

## **EK: HÜKÜMETİN GÖRÜŞÜ**

**Aşağıdaki ek ECRI'nin Türkiye'deki duruma dair yaptığı analiz ve önerilerin bir parçası değildir**

ECRI, raporun ilk taslağında ülke izleme prosedürüyle uyumlu olarak Türk yetkililerle gizlilik esasına dayalı bir diyaloga girmiştir. Yetkililerin yorumları dikkate alınmış ve raporun nihai versiyonuna dahil edilmiştir (bu versiyon sadece ilk taslağın inceleme tarihi olan 17 Mart 2016'ya kadar olan gelişmeleri dikkate alır).

Yetkililer aşağıdaki görüşün de ek olarak raporda yer almasını talep ettiler.



## OBSERVATIONS OF THE TURKISH GOVERNMENT ON ECRI'S FIFTH REPORT ON TURKEY

The Government of the Republic of Turkey, at the outset, would like to reiterate its appreciation and support for the work that the European Commission against Racism and Intolerance (ECRI) has been undertaking.

Discrimination, intolerance, racism and xenophobia is increasingly manifested in European societies. In the face of the ongoing effects of the economic crises and massive waves of migration, European Governments are seeking remedy in protectionist and harsh policies. This keeps providing unfortunately an environment conducive for the rise of xenophobic and racist tendencies. Migrants and Muslims, stigmatized as the sources of unemployment, poverty, crime, and security problems in European societies, continue to be the first victims of discriminatory practices.

At such a critical period of time, at which rising intolerance, racism, xenophobia, Islamophobia and antisemitism stands as one of the main challenges facing European societies, Turkey believes that ECRI and the mission it has been mandated with has become all the more relevant and important.

With this understanding, Turkey will continue its constructive dialogue with ECRI showing due consideration to its work and recommendations.

However, not all findings, assessments and recommendations of ECRI within the framework of this current report are in line with how Turkey evaluates the situation and they do not always concur with its longstanding principles and policies. In response to the findings, assessments and recommendations in the fifth monitoring cycle draft report. The observations of the Turkish government are stated hereunder.

### Legal framework

1. Regarding Article 122 of the Turkish Penal Code, in the last sentence of **paragraph 4**, it is stated that “the grounds of ethnic origin, color, language, citizenship, sexual orientation and gender identity are missing” in the said Article. However, the differences of “race” and “gender” have been included among the grounds of the offense. The term “race” also covers “ethnic origin” since the explanatory memorandum of Article 122 the prohibition of the discrimination on ethnic ground is specifically cited.

Article 122 of the TPC also stipulates that “*A person practising discrimination on grounds of language, race, colour, gender, disability, political opinion, philosophical belief, religion, sect or similar reasons and who*

*(a) Prevents sale or transfer of a movable or immovable property or execution of a service or prevents others from benefiting a service, or employs/does not employ a person on grounds of the above-mentioned reasons;*

*(b) Does not provide food or refuses to provide a service meant to be provided for the public;*

*(c) Prevents a person from undertaking a regular economic activity shall be sentenced to imprisonment for a term of six months to one year or a judicial fine.”*

2. Regarding **paragraph 7**, public dissemination or the production or storage of written, pictorial or other material containing racist manifestations shall be punishable under Article 216 of the Penal Code if these contain the element of “public incitement to hatred or hostility”(216 § 1) or “degradation” (216 § 2). Moreover the penalty to be imposed shall be increased by half under Article 218 of the Penal Code, if these offenses are committed through the press or media. However, “the expression of thought in the form of criticism and the expression of thoughts which do not go beyond news reporting shall not constitute an offense” (Art. 218). In this context, “public incitement” under the Penal Code comprises both “public dissemination” and “public distribution”. Such material also fall within scope when they have been produced and subsequently published.

3. As to **paragraph 18**, it has been stated that “there is no indication that these or the Turkish Law on Obligations have ever been used to award compensation to victims of discrimination”. In fact, workers on contract who have been victims of discrimination are able to receive compensation for discrimination under Article 5 of the Labor Law. There have been many high court judgments confirming this fact. During the last year alone, the 22<sup>nd</sup> Civil Chamber of the Court of Cassation rendered 22 such judgments. Lower court judgments exist as well.

4. Regarding **paragraph 20**, according to Turkish law, no associations can be established for the purpose of realizing prohibited goals or acts criminalized under the Constitution and other laws. Therefore, it is not possible to allow public financing for such associations which cannot be legally established and continue their operations.

5. Regarding **paragraph 19**, Article 23 (“Protection of personality against waiver and extreme restrictions”) of the Civil Code provides: “No person may waive his/her rights and capacity to act freely even partially. Neither a person may waive his/her freedom nor may any other person impose restrictions on a person contrary to laws and ethics”. Therefore, it should be noted that even if the person consents, contracts which restrict rights and freedoms shall be null and void. Such contracts do not have legal standing.

#### **Interim follow-up recommendations**

6. In response to **recommendation 27**, Law on Turkish Human Rights and Equality Institution was adopted by the Grand National Assembly of Turkey (GNAT) on 6 April 2016. The Law aims to protect and promote human rights, guarantee the right of equal treatment, prevent discrimination and fight against torture and ill-treatment effectively.

The law provides a comprehensive legal framework for the prohibition of discrimination on the grounds of gender, race, color, language, religion, faith, philosophical and political views, ethnic origin, sect, wealth, birth, civil status, condition of health, disability and age. The ground ethnic origin is included explicitly in the Law.

Entrusted with public legal personality, administrative and financial autonomy as well as private budget, the Institution will have three main duties; namely, promotion of human rights, prevention of discrimination and fight against torture and ill-treatment. Institution shall carry out awareness-raising activities as regards the protection and improvement of human rights and prevention of discrimination; organize training activities in cooperation with related institutions; guide the

applicants who claim to be victimized due to violations of human rights; inform applicants about administrative and legal procedures and ensure that the applicants monitor their applications.

The decision-making body of the Turkish Human Rights and Equality Institution is an independent supervisory board named as the Human Rights and Equality Board. The board will be entitled to receive and conclude individual applications related to violations of human rights and discrimination. The board shall examine and evaluate any allegations of human rights violations *ex officio* as well. Members of the Board and the personnel of the Institution are given the authority to hear the witnesses or related people about the subject of the examination and inquiry.

7. In response to the recommendations in **paragraphs 95 and 96**, the Law on the Establishment of Law Enforcement Oversight Committee was adopted by the Grand National Assembly of Turkey (GNAT) on 3 May 2016.

The Law is a reform step taken in line with Turkey's zero tolerance policy against torture. The Law aims at ensuring swift and efficient investigation and conclusion of complaints as to law enforcement officers. To this end, it foresees the establishment of a Law Enforcement Oversight Committee that provides a more effective complaint system and also envisages the establishment of a central registration system within the committee that monitors the processing of complaints and denunciations about law enforcement officers as well as the sanctions given to these actions.

The committee will consist of 7 members. It will cover all acts and measures by the administrative authorities as to the allegations of misconduct as well as acts, conducts and behaviors, which require disciplinary punishment, by the law enforcement personnel at the Turkish National Police, the Gendarmerie and the Coast Guard Command.

Article 74 of the Turkish Constitution as amended by the Article 8 of the Law no. 5982 includes the provision that "the Ombudsman, attached to the Grand National Assembly of Turkey, investigates complaints about the functioning of the administration." This Article gives Ombudsman Institution the authority to investigate all complaints about the administration. In line with the Constitutional provision, the Law on the Ombudsman Institution (dated 14 June 2012, no. 6328) defines the duties and powers of the Institution and Chief Ombudsperson as "to examine and investigate acts, measures, attitude and conduct by the administration upon a complaint as to its functioning, in accordance with an understanding of justice based on human rights, law and fairness and to make relevant recommendations to the administration". As per the provisions of the Law, it is possible for the Institution to examine and investigate acts, measures, attitude and conduct by law enforcement officials in accordance with an understanding of justice based on human rights, law and fairness.

### **Foreign nationals, in particular Syrians in Turkey**

8. As a country with its long-standing tradition of being a safe-harbor for people feeling from violence and persecution, Turkey maintains an open door policy for Syrians without any form of discrimination. Turkey is hosting more than 2.7 million Syrians. Of over 2.7 million Syrians, 260.000 are accommodated in 26 temporary protection centres. Syrians residing in the centers are provided free of charge with

food, non-food items, health and education services as well as psychological support, vocational training and social activities. Syrians living outside these centres are also under temporary protection regime and they benefit as well from free education and medical services.

9. The population of Syrians has so far exceeded the population of local people in some cities. Three elections, namely one Presidential and two parliamentary elections, were held in Turkey in 2014 and 2015 respectively while the country was hosting more than 2.2 million Syrians. It is a particular honour for Turkey, as a country hosting the largest number of refugees in the world that no discriminatory speech against migrants were resorted to during the election campaigns. Even this single fact invalidates the biased allegations that Syrian refugees have become target of hate speech. Thus, Turkey regrets and strongly objects the wording in **paragraph 29 on page 17** stating that “*A relatively new target of hate speech are Syrian refugees, who on occasions are accused of being criminals and “stealing jobs” by accepting low wages*” and in **paragraph 55 on page 23** stating that “*Lately, some refugees have also become the targets of racist hate crime*”. Such a wording is unacceptable, given the fact that no evidenced cases were mentioned.

Turkey's stance on this issue has always been clear. As a manifestation of good neighborly relations and in acknowledgement of its humanitarian responsibility and in line with international law, from the outset of the crisis in Syria, Turkey has been pursuing open door policy for Syrians for almost six years. Even the length of time, six years, is self-explanatory for the responsibility and burden that Turkey has shouldered on its part.

10. Turkey firmly believes that there should be “no lost generation” and gives priority to the education of Syrian children. Currently, there are approximately 1 million school-age Syrian children and unfortunately half of them miss on schooling. Turkey continues to spare no effort for the provision of education services to Syrian children. However, new schools, classroom and teachers are needed. In order to meet this huge challenge, collective efforts are required. There is an urgent need for all partners to share the responsibility and burden with Syrian-hosting countries.

11. Turkey has spent over 12 billion US Dollars for the needs of the Syrians, whereas the total contribution it has received from the international community has been limited to 512 million USD. On the other hand, the UN Regional Refugee and Resilience Plan (3RP) offers a joint platform for a humanitarian, resilience and development response to the Syrian crisis and its spill-over effects. Within 3RP, 843 million USD is projected to be funded to Turkey in 2016, however so far %39 of that amount has been funded.

In light of these information, the wording in the second sentence of recommendation **paragraph 71 page 27** needs to be reviewed, since Turkey has already assumed its responsibility mobilized all our resources and capabilities to provide for the needs of these people, in particular to ensure Syrian children receive schooling, on behalf of the international community. Syrian humanitarian crisis is a global problem and requires global response. Calls are needed to be made towards partners rather than Syrian hosting countries.

12. Regarding **paragraph 61 and paragraph 69**, the By-Law on the Work Permits of Foreigners under Temporary Protection entered into force on 15 January 2016, allowing the access of Syrians to the labor market. It aims to carry the living

conditions of Syrians one step forward, by providing them with the opportunity to participate in the economic life.

The Regulation on Working Procedures of International Protection Applicants and Holders of International Protection Status," based on the Law on Foreigners and International Protection, No. 6458, and determining the procedures and principles governing the employment of the applicants or the beneficiaries of international protection status, has been issued in Official Gazette No. 29695, dated 26 April 2016.

Foreigners who have the status of "Refugee" or "Subsidiary Protection" will be allowed to work without a work permit.

Furthermore, in order to identify the needs of Syrians both in the short and long-run, our relevant authorities have prepared a needs-assessment list. Assistance plannings and activities are carried out on this basis.

13. As a factual additional information with regard to **paragraph 62**, Commissions are established by the Directorate General of Migration Management in 81 cities to facilitate access to services and exercise of rights for the foreigners under temporary protection.

14. By acceding to the "Convention relating to the Status of Refugees" of 1951 and the Protocol of 1967, together with a geographical limitation, Turkey has declared that it shall only recognize those who come from Council of Europe member states and request international protection as refugees under the Convention. This limitation has been made in accordance with the terms of the Convention which enables States, when becoming parties, to introduce a declaration on "geographical limitation". As expressed in the report, no distinction exists between refugees and foreigners under temporary protection in access to rights and services. All asylum applications are considered without discrimination as to asylum procedures. Both groups are entitled to social aid, health aid, work and education rights in the same manner.

15. As to **recommendations 65 and 71**, with a view to facilitating foreigners' integration into society and social acceptance, numerous training activities have been realized. Psychosocial assistance and workshops are being conducted by various public institutions and organizations, universities, NGOs, international organizations and local administrations.

With the finalization of the "Harmonization Strategy Document and National Action Plan", to be developed in the context of the "Project for Supporting the Development of Turkey's National Harmonization Policy", a more effective coordination between the related institutions in respect of harmonization indicators will be ensured. Moreover, statistical data will be collected in a more robust and anonymous way to allow determination of policies based on these indicators. The "Project for Supporting the Development of Turkey's National Harmonization Policy" was launched in December 2015 and a 15 months-period has been envisaged for its completion. The project is scheduled to be finalized in February 2017. A working group has been set up within the Directorate General of Migration Management in order to carry out project-related tasks. Project works are being carried out in an active process coordinated by the working group and with the participation of public

institutions and organizations, NGOs, local administrations, universities and international organizations. As an outcome of the project, a comprehensive “Harmonization Strategy Document and National Action Plan” will be prepared peculiar to Turkey’s political, socioeconomic and historical migration context, further in line with the new migration management framework and international standards.

### Minority definition

16. Minority rights in Turkey are regulated in accordance with the Lausanne Peace Treaty of 1923. According to this Treaty, citizens of the Republic of Turkey belonging to non-Muslim minorities fall within the scope of the term “minority”.

In line with the state philosophy based on the equality of citizens without discrimination, Turkish citizens belonging to non-Muslim minorities enjoy and exercise the same rights and freedoms as the rest of the population. Additionally, they benefit from the exclusive assurances accorded to them deriving from their minority status under Articles 37-45 of the Lausanne Peace Treaty.

17. There exists no universally recognized and legally binding definition of the term “minority”. (for example, Article 27 of the United Nations International Covenant on Civil and Political Rights; Article 39 of the United Nations Convention on the Rights of the Child; 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities).

The Council of Europe Framework Convention for the Protection of National Minorities contains no definition of the notion of national minorities as well. It is up to the individual Contracting Parties to determine the groups to which it shall apply after ratification<sup>[1]</sup>.

As the Grand Chamber of the European Court of Human Rights stated in the *Gorzelik v. Poland* case, “a definition [of “minority”] would be very difficult to formulate. In particular, the notion is not defined in any international treaty, including the Council of Europe Framework Convention. Likewise, practice regarding official recognition by States of national, ethnic or other minorities within their population varies from country to country or even within countries.”; “ ... it cannot be said that the Contracting States are obliged by international law to adopt a particular concept of “national minority” in their legislation...”.

18. In accordance with international law, it remains the prerogative of the state to confer minority status to persons. It is beyond the mandate of any other party including international organizations or human rights mechanisms to categorize or even to generally refer any persons within a State with a distinct religion, national or ethnic origin, language or colour as “minority groups” without the recognition of the State. Such an approach is not in line with international law and not acceptable. As clearly explained to ECRI during its visit to Turkey, all individuals in Turkey are equal before the law, enjoy the same rights and have the same obligations without discrimination.

19. Turkey objects the categorisation in the report of Turkish citizens of Roma and Kurdish origin under ethnic, religious and linguistic minority groups or historical minorities.

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<sup>[1]</sup> See the list of statements and reservations to the Convention on the web-site of the Council of Europe.



This fact does not create any discrimination in the enjoyment of rights and freedoms accorded by the Turkish Constitution, since the Constitution explicitly guarantees the equality of all individuals without discrimination before the law, irrespective of language, race, colour, gender, political opinion, philosophical belief, religion and sect, or any such consideration (Article 10). This does not mean that Turkey denies cultural rights of certain groups.

### Education and culture

20. Turkey has implemented comprehensive reforms concerning the learning of and broadcasting in languages and dialects other than Turkish.

In addition to the official television TRT's Kurdish and Arabic channels, the State's official news agency Anadolu Agency broadcasts in 8 languages including Kurmanji, Arabic and Bosnian. Currently, there are several official and private TV and radio channels that broadcast in languages and dialects other than Turkish.

21. In 2012, through the "Law Amending Primary Education and Training Law and Some Laws", a gradual system was initiated in education and our citizens were allowed to have education according to their free choices. In this context, this legal amendment paved the way for choosing Kurdish as an elective course. Since 2012-2013 education year, elective courses have started to be offered and course materials have been prepared (Law No: 6287 dated 30/3/2012, Official Gazette: 11/4/2012, 28261).

In addition to elective courses given in primary schools on Kurdish, Adyghe, Abkhaz, Laz and Georgian languages; Kurmanji, Armenian, Zaza, Georgian and Syriac Language and Literature Institutes have been established in a number of universities.

Just to give a few examples, in 2011, the "Institute of Living Languages in Turkey" was set up to carry out academic research on various languages and dialects spoken by our citizens in their daily lives (Official Gazette: 03/07/2011, 27983). Furthermore, "Zazaki Language and Literature", "Kurmanji Language and Literature" and "Arabic Language and Literature" departments were opened up in December 2011 within Tunceli University upon the approval from the Council of Higher Education. The Living Languages Institute under the Rectorship of Siirt University was established with the decision of the Ministers Board dated 6/6/2013, Official Gazette: 25/6/2013, 28688).

22. With "The Law Amending Certain Laws to Promote Rights and Freedoms" (No: 6529) **private schools** are able to provide education and training in different languages and dialects traditionally used by Turkish citizens in their daily life. Restrictions on political propaganda in different languages and dialects have been lifted and restoring the old names of villages has been enabled. Article 222 of Turkish Penal Code No. 5237 was abolished and the criminal sanctions imposed on the use of letters 'X', 'Q' and 'W', which are not included in the Turkish alphabet, was rendered invalid. (Law dated 02/03/2014 and numbered 6529, Official Gazette: 13/03/2014, 28940).

The provision leading ex-officio altering of village names is abolished, thereby paving the way for restoring the former names of villages. Therefore it is enabled that Kurdish village names can be restored. For example, the name of the district of Siirt

province which was changed as “Aydınlar” within the scope of the change of the names of the settlements in 1964 has been restored as the former name “Tillo” through a legal arrangement after 49 years. This change on the names of settlements, which is one of the most important pillars of the bridge to our cultural heritage, constitutes a good example to indicate that people can give names to the places they live in within the framework of their culture and language (Official Gazette:7/11/2013, 28814).

23. Moreover, pursuant to another amendment in 2013, defendants facing charges are now able to submit defense statements in a language by which they can express themselves in a better way (Amendment made to the law dated 24/1/2012, numbered 6411 and to the Turkish Penal Code numbered 5271, Article 202, Official Gazette: 31/1/2013, 28545).

In 2014, a rich Kurdology Library was established within the Institute of Living Languages of Mardin Artuklu University by compiling manuscript collection and archives that are within or outside the country (19/02/2014). Moreover, the Turkish-Kurdish section of the bilingual dictionary has been published by the Turkish Language Association including more than 12 thousand entries while the Kurdish-Turkish section includes more than 13 thousand entries (22/05/2014).

24. Turkey welcomes the fact that ECRI has taken note in **paragraph 84** of the Turkish Government’s efforts to meet demands of Turkish citizens of Kurdish origin and other groups as to language related issues. However, the usage of the notion of “structural discrimination” with regard to the Turkish education system in terms of language of instruction (**paragraph 85**) is groundless. The general aims and principles of the Turkish National Education are regulated in the Basic Law of National Education (no. 1739), in pursuance of the principle of equality laid down in the Constitution and in an understanding which supports fundamental rights and freedoms and rejects all kinds of discrimination.

25. Regarding **recommendation no. 86**, ensuring that children speak Turkish in an accurate and fluent way is among the objectives of pre-school training programs. Turkish language activities are organized to ensure that children speak accurately and fluently, to extend their vocabulary and to raise their communication skills. The purpose of these activities is to enable children use language in a proper way, utter sounds, understand and use structures in different word order, acquire listening skills, express feelings and thoughts in verbal and non-verbal means, adjust voice tone and generate words in an accurate way. Besides, another important function of Turkish language activities is to foster positive attitude towards books and have them adopt love of reading.

26. In response to **recommendation no. 88**, the textbooks provided to students are prepared with respect for the principle of equality contained in the Constitution and the Basic Law of National Education, in an understanding of supporting fundamental rights and freedoms and denouncing all kinds of discrimination. The principle of social equality is respected in the teaching of topics, examples given, and in the way people and events are portrayed. A reasonable balance of gender shall be followed in the examples given and the characters used. Due diligence is shown to avoid using content and visual elements in violation of human rights and freedoms and expressions which are of discriminatory and stereotypical nature.

27. In Turkey, non-Muslim minorities have their own schools, namely, private preschool, primary and upper secondary schools to which Turkish citizens that belong to minority community can attend.

In the 2014/15 educational year there were 19 schools/institutions, 51 classrooms, 74 teachers and 614 students in pre-primary education level that hold minority and foreign status; 27 schools/institutions, 130 classrooms, 259 teachers and 1101 students in primary education level that hold minority and foreign status; 21 schools/institutions, 30 classrooms, 242 teachers and 1091 students in lower secondary education level that hold minority status; 28 schools/institutions, 470 classrooms, 1024 teachers and 7651 students in upper secondary education level that hold minority, foreign and international status.

28. A legal amendment in 2012 enables guest students of foreign nationality to enroll in minority schools. On the other hand, the Greek primary school in Gökçeada has been reopened in March 2013 and education has resumed. Furthermore, a secondary school for Gökçeada Greek Minority was opened. Upon the request of Syriac community Mor Efrem Syriac Kindergarten was also opened in September 2014. The said kindergarten has started to enroll students as of 2014-2015 academic year.

29. With a general official letter dated 28.06.2015, the Ministry of National Education simplified the enrollment to minority schools. Students can attend to minority schools with a declaration of their parents and the approval of the school administration. According to the Law No. 6528 (published on Official Gazette on 03.14.2014 and numbered 28941) students (holding Turkish citizenship) enrolled at private schools are granted private education supports. All minority school students can benefit from private education supports without quota regulation.

30. Moreover, Greek minority students are exempted from the transition exam to secondary education (TEOG) on their demands. The Jewish minority students could enter these exams in Hebrew and on their own religious training. The commission that was established to provide such practices to Armenian minority students is about to finalize its works.

### **Religious freedoms**

32. The first sentence of paragraph **90** does not reflect the reality. Constitutionally, the Turkish state does not have any official religion. Turkey is a secular country and the state pays equal respect to all religions.

Freedom of religion and conscience is firmly guaranteed by the Constitution and relevant legislation. Everyone has the freedom of conscience, religious belief and

conviction. No one shall be compelled to worship, or to participate in religious rites and ceremonies, or to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions.

The secular nature of the State is clearly defined in the Constitution. In line with the secular structure and philosophy of the State, different faiths and ways of life are respected. Efforts are continuously being made to ensure that all individuals in Turkey enjoy fundamental rights and freedoms at the highest level. An approach which guarantees every individual's lifestyle is adopted.

33. Regarding **paragraph 89, 90 and recommendation 91**, Turkish Government continues its initiatives with the purpose of addressing the demands related to the beliefs and cultural affiliations of Alevi citizens.

All these initiatives are being made in an interactive manner. Workshops are organized with opinion leaders and Alevi representatives.

Positive steps are taken in favor of different faith groups in the area of education and culture. Ministry of National Education (MoE) annually reviews course materials to remove connotations that might be perceived as discriminatory by different faith groups.

New Religious Culture and Ethics Course books, which also include information about the Alevi belief, were published by the Ministry of National Education in September 2011 and were included in the curriculum starting with the education year 2011-2012.

Not religious education but religious culture is instructed in the Religious Culture and Ethics Course, hence the name. It is necessary to teach the religious subjects to the students (because they are the individuals of the society) as cultural subjects likewise the social knowledge and history courses. The students are expected to acquire cultural knowledge about religious subjects. Not only the knowledge on Islam but also the other religions and their characteristics and our duties - responsibilities towards the State and society are mainly included in the content of this course.

34. Consultations are conducted with the opinion leaders and representatives of the Alevite community on issues related to Cemevis. Work at present continues on plans to establish research centers at the universities.

35. As to the judgments given by the ECHR which concerns the requests made by the Alevi citizens of Turkey (*The judgment of Mansur Yalçın and others v. Turkey; the judgment of Cumhuriyetçi Eğitim ve Kültür Merkezi -Cem- Vakfı*), studies for the execution of these judgments have been initiated.

For the implementation of the judgment of Mansur Yalçın and others, a Working Group has been established under the coordination of the Ministry of National Education. Participants from Prime Minister's Office, Ministry of Justice, and Directorate of Religious Affairs, academicians from various disciplines such as education, theology, sociology, history etc. and participants from non-governmental organizations attend the Working Group.

36. As to the situation of minorities in Turkey, non-Muslim minorities have their own schools, places of worship, foundations, hospitals and media organizations. Non-Muslim places of worship are administered by their own associations or foundations. Property rights regarding places of worship rest with the real or legal persons that have founded them. Foreign clergymen are able to serve in places of worship in Turkey. There are 387 places of worship belonging to non-Muslim communities, including 87 churches run by foreigners residing in Turkey.

Since the fourth report of ECRI on Turkey, many places of worship have been renovated by Directorate General of Foundations of the Prime Ministry and reopened for worship following renovation works. As the most recent example, the Grand Synagogue in Edirne, which is the largest synagogue in Balkans, and the third largest in Europe, was opened for worship on 26 March 2015. Surp Vortvots Vorodman Church belonging to Meryem Ana (Virgin Mary) Armenian Church Foundation located in Kumkapı started its services following a ceremony held on 28 December 2011. A new church for the Syriac Orthodox Community in Yeşilköy, Istanbul will be constructed upon the request of the Assyrian Orthodox community residing in Istanbul.

Additionally, religious ceremonies continue to be organized at the historical sites. In 2013 at the Aya Yorgi Church in Alanya, the first religious ceremony after 89 years was held. Ceremonies have also been conducted at the Historical Sumela Monastery in Maçka; at the Surp Hac Armenian Church on the Akhdamar Island; at the Pazar Yeri Mosque in Alaçatı, which used to be a church 88 years ago; and at the Surp Giragos Armenian Orthodox Church in Diyarbakır.

37. Minorities are able to carry out activities which require legal personality through the foundations and associations they establish in Turkey and are thus able to acquire movable and immovable property. There are currently 167 community foundations. Concerning the issues arising from immovable properties of the non-Muslim minority foundations, Turkish Government made the necessary amendments in its legislation to remedy the situation. The new “Law on Foundations” was adopted in 2008. A decree further amending the Law on Foundations was published on 27 August 2011. Provisional articles of the said Law and the said decree enabled the Community Foundations to apply for registering immovable property within a period of time on their foundations. As a result, 333 properties have been registered and it was decided to pay compensation for 21 properties. Overall, between 2003- 2014, 1029 immovable properties have been registered in the name of community foundations.

In 2010, the Greek Orphanage in Büyükada was registered under the name of the Greek Patriarchate. The property of Mor Gabriel Monastery was returned to the Monestry Foundation within the framework of the Democratization Package announced in September 2013. Beside registration decisions of immovable properties, Beyoğlu Central Greek Girls School Foundation; İzmir Jewish Community Foundation; Surp Haç Tıbrevank Armenian High-School Foundation; Beyoğlu Sakız Ağacı Armenian Catholic Surp Astvazazin Church Foundation have been given foundation status after the recognition of their legal personalities by Foundation Council.

### **Equal enjoyment of economic and social rights**

38. Turkey believes that ensuring real equality among all citizens also means providing equal protection to all for not only civil and political but also social and economic rights.

ECRI in the report claims that Turkish citizens of Kurdish origin in the eastern and south-eastern regions face a more difficult socio-economic situation (**paragraph 74-80 and second paragraph on page 8**) compared to other regions. It remains valid that people living in certain parts of the country face economic difficulties of a tougher nature, however it should be noted that this situation stems from geographical and economic characteristics of these regions, not from the ethnic origins or religious or linguistic attributes of the local people. Thus, opting to singling out certain groups as being more prone to socio-economic difficulties does not reflect the reality and is misleading. ECRI should also take into consideration that none of the regions in Turkey has homogenous ethnic or linguistic composition.

39. Important steps have been taken and considerable advancements have been realized for Turkish citizens of Kurdish origin in several walks of life. Turkey is of the opinion that these reforms deserve better coverage in the report rather than a mere footnote (**paragraph 78**).

One of the major initiatives of the Turkish Government aiming at ensuring the equal enjoyment of economic, social and cultural rights and eliminating regional development disparities is the Southeastern Anatolia Project (GAP). The basic objective of the project is to improve the living standards and income levels of people in the region and to contribute to national goals such as social stability and economic growth. The revised Action Plan for GAP has been operational since 2014. It continues until 2018. The plan which includes 115 projects, with an overall financial estimation of 9,1 billion USD, is comprised of 5 pillars, namely, acceleration of economic growth, strengthening social development, improving living conditions in the cities, enhancing infrastructure and increasing institutional capacity.

40. Furthermore, new institutional bodies have been established at the central and local levels and various programs have been put into practice in the area of regional development and regional competitiveness. At the central level, Supreme Regional Development Council and Regional Development Committee have been set up. At the local level, 26 Development Agencies are established. The investment support offices attached to these Development Agencies are operating in 81 cities. Accordingly, regional development plans have been prepared and started to be implemented countrywide.

Thus, in addition to GAP three new regional development administrations are established; Eastern Anatolia Project (DAP), Eastern Black Sea Development Project (DOKAP) and Konya Plain Project (KOP). Furthermore, public investment, as an instrument for diminishing inter-regional differences in economic growth and social development, is among the priority areas of the 64<sup>th</sup> Government Programme adopted on 25 November 2015. Thus regional action plans such as GAP, DAP, KOP, DOKAP have been prioritized.

41. The Return to Village and Rehabilitation Projects were carried out to facilitate the return of Turkish citizens of Kurdish origin who had migrated from their villages because of the terrorism in the Eastern and Southeastern Anatolian Regions in the past. It also targeted to solve the problems of integration in the destination areas via social support projects carried out by public institutions and organizations. The activities conducted within the scope of the Project that is implemented by the Governorates under the auspices of the Ministry of Interior. During the period of 1999-2015 a total budget of 208.690.603 TL was transferred in the framework of the Project. In 14 cities, out of the 386.360 citizens who had left their villages because of security concerns, 187.861 citizens have returned to their home.

42. Moreover, regional dimension of investment incentive system have been strengthened; Growth Poles Program, Village Infrastructure Support Project (KÖYDES), Municipal Infrastructure Support Project (BELDES), Water and Sewerage Infrastructure Program (SUKAP) and Social Support Programs (SODES) for priority cities are implemented.

In particular, SODES, as a human oriented program, entails projects in three areas, employment, social inclusion, and culture, art and sports, all of which have been prepared and implemented at local level with the coordination of Governorate Offices and broadly authorized local actors. Individuals and groups within the scope of the program are particularly the people who live in poverty and who have difficulties in accessing social opportunities (such as children, youngsters, women, the unemployed, the impoverished, the immigrants, the disabled, and those living in slum areas). In this context, between 2008 and 2015, SODES supported 7.977 projects with an approximate total budget of 1.378 million TL. SODES put into action first in 2008 in Southeastern Anatolia Region (GAP Region). In 2010, the scope of the program extended to 25 cities including those in Eastern Anatolia Region (DAP Region). In 2011 and 2013, nine more cities are added to the program thus SODES currently covers 34 cities in total.

#### **Counter-terrorism operations against terrorist organization PKK**

43. Firstly, it should be noted that there is a distinction between the scourge of PKK terrorism and the democratic demands of the Turkish citizens of Kurdish origin. Accordingly the former, namely the counter-terrorism operations against PKK are indeed outside the mandate of this Committee.

44. Secondly, PKK is a terrorist organization, which is included in the lists of terrorist organizations of the USA and EU. As from 20 July 2015 (as of 9 September 2016), 690 members of the Turkish police, gendarmerie, military and 278 civilians have been killed (total: 968); 4.021 security personnel and 1.726 civilians wounded (total: 5.747); 21 security personnel and 207 civilians kidnapped (total: 228) by the PKK terrorist organization.

We regret the way the fight against terrorism is formulated in general in the report. Turkey's struggle against PKK should not be portrayed as a "conflict" in any manner. Given the internationally acknowledged terrorist identity of this organization, these operations can not be referred as a "*conflict*" at all. Even, solely the concept of "security operations" would not be sufficient. All references to Turkey's counter terrorism measures in the report should be referred to as "struggle against terrorism".

45. Accordingly, the terminology of "*Kurdish militants*" is incorrect. Terrorism in no way should be affiliated with any ethnic group. Moreover, they are not militants but members of an internationally recognized terrorist organization, thus they need to be named terrorist. The expression "*Kurdish militants*" is not acceptable. They must be referred to as "PKK terrorists". It is furthermore important to take into account that PKK also attacks Kurdish individuals and Kurdish groups which have a different ideology other than PKK's.

46. Turkey regrets that ECRI covers counter-terrorism operations against the PKK, under the title of *racist and homo/transphobic violence* (page 21) and *integration policies for minorities* (page 27).

Turkey is of the opinion that **recommendations 50 and 83** actually go beyond the mandate of the Committee. However, as a country always acting in spirit of cooperation and constructive dialogue, and with the confidence of having taken all possible necessary measures for the protection of human rights while countering terrorism, information will be provided in reply to the said recommendations in the following paragraphs.

47. The Process in Turkey has been suspended since July 2015 as a result of acts of terrorism and violence by the PKK. It should be well understood that while it is possible to seek and claim any kind of rights and liberties through the legal and political means and processes, PKK's choice of violence and terrorism is unjustifiable and unacceptable.

48. The PKK by declaring so-called "autonomous administrations" in certain settlements located in Turkey's southeast, tried to intimidate and coerce the local population and to disrupt the maintenance of public security in the residential centers. In this context, illegal actions of the terrorist organization were intensified in the district centers such as Silopi, Cizre, Sur and Yüksekova in which they were able to stockpile explosives. Prior to the operations of the security forces, hundreds of ditches had been dug, barricades had been constructed, explosives had been trapped in the mentioned district centers by the terrorist organization which wanted



to cut off citizens' access to public services and limited their fundamental rights and freedoms. The terrorist organization also tried to blend the civilians in its illegal activities by distributing arms to certain people through intimidation, supposedly assigning various responsibilities to specified persons including duties of vigils. This tactic of involving the civilians in the illegal acts is used by many terrorist organizations around the world, including DAESH. The circumstances fomented by PKK have affected very adversely the lives of people in the region, particularly women and children, who are in a vulnerable position. For example in Cizre alone, a town made up of 4 suburbs, YDG-H set-up more than 250 trenches and barricades (mines or other type of planted explosives) on the streets. The houses close to the barricades are used as ammunition depots by the PKK. Civilians who reside in these houses are obstructed by the terrorists to leave their houses and the town. Many civilians of Kurdish origin taken hostage by the PKK were saved by the security authorities during the counterterrorist operations.

49. Under these circumstances, the restoration of the public order, the removal of the barriers, the closing of the ditches, the defusing of the explosives planted in the barriers, ditches, roads and buildings and the ensuring the security of life and the property of the public have become compulsory. Therefore, intensive and comprehensive anti-terror operations have been resorted to maintain public order in the region and protect public peace.

50. In response to the **last sentence of the 6<sup>th</sup> paragraph on page 8 and recommendation 50**, during the operations, which were carried out within the limits of a democratic State, rule of law and human rights principles, the terrorist organization's posts have been targeted and utmost care and diligence has been shown to avoid civilian casualties. The security authorities are doing their utmost to ensure that the civilians are unharmed, naturally regardless of their ethnic background.

While countering terrorism, Turkey pays utmost attention to maintain the balance between fundamental rights and security needs. All measures are taken in accordance with law and in full compliance with our international obligations. In this regard, the approach which respects the balance between freedom and security, and that gives priority to democracy has not been compromised and the legitimate demands of all citizens will continue to be addressed.

51. In response to **recommendation 83**, curfews have been imposed in a number of provinces/districts to avoid harm to the civilian population during the anti-terror operations against PKK. Curfews are declared for a limited period of time **as a temporary measure when necessary**. Utmost diligence and care is shown to prevent any damage to the citizens in the region. Curfews are continuously reviewed and lifted when necessary according to the changing and developing conditions. During the operations which ran together with the curfews, following measures have been taken for the protection of civilians and meeting their daily needs;

- Rapid and safe evacuation of the people who wished to leave the region by the civil authorities from the beginning of the operations,
- Ensuring that certain number of bakeries, markets and pharmacies in the district centers are kept open in order to supply the needs of the citizens who remain in the region,

- Distribution of packages of daily needs in which food, milk and diapers can be found,
- Provision of electricity and water services to the citizens without disruption as before the operations.
- All necessary measures have been taken to meet the basic needs of the people and to provide health services in an uninterrupted way. 155 “Police Emergency Line” is operational to call ambulance or ask for food.

52. The State has been giving priority to the difficulties faced by women and children living in areas with intense terrorist activities and to the development of solutions to these problems. Protective, preventive and guidance services as well as psychosocial assistance activities are being carried out for families. Moreover, various projects are being realized to assist the personal, social, mental and psychological development of children traumatized as a result of the clashes. Social and economic assistance measures are being taken for families who had to move, including providing rental aid. In this context, steps are being taken to ensure the continuity of social and economic assistance by monitoring the families in the places they have moved. Likewise, those who sustained damages as a result of terrorism and anti-terror operations are compensated by the speediest procedures.

53. In the economic field, priority is given to redress damages in the region, in particular those of small enterprises which are affected. In this context, extra measures are taken to postpone premium debt and loan payments by the small enterprises and to provide loan assistance to farmers, in addition to the other efforts to strengthen regional economy.

Recently, Turkish Government announced the investment plan to mobilize more than 40 billion Euros (140 billion Turkish Liras) in 4 years to 23 cities in the region which were affected by PKK terrorism.

54. Many education institutions in the region have been targeted by the terrorist organization. The fixing and refurbishment of the damaged education institutions have begun and measures have been taken to complement education services which were interrupted. It has been envisaged within the complementary education programs that students are screened for health problems, provided with clothing and self-care products as well as books and stationery in addition to financial aid.

55. The PKK has also resorted to indiscriminate attacks to health facilities and staff. There have been many terrorist attacks against the health personnel, ambulances and health facilities with heavy weapons, rocket launchers, “Molotov cocktails” and stones since June 8<sup>th</sup> 2015. In these attacks, the ambulances and health institutions incurred serious material damages. During the same period, many of the health personnel, who diligently work at the cost of their lives in order not to hinder health services, and the service of ambulances were held captive by the terrorist organization. Meanwhile, several health teams were caught in the midst of clashes and a number of ambulances were hijacked or looted, a number of healthcare staff were threatened by the terrorist organization in order not to perform their duties.

It should also be mentioned that four health professionals, namely a medical doctor, a pharmacist, a medical officer and an ambulance driver were killed as a result of attacks by the terrorist organization. In order to avoid from terrorist attacks, the health personnel who provide health service around the clock during the curfews are accommodated in the hospitals where they are employed.

56. Regarding **paragraph 80**, in light of the above-given information, the situation again deteriorated in the second half of 2015, due to PKK's acts of terrorism. Many inhabitants had to flee their homes as a result. Thus, the security forces carried out counter terrorist operations, in order to stop these terror acts as well as to restore public order and to protect civilians whose fundamental rights have been severely infringed by the terrorist acts of PKK. Curfews were declared for limited time periods. Utmost care is shown to avoid any effect on civilians. That's the reason why some curfew measures took longer than expected.

57. Moreover, in Turkey, victims of terrorism can obtain compensation from the state. There is a domestic remedy and mechanism in this regard. As announced already, the Government will compensate the losses of the people affected by terrorism in accordance with the Law on Compensating Losses Due to Terrorism and Counter-Terrorism.

58. Turkey would like to point out that two different phenomena are confused in the drafting of **paragraph 81**. As stated repeatedly, there is a clear distinction between the PKK terrorism and the democratic demands of Turkish citizens of Kurdish origin.

While countering PKK terrorist organization on one hand, Turkish Government, on the other hand, uninterruptedly continues to address the needs, problems and democratic demands of all citizens, including citizens of Kurdish origin as stated in the preceding parts. It is the primary responsibility of the Turkish state to respond to and live up to the democratic needs and aspirations of its citizens in the field of human rights, democracy and rule of law. In last decades, Turkey has made great strides of reform to this end and is resolved to continue its reforms.

Detailed information is provided in the previous parts on the reforms achieved as to the demands of Turkish citizens of Kurdish origin. Citizens of Kurdish origin are integrated into society in every sphere; political, social, economic and cultural. They actively take part in local administrations, municipalities, in the Parliament and in the Government as elected representatives.

The **first three sentences of paragraph 81** does not reflect the reality. The problem is not restrictions on freedom of expression, but the promotion of terrorism and affiliation with a terrorist organization.

59. Moreover, with regard to the declaration referred in the **last sentence paragraph 81**, this declaration which is signed by a number of academics include elements that are considered offense pursuant to the Turkish Criminal Code (Articles 301 and 216) and the Counter-Terrorism Law (Article 7). Accordingly, public prosecutors initiated investigations.

The scope of the ongoing investigations is not related with academic freedoms, which are of a fundamental right guaranteed by the Constitution in Turkey (Article 130). Freedom of expression and academic freedoms are guaranteed by the Constitution and our related legislation. The judicial process is still ongoing. Also, rights and freedoms of the suspects are protected within international principles and related national legislation.

As regards Muzaffer Kaya, Kıvanç Ersoy, Esra Mungan and Meral Camcı, İstanbul Criminal Magistrates' Office decided for their detention on the grounds of insistently making PKK propaganda in an attempt to legitimize the acts of the terrorist organization. In its decision, the Court considered the fact that the persons in

question have made a second statement on 10 March 2016, making terrorist propaganda. They were released pending trial by the İstanbul 13<sup>th</sup> Assize Court on 22 April 2016. Judicial process is ongoing.

60. Regarding allegations of and references to cases of violent attacks in the last paragraph on page 7/the last paragraph on page 8 as well as in the part titled under hate speech (paragraphs 28-59), despite the legal framework and the inherited tradition of tolerance, Turkey, like other European countries, is not totally immune to isolated incidents. Incidents of violence receive prompt and diligent response from relevant authorities and all possible measures are taken to bring those responsible to justice. Perpetrators of these crimes are swiftly captured, judicial investigations are launched.

Moreover, attacks to the offices of any political party are totally unacceptable. The Government condemned such attacks on media, political parties and civilian property and gave instructions to adopt all necessary measures to avert possible attacks.

However, it is important not to interpret these isolated incidents as ethnically motivated hate crimes.

61. Turkey is fully committed to the fight against discrimination, racism, intolerance and hate speech on any ground. Turkey believes that diversities within the society constitute the richness of this country. In order further strengthen the culture of tolerance within the society and to further ensure that all individuals in Turkey enjoy fundamental rights and freedoms at the highest level, the Government has taken several initiatives.

In this regard, in addition to the statements referred in paragraph 35, the messages of tolerance and co-habitation given at the highest level by the President on April 24 in 2015 and 2016. Moreover, a delegation headed by the Minister for EU Affairs attended the religious ceremony on 24 April 2015. Prime Minister issued a message on the occasion of commemoration of Hrant Dink in 2015. Also, an official participation was made to the Hanukkah celebration ceremony in İstanbul in 2016.

**Please find below further observations of Turkish Government in response to recommendations of ECRI.**

62. In response to recommendation 2, Turkey signed Protocol No. 12 to the ECHR on 18 April 2001. The said Protocol has so far been ratified by 19 Council of Europe Member States. The ratification process of the said Protocol is currently assessed by the relevant authorities.

Turkey has actively contributed to efforts on fight against racism and discrimination. It is one of the first signatories to conventions and protocols on combatting racism, intolerance and discrimination.

63. Furthermore, even though ECRI's fifth monitoring cycle report on Turkey covers the situation until 17 March 2016, a number of important developments took place after that date. In this respect the Government deems it necessary to present the following information:

- Between May-July 2016, Turkey ratified the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data; Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows; Additional Protocol to European Convention on Human Rights Number 15; Additional Protocol to European Convention on Human Rights Number 7; Additional Protocol to the Convention on Transfer of Sentenced Persons; the Convention on Laundering and on the Financing of Terrorism; the Convention on Action against Trafficking in Human Beings; the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters; Additional Protocol to the European Convention on Extradition; the Third Additional Protocol to the European Convention on Extradition and Fourth Additional Protocol to the European Convention on Extradition.

- Turkey signed on 18 April 2016 the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

- Furthermore, a review process is started as to the Turkey's reservations and declarations to the fundamental human rights treaties to which Turkey is party.

- In this context, the legislative procedure has already been initiated to adhere to more articles of the European Revised Social Charter.

64. In response to **recommendation 38**, the Council of Ethics for Public Officials (CEPO) is responsible for regulating ethical principles to be followed by public officials while performing their duties. The related CEPO regulation contains 18 codes that civil servants must comply in performing their duties. Among them Article 9 on integrity and impartiality and Article 10 on decency and respect are relevant to "hate speech". The article 9 emphasizes that public officials shall not engage in discriminative acts on the grounds of language, religion, philosophical belief, political thought, race, gender and others while performing their duties. The article also stresses that public officials cannot involve in actions that inhibit or are against human rights and freedoms. Article 10 on decency and respect, states that public administrators cannot behave arbitrarily and shall not act in an oppressive, insulting and threatening manner.

The Council organizes trainings, seminars, conferences with a view to raise awareness and to ensure the assumption of the code of conduct among public officials. Accordingly, 3 228 civil servants and 320 high-level officials (district governors and mayors) were given training courses about the principles of code of ethics in 2015.

65. Moreover, within the framework of new Government Programme, Law on Political Ethics has been submitted to the Parliament.

66. In response to **recommendation 44**, Turkish authorities continuously provide training on freedom of expression and that the related legislation is applied in compliance with the European Court of Human Rights' case law. Lately "Strengthening the Capacity of the Turkish Judiciary in Freedom of Expression/EU-CoE Joint Project" was initiated in 2014. The said project is carried out by the

Council of Europe in cooperation with the Turkish Justice Academy between 2 September 2014 and 1 December 2016. The Constitutional Court, the Supreme Court, the Council of State, the High Council of Judges and Prosecutors and the Ministry of Justice contribute to the project as project partners.

The basic objective of the project is to contribute to the protection of human rights and fundamental freedoms in Turkey, particularly freedom of expression. The project includes numerous training activities and programs that promote the appliance of related legislation in compliance with the European Convention on Human Rights and the European Court of Human Rights' case law on freedom of expression. Within this framework, judges and prosecutors (including candidates) are given extensive trainings with a view to raise awareness on the freedom of expression. They also receive application-oriented courses. The project sets forth a number of activities to bring together official and non-governmental actors.

67. In response to **recommendation 46**, Turkish authorities are well aware that the independence of the media is an inseparable constituent of a democratic society. They also attach importance to the compliance of all media and journalists with ethical standards. In line with this, a number of activities have been initiated to establish a set of principles for the members of the media.

Ethical standards for the media and press are codified in "Press Ethics" published by the Press Council, an occupational independent body.

To ensure the compliance with the ethical norms, a booklet titled "Journalism Ethics" is prepared within the scope of the "Strengthening the Professional Training System Project." The said booklet is used as a course material in vocational training courses to ensure professional efficiency and self-learning.

Several other press bodies carry out a number of projects on the ethical standards for media and press. A guide titled as "Ethical principles for Turkish journalists" was prepared in 2011, as a result of three-day workshop on the international media ethics, organized by the Media Association and the International Center for Journalists (ICFJ).

As regards the campaigns to raise awareness on vulnerable groups, the Radio and Television High Council recommends to service providers to broadcast awareness-raising spot films that are produced in accordance with the Law no. 6112 and the related legislation.

68. In response to **recommendation 57**, all racist and homo/transphobic incidents are thoroughly investigated by the police and prosecution authorities. Within the scope of the related legislation, the police forces, without making any discrimination among citizens, are responsible for making a thorough, diligent and swift investigation and referring to judicial authorities.

69. With regard to the collection of statistical data, it should be noted that the Turkish authorities do not collect, maintain or use either qualitative or quantitative data on ethnicity just like many CoE countries for reasons of privacy and non-profiling. Individuals are naturally free to self identify themselves as they wish. Although acknowledging that disaggregated data on ethnicity may have in devising policies for special measures targeting a specific group, like some other countries we

believe that this is a sensitive issue, especially for those nations living in diverse multicultural societies for a long period of time. Official collection of data on ethnicity for good governance and due diligence purposes always runs the risk of interfering with the right to privacy. It may even cause distrust, fear and suspicion on the part of some individuals towards such a practice.

Turkey has rather focused on commonalities and common aspirations in the legislative and policy framework, rather than measuring differences and making policies thereon. While paying due attention to the origins of its citizens in its efforts for non-discrimination and the promotion and protection of fundamental rights and freedoms, no compulsory classification on such basis is carried out. Persons can identify themselves voluntarily through self-identification.

70. In response to **recommendation 77**, the National Strategy on Social Inclusion of Roma Citizens for the period 2016-2021 and its Action Plan was adopted on 26 April 2016. The Strategy is composed of 5 main policy areas; education, employment, housing, health, social assistance and social support services, and it will be implemented by three-year action plans.

The National Roma Integration Strategy, inter alia, aims to increase the effectiveness of social inclusion policies, to enhance access to general public services, to combat discrimination and to prevent hate crimes and to ensure social participation with strengthened civil society. Basic implementation principles such as anti-discrimination, equal treatment, participation of civil society, regional policy approach are also set forth as the strategic targets. Funds for the implementation of the projects under the framework of the Strategy and Action Plan will be provided by each governmental institutions' own budget.

Monitoring and Evaluation Board will be established to monitor the implementation of the policies in the National Strategy Document. Half of the members of the Board will be composed of the representatives from the relevant Ministries and other public institutions and agencies, and the rest will consist of representatives of other stakeholders such as NGOs, academics and professional organisations.

71. A Turkish citizen of Roma origin has been elected to the Parliament for the first time in June 7 elections.

Furthermore, a project on "Promoting Social Inclusion In Densely Roma Populated Areas" will be put into action as well for 2016 and 2017. It aims at raising awareness of the target group on education, health and social services, reducing complaints on discrimination and increasing the rate of benefiting from educational, health and social services.

72. As to **paragraphs 97 to 105**, it should be stated that the constitutional system of Turkey is based on the equality of all individuals without discrimination before the law, irrespective of "language, race, color, gender, political opinion, philosophical belief, religion and sect, or any such considerations" (Art. 10). By referring to "or any such considerations", the Constitution grants the judiciary wide discretion on its judgments of cases of inequality before the Law. This implies that all individuals are equal before the law, enjoy the same rights and have the same obligations without

discrimination. And legal protection for LGBT individuals is essentially enforced through the principles of fight against all forms of discrimination.

Secondly, there are non-discrimination clauses, explicitly referencing sexual orientation or gender identity in some major international human rights documents which are ratified by Turkey. These provisions provide Turkish authorities with a tool to protect their rights in this context. For instance, Turkey is a party to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) which contains provisions prohibiting discrimination on the basis of sexual orientation.

Turkey promptly investigates all allegations and reports of any human rights violations based on sexual orientation or gender identity, including acts of hate crimes against LGBT persons, and bring the perpetrators to justice.

There have been training activities aimed at raising awareness among personnel who work with vulnerable groups (women, children, the disabled, LGBT individuals). The Ministry of Justice recently carried out a project on the “Improvement of Enforcement Services in Prisons” in cooperation with the United Kingdom and Portugal.

73. Regarding **paragraph 52**, for many years, LGBT individuals have enjoyed their right to freedom of assembly and LGBT pride parades are peacefully organized without any disruption in Turkey. As to the Pride Parade of 28 June 2015, prior to the parade, the Governorship and the Directorate of Security of İstanbul received credible information that certain groups were to threaten the security and safety of the demonstrators taking part in the parade. With a view to preventing potential provocative actions, authorities of Governorship of İstanbul took necessary security measures. In accordance with the instructions of the Governorship, groups were informed and given necessary time to disperse. Despite several announcements, groups refused to disperse and acted in ways that prevented the police from performing their duties. Consequently, necessary measures were taken in accordance with the principle of proportionality.

74. Regarding **paragraph 58**, Turkish authorities attach utmost importance to human rights education for law enforcement officers. It is considered vital that the police forces attain an understanding of democratic standards and universal rights and freedoms in their relation to society. This understanding has been the guiding principle in the curricular activities of the Police Academy’s Police Chief Training Center.

In order to establish a perspective of “democratic policing”, students at the mentioned center are given the courses of “Social Movements and Mass Psychology”, “Democratic Policing” and “Human Rights and the ECHR Decisions.” Anneke Osse’s book “Understanding Policing: A Resource for Human Rights Activists”, which was published by the Amnesty International, was recognized as one of the fundamental books of the training program for police chiefs.

All police officers involved in the counter-terrorism operations are given “basic training on fight against terrorism” and there also exists human rights courses as part of their curriculum.



Moreover, human rights education is given particular importance in in-service training programs of 2015 and human rights training courses were added to “Basic training on fight against terrorism”, “methods on seizure and detention”, “investigation process” and “police defensive tactics.”

