with a view to identifying the motives for the crimes rather than the nationality of the perpetrators.

54. **Mr. Ulusoy** (Turkey) said that 326 Roma associations were registered in Turkey and their representatives were consulted by the Turkish authorities. Follow-up action had been taken on the outcome of a recent meeting on Roma issues that had been attended by 10,000 people, including representatives of the community. A member of the Roma community had recently been elected to the Turkish Parliament. He agreed, however, that special measures were required to remedy the difficulties that Roma encountered in their daily lives.

55. Extremist groups promoting racism and xenophobia could unfortunately be found in every country. Their crimes were severely sanctioned under the Penal Code. Turkey had initiated a programme to address extremist issues at the time it had held the office of President of the Council of Europe.

56. The shortcomings of article 216 of the Penal Code would be addressed in the new anti-discrimination and equality law, which would be enacted as soon as possible.

57. **Ms. January-Bardill** (Country Rapporteur) said that Turkey was a highly diverse State that was grappling both with issues arising from its historical legacy and with contemporary challenges. Discrimination on ethnic grounds had been prevalent throughout its history. Schoolchildren still memorized Atatürk's 1927 address to young people, in which he had referred to the noble Turkish blood in their veins. The promotion of such ideas of superiority should perhaps be reconsidered. History lessons about the Huns of central Asia also tended to focus on ethnic rather than civil values.

58. Nationalists tended to exclude Kurds and non-Muslims from their definition of Turkish nationality. Newspapers had reported that Syrian refugees were targeted by gangs as unwanted, non-European guests. The Committee condemned any collusion in oppression of the Kurdish and Armenian communities. A popular television series called "Valley of the Wolves" had reportedly glorified violence against those communities.

59. Welcoming the draft anti-discrimination and equality law, she expressed the hope that national action plans would be developed and that they would be monitored and assessed with a view to identifying gaps that still needed to be addressed.

60. Lastly, she found it regrettable that little information had been provided about non-Muslim, African and European communities living in Turkey.

61. **Mr. Ulusoy** (Turkey) said that the statement about Turkish blood made by the first President of Turkey should be viewed in terms of its historical context and should not be interpreted in a misleading way. He pledged to ensure that future reports would refer to communities of African and European origin. He assured the Committee that the conclusions and recommendations arising from the constructive dialogue would be taken into account in the ongoing reform process. The Reform Action Group, which was composed of various ministers, would be convened by the Prime Minister in a few days' time with a view to taking further action on all human rights-related issues, including the principle of non-discrimination.

The meeting rose at 12.55 p.m.