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Report of the Working Group on the Universal Periodic Review*

Turkey

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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



1. The Republic of Turkey carefully examined the 321 recommendations made during its Third Universal Periodic Review held on 28 January 2020. Turkey noted 19 of these recommendations, stating that it rejected them on 30 January 2020, and made clear its position thereof in the report of the Working Group. Remaining 302 recommendations were diligently analyzed by all relevant public institutions.
2. Turkey has either supported or noted these recommendations. Some of the supported recommendations are already implemented by Turkey or in the process of implementation.
3. Other recommendations, on the other hand, were noted for different reasons. In some cases, a recommendation may address multiple issues, and Turkey could not support the whole recommendation. In other cases, issues subject to the recommendations are not currently on Turkey's reform agenda and therefore additional measures are not planned for the time being. Moreover, some recommendations contained inaccurate information, assumptions or allegations regarding Turkish law or practice, and therefore are not accepted. Brief explanation on Turkey's understanding of or position on certain recommendations is provided alongside the response to the respective recommendation.

Response to recommendations

- 45.1. Supported. Subject to the decision of the authorities competent to ratify international agreements.
- 45.2. Supported. Already ratified.
- 45.3. Noted.
- 45.4. Noted.
- 45.5. Noted.
- 45.6. Supported. Already ratified.
- 45.7. Noted.
- 45.8. Noted.
- 45.9. Noted.
- 45.10. Supported. Already ratified.
- 45.11. Noted.
- 45.12. Noted. Turkey is already a party to 1954 Convention relating to the Status of Stateless Persons. The Convention was ratified on 1 July 2014.
- 45.13. Noted.
- 45.14. Noted. The guiding principles of the international climate regime are equity, common but differentiated responsibilities and respective capabilities. These principles are meaningful only if the historical responsibilities and development levels of the countries are taken into account. As a developing country, Turkey's historical responsibility for greenhouse gas emissions is negligible (less than 1%). Thus, Turkey seeks a fair status under the UNFCCC. Therefore, Turkey is contributing to international efforts in tackling climate change predominantly with its own means. However, in line with its efforts and willingness in combating climate change, Turkey has signed the Paris Agreement on 22 April 2016. The evaluation of the ratification process of the Agreement is ongoing in accordance with Turkey's above-mentioned position.
- 45.15. Noted.
- 45.16. Supported.
- 45.17. Supported.
- 45.18. Noted.

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- 45.19. Supported. In accordance with Turkey's existing international obligations relating to humanitarian law.
- 45.20. Supported.
- 45.21. Supported.
- 45.22. Supported.
- 45.23. Supported.
- 45.24. Supported.
- 45.25. Supported.
- 45.26. Supported.
- 45.27. Supported.
- 45.28. Supported.
- 45.29. Supported.
- 45.30. Supported.
- 45.31. Supported.
- 45.32. Supported.
- 45.33. Supported.
- 45.34. Supported.
- 45.35. Noted. Legislation on freedom of expression is in line with international standards.
- 45.36. Noted. Wording of the recommendation is not accurate.
- 45.37. Supported.
- 45.38. Supported. Already implemented.
- 45.39. Noted in view of the scope of the recommendation. Turkey already has an extensive legal framework against discrimination. Article 10 of the Constitution safeguards equality before the law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such grounds. Due to the phrase "or any such grounds", grounds for prohibition of discrimination are not limited to those listed in the Article.
- 45.40. Supported.
- 45.41. Supported.
- 45.42. Supported.
- 45.43. Supported.
- 45.44. Supported.
- 45.45. Supported.
- 45.46. Supported.
- 45.47. Supported.
- 45.48. Supported.
- 45.49. Supported.
- 45.50. Supported.
- 45.51. Supported.
- 45.52. Supported.
- 45.53. Supported.

- 45.54. Supported.
- 45.55. Supported.
- 45.56. Supported.
- 45.57. Supported.
- 45.58. Supported.
- 45.59. Supported.
- 45.60. Supported. Already implemented.
- 45.61. Supported.
- 45.62. Supported.
- 45.63. Supported.
- 45.64. Noted. See response to 45.39.
- 45.65. Supported.
- 45.66. Supported.
- 45.67. Supported.
- 45.68. Supported.
- 45.69. Noted. Article 10 of the Constitution ensures equality before the law for all persons. Therefore, every Turkish citizen is able to access health and education services on equal grounds. These services are provided to non-citizens as well, without any discrimination.
- 45.70. Noted. See response to 45.39.
- 45.71. Supported.
- 45.72. Supported.
- 45.73. Supported.
- 45.74. Noted. See response to 45.39.
- 45.75. Noted. The legislation on assemblies and demonstrations is in line with ECHR and ICCPR. Restrictions are proportionate and in compliance with the legislation. There is no arbitrariness in the implementation of the legislation and no systematic/permanent ban against the demonstrations of any specific group.
- 45.76. Noted. See response to 46.75. Furthermore, hate speech is not tolerated in Turkey. Any acts of hate crimes are diligently investigated. Awareness-raising trainings on these issues are organized for public personnel.
- 45.77. Noted. See response to 46.75.
- 45.78. Noted. See response to 46.76.
- 45.79. Noted. See response to 46.75. The ban referred to in the recommendation was lifted by Ankara Regional Administrative Court in 2019.
- 45.80. Noted.
- 45.81. Noted. See response to 46.75.
- 45.82. Noted. See response to 45.39.
- 45.83. Noted. See response to 45.39.
- 45.84. Noted. See response to 45.39. Any acts of discrimination or violence are diligently investigated.
- 45.85. Supported.
- 45.86. Supported.

- 45.87. Noted. There are already serious efforts under way to promote greater coordination and cooperation on water issues between Turkey and its neighboring riparian countries. Turkey is deeply committed to finding solutions to water challenges of neighboring countries through concrete water and sanitation infrastructure projects. Turkey strongly supports the “reasonable and equitable” utilization of water resources in a transboundary basin. Turkey is also determined not to cause “significant harm” to other neighboring riparian countries.
- 45.88. Supported.
- 45.89. Supported.
- 45.90. Noted. Legal amendments have already been adopted within the context of the judicial reform process. Legislation is in line with international standards. Trainings/awareness-raising activities are held with a view to its implementation. Currently there is no work under way for further revision of the Anti-Terror Law.
- 45.91. Noted. See response to 45.90.
- 45.92. Noted. See response to 45.90.
- 45.93. Noted. See response to 45.90.
- 45.94. Noted. See response to 45.90.
- 45.95. Noted. See response to 45.90.
- 45.96. Noted. See response to 45.90.
- 45.97. Supported. Already implemented.
- 45.98. Noted. See response to 45.90.
- 45.99. Noted. See response to 45.90.
- 45.100. Noted. See response to 45.90.
- 45.101. Supported. Already implemented.
- 45.102. Noted. See response to 45.90.
- 45.103. Supported. Already implemented.
- 45.104. Noted.
- 45.105. Supported. Already implemented. Allegations of all crimes are diligently and promptly investigated by the judicial authorities.
- 45.106. Supported.
- 45.107. Supported.
- 45.108. Noted. Subject to the decisions of the independent judiciary.
- 45.109. Supported.
- 45.110. Supported.
- 45.111. Supported.
- 45.112. Noted. The selection of members of the Council of Judges and Prosecutors is in line with international standards. The appointment criteria for judges and prosecutors are objective. Principles of independence and impartiality of the judiciary are upheld in the process.
- 45.113. Supported. Already implemented.
- 45.114. Noted. See response to 45.112.
- 45.115. Noted. See response to 45.112.
- 45.116. Supported.

- 45.117. Supported.
- 45.118. Noted. See response to 45.112.
- 45.119. Noted. See response to 45.39 and 45.84.
- 45.120. Supported. Already implemented.
- 45.121. Supported. Already implemented.
- 45.122. Noted.
- 45.123. Noted.
- 45.124. Supported. Already implemented.
- 45.125. Noted. See response to 45.112.
- 45.126. Noted. See response to 45.112.
- 45.127. Noted. Separation of powers is enshrined in the Constitution. The judiciary performs its duties impartially and independently, without any influence from the executive branch.
- 45.128. Supported.
- 45.129. Supported.
- 45.130. Supported. Already implemented.
- 45.131. Supported.
- 45.132. Noted. See response to 45.112. The system of appeal for the rulings of Magistrate's Offices is in line with international standards (Please refer to Judgment No. 66448/17 of the European Court of Human Rights).
- 45.133. Supported. Already implemented.
- 45.134. Supported. Already implemented.
- 45.135. Supported. Already implemented. See response to 45.105.
- 45.136. Supported.
- 45.137. Supported.
- 45.138. Supported. Already implemented.
- 45.139. Supported. Already implemented.
- 45.140. Supported.
- 45.141. Supported. Already implemented.
- 45.142. Supported. Already implemented.
- 45.143. Supported.
- 45.144. Supported.
- 45.145. Noted. "The question of Ecumenism" of the Greek Orthodox Patriarch is a matter of theological and doctrinal debate within the Orthodox Church. In relations with third parties, the usage of the term "ecumenical" is at the will of the Patriarch. As confirmed by the decision of the Venice commission in 2010, Turkish authorities are not under any obligation to actively use this title/terminology when referring to the Patriarchate. In the Turkish system, religious institutions (Muslim or non-Muslim) cannot uphold de jure legal personality. Yet, the Greek Orthodox Patriarchate has been using de facto legal personality through its foundations. The Law on Foundations is being implemented effectively. There is no impediment for them also to establish new foundations.
- 45.146. Noted. Turkey understands the need of the Greek Orthodox Community to train its clergy, yet the solution should be in conformity with the Turkish legislation

on higher education. With this understanding, our Government has the political will to re-open the Heybeliada Theological School.

- 45.147. Supported. Already implemented. These rights are safeguarded in the Constitution without any distinction.
- 45.148. Noted.
- 45.149. Supported. Already implemented.
- 45.150. Supported. Already implemented. See response to 45.75.
- 45.151. Noted. Regardless of their profession or status, no one is arbitrarily arrested. Religious minorities in Turkey enjoy their rights without any discrimination in line with national and international law.
- 45.152. Noted. The suspension of mayors in certain provinces are based on administrative decisions taken in accordance with Article 127 of the Constitution and Articles 45, 46 and 47 of the Law on Municipalities. These decisions are interim measures. They are reviewed every two months and also subject to judicial review.
- 45.153. Noted. See response to 45.152.
- 45.154. Supported. Already implemented.
- 45.155. Supported. Already implemented.
- 45.156. Supported. Already implemented.
- 45.157. Supported. Already implemented.
- 45.158. Noted. Legislation on freedom of expression is already in line with international standards.
- 45.159. Noted. See response to 45.158.
- 45.160. Noted. See response to 46.75.
- 45.161. Noted. Subject to the decisions of the independent judiciary.
- 45.162. Supported.
- 45.163. Supported. Already implemented.
- 45.164. Noted. See response to 45.158.
- 45.165. Supported. Already implemented.
- 45.166. Supported.
- 45.167. Noted. Blocking of online content is subject to judicial oversight.
- 45.168. Supported. Already implemented.
- 45.169. Supported. Already implemented.
- 45.170. Noted.
- 45.171. Supported.
- 45.172. Supported. Already implemented.
- 45.173. Supported. Already implemented.
- 45.174. Supported. Already implemented.
- 45.175. Supported. Already implemented.
- 45.176. Supported. Already implemented.
- 45.177. Supported. Already implemented.
- 45.178. Supported. Already implemented.
- 45.179. Supported. Already implemented.

- 45.180. Supported. Already implemented.
- 45.181. Supported. Already implemented.
- 45.182. Supported.
- 45.183. Noted. Grounds for restrictions in the legislation on freedom of assembly and association are in line with international standards, including the ECHR and the ICCPR. There is no arbitrariness in the implementation of relevant provisions.
- 45.184. Noted.
- 45.185. Noted.
- 45.186. Supported. Already implemented.
- 45.187. Supported.
- 45.188. Supported.
- 45.189. Supported.
- 45.190. Supported. Already implemented.
- 45.191. Supported. Already implemented.
- 45.192. Supported. Already implemented.
- 45.193. Supported.
- 45.194. Supported.
- 45.195. Supported.
- 45.196. Supported.
- 45.197. Supported.
- 45.198. Supported.
- 45.199. Supported.
- 45.200. Noted.
- 45.201. Supported. Already implemented. Current legislation envisages universal health coverage for 99% of the population.
- 45.202. Supported.
- 45.203. Supported.
- 45.204. Supported.
- 45.205. Supported.
- 45.206. Supported.
- 45.207. Supported.
- 45.208. Noted.
- 45.209. Supported.
- 45.210. Noted.
- 45.211. Supported.
- 45.212. Supported.
- 45.213. Supported.
- 45.214. Supported.
- 45.215. Supported.
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- 45.218. Supported.
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- 45.223. Supported.
- 45.224. Supported.
- 45.225. Supported.
- 45.226. Supported.
- 45.227. Supported.
- 45.228. Supported.
- 45.229. Supported.
- 45.230. Noted. There is no reference to “honor” crimes in the Criminal Code.
- 45.231. Supported.
- 45.232. Supported.
- 45.233. Supported.
- 45.234. Supported.
- 45.235. Supported.
- 45.236. Supported.
- 45.237. Supported.
- 45.238. Supported.
- 45.239. Supported.
- 45.240. Supported.
- 45.241. Supported.
- 45.242. Supported.
- 45.243. Supported.
- 45.244. Supported.
- 45.245. Supported.
- 45.246. Supported.
- 45.247. Supported.
- 45.248. Supported.
- 45.249. Supported.
- 45.250. Supported.
- 45.251. Supported.
- 45.252. Supported.
- 45.253. Supported.
- 45.254. Supported.
- 45.255. Noted. Ages for criminal responsibility are determined in accordance with different age groups. Legislation is in compliance with the Convention on the Rights of the Child.

- 45.256. Supported. Already implemented. Several laws and regulations are in place for the protection of children in the workplace. Minimum age for employment, which is 15, is in line with the relevant ILO conventions.
- 45.257. Supported.
- 45.258. Supported.
- 45.259. Supported.
- 45.260. Supported. Already implemented. Forced labor is prohibited in the Constitution. “National Program on Combating Child Labor (2017-2023)” is in place. Endeavors to this end will continue.
- 45.261. Supported.
- 45.262. Supported. Already implemented.
- 45.263. Supported.
- 45.264. Noted. In accordance with the Lausanne Peace Treaty, only Turkish citizens belonging to non-Muslim minorities fall within the scope of the term “minority”. No other definition of minority on any other basis exists in Turkey. Diversity of the Turkish society and the importance attached to upholding religious freedoms of all Turkish citizens, including religious minorities, is underlined by Government officials. Turkey continues to take every step to further promote and protect the rights of its citizens belonging to non-Muslim minorities.
- 45.265. Noted. See response to 45.264.
- 45.266. Noted. See response to 45.264.
- 45.267. Noted.
- 45.268. Noted. See response to 45.264.
- 45.269. Noted. The 1925 Treaty of Friendship between Turkey and Bulgaria dealt with the property issues pertaining to 1912–1925 period in a clear and decisive manner. Furthermore, the “Residence Agreement” signed in 1925 provides necessary provisions to resolve property issues of those who voluntarily migrated in post-1925 period.
- 45.270. Noted. See response to 45.264.
- 45.271. Supported. In the implementation process.
- 45.272. Noted. According to the relevant Turkish legislation, based on the Lausanne Peace Treaty, only minority students are accepted to their respective minority schools in principal. However, in accordance with the reciprocity clause inserted in the legislation, children of the Turkish and Greek officials, bearing diplomatic status, as well as children of the Turkish and Greek military personnel, appointed to international tasks in each other’s country are allowed to attend the Turkish minority schools in Western Thrace in Greece, and Greek minority schools in İstanbul.
- 45.273. Noted. See response to 45.264. Public services, including education and health, are provided to all citizens without any discrimination.
- 45.274. Supported.
- 45.275. Noted. See response to 45.273.
- 45.276. Supported. Already implemented. The Project, envisaged for 2013–2016, has been completed.
- 45.277. Supported.
- 45.278. Supported.
- 45.279. Supported.

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- 45.280. Supported.
- 45.281. Supported.
- 45.282. Supported.
- 45.283. Supported.
- 45.284. Supported.
- 45.285. Supported.
- 45.286. Supported. Already implemented.
- 45.287. Supported.
- 45.288. Supported.
- 45.289. Supported.
- 45.290. Supported.
- 45.291. Supported. Turkey's National Migration Action Plan has been finalized and is currently in the process of approval.
- 45.292. Supported. Already implemented. In Turkey, Committees/boards established for the purpose of implementing migration policies and strategies meet periodically. The General Directorate for Migration Management of Turkey continues to implement its operations and makes necessary assessments in the fields of visa, residence, international and temporary protection, human trafficking, and irregular migration in a human-focused manner, in line with international standards.
- 45.293. Supported. Already implemented. Migrant workers benefit from medical care upon receipt of notice concerning their insurance coverage from employers.
- 45.294. Supported.
- 45.295. Supported. Already implemented. "The Law of Foreigners and International Protection (no. 6458)" ensures that all basic rights of asylum-seekers are protected in line with international law and related human rights instruments.
- 45.296. Supported.
- 45.297. Supported.
- 45.298. Supported.
- 45.299. Supported.
- 45.300. Supported. Already implemented. Turkey complies with the international law with regard to safe, voluntary and dignified returns of refugees, fully adhering to the principle of non-refoulement.
- 45.301. Supported.
- 45.302. Noted. Turkey supports the territorial integrity and political unity in its neighbor, Iraq and continues to work with the Iraqi Government to this end. PKK's presence in Iraq is a threat to both Turkey's and Iraq's national security. In fact, Article 7 of the Iraqi Constitution obliges the Iraqi Government to prevent any organization to use Iraqi territory against Iraq's neighbors. Turkey conducts its cross-border counter-terrorism operations based on its inherent right to self-defence (UN Charter Art.51). While eliminating terrorists, Turkey takes every necessary precaution to prevent collateral damage. Turkey's operations are only aimed at areas that are controlled by terrorists.
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