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Compilation on Turkey

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. The Secretary-General urged the authorities, consistent with the assurances given, to do their utmost to fully respect the constitutional order and international human rights law, in line with the country's international obligations, including freedoms of expression, movement and peaceful assembly; independence of the judiciary and of the legal profession; and adherence to due process.[3]

3. The Committee on the Elimination of Discrimination against Women and the Committee against Torture encouraged Turkey to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.[4] The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended considering ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and the following International Labour Organization conventions: the Migration for Employment Convention (Revised), 1949 (No. 97), the Minimum Wage Fixing Convention, 1970 (No. 131), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Private Employment Agencies Convention, 1997 (No. 181) and the Domestic Workers Convention, 2011 (No. 189),[5] and encouraged it to accede to the Convention on the Reduction of Statelessness and the European Convention on Nationality.[6] The Committee on the Elimination of Racial Discrimination encouraged Turkey to consider ratifying the Domestic Workers Convention, 2011 (No. 189).[7] UNESCO encouraged ratification of the Convention against Discrimination in Education.[8] The Committee on the Rights of Persons with

Disabilities encouraged Turkey to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.[9]

4. The Committee on the Elimination of Racial Discrimination and the Committee against Torture recommended that Turkey consider lifting the geographical limitation to the Convention relating to the Status of Refugees, by withdrawing its reservations.[10] The Committee on the Elimination of Racial Discrimination invited Turkey to consider withdrawing its reservation and declarations in respect of the International Convention on the Elimination of All Forms of Racial Discrimination in all territories over which the State may have jurisdiction.[11] The Committee on Migrant Workers recommended withdrawing the declarations and reservations made in respect of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[12] and considering making the declarations provided for in articles 76 and 77 of the Convention.[13] The Committee on the Elimination of Racial Discrimination encouraged Turkey to make the optional declaration provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination recognizing the competence of the Committee to receive and consider individual communications.[14]

5. Turkey contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) annually.[15] The High Commissioner stated that OHCHR would continue remote monitoring of the situation in the south-east of Turkey.[16]

III. National human rights framework[17]

6. The Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee against Torture recommended ensuring the functional, structural and financial independence of the Human Rights and Equality Institution and guaranteeing that the appointment of its members was in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In addition, Turkey should ensure that said Institution effectively fulfils its mandate as a national preventive mechanism, with a dedicated structure and adequate resources for that purpose.[18]

7. The Special Rapporteur on torture noted that following the failed coup, the Government had declared a state of emergency and derogated from the International Covenant on Civil and Political Rights effective 2 August 2016, and previously from the European Convention on Human Rights. Turkey had also adopted a series of decrees with the force of law significantly affecting the human rights and procedural guarantees of individuals, groups and organizations suspected of being involved with the attempted coup, with the Gülenist movement or in other activities perceived to be related to terrorism. The Special Rapporteur recommended ending the derogations, as soon as practically possible.[19] United Nations experts stated that the derogation provision under article 4 of the International Covenant on Civil and Political Rights did not give carte blanche to ignore all obligations under the Covenant, as the Government had a legal obligation to limit such measures to those strictly required by the needs of the situation.[20]

8. OHCHR observed that between the imposition of the state of emergency on 21 July 2016 and December 2017, 22 emergency decrees had been promulgated, bypassing parliamentary scrutiny and circumventing the Constitutional Court's appeal procedure. Many decrees contained provisions that fell short of basic human rights safeguards and the obligations of Turkey under international law.[21] The referendum on 18 constitutional amendments in April 2017 had granted increased powers to the executive, as it had allowed the President to extend his executive powers into both the legislative branch and the judiciary through the authority to enact laws bypassing Parliament and to control appointments and oversight procedures within the judiciary. The amendments had conferred upon the President exclusive power to declare a state of emergency and to issue presidential decrees that were not subject to judicial review. OHCHR was concerned that the routine extensions of the state of emergency may have long-lasting implications on the institutional and socioeconomic fabric of Turkey.[22] The Special Rapporteur on freedom of

expression stated that the state of emergency decrees were far-reaching and gave the authorities wide discretionary powers to derogate from human rights obligations, without providing adequate channels for judicial review and appeal.[23]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[24]

9. The Committee on the Elimination of Racial Discrimination recommended that Turkey incorporate prohibited grounds for discrimination in the definition of racial discrimination contained in its anti-discrimination legislation.[25]

10. The same Committee was concerned at reported instances of racist hate speech and discriminatory statements in public discourse, including in the media, directed mainly at minorities. It was also concerned at reported incidents of hate crimes, including physical attacks targeting individuals on the basis of their ethnic origin – such as Kurds, Armenians and Roma. It was further concerned that cases of hate speech and hate crimes were not always adequately and effectively investigated and that those responsible were not prosecuted and punished. While noting that some cases had been addressed, the Committee remained concerned at the very low number of cases of hate crimes brought before domestic courts.[26]

11. The Office of the United Nations High Commissioner for Refugees (UNHCR) stated that lesbian, gay, bisexual, transgender and intersex persons might face a significant level of discrimination and social isolation due to their sexual orientation and gender identity, and might be subjected to sexual harassment, physical and sexual violence, and forced marriages underpinned by the presumption that their sexual orientation could then be altered.[27]

2. Development, the environment, and business and human rights[28]

12. OHCHR was concerned about the arbitrary expropriation of private property and methods of collective punishment targeting family members of individuals suspected of offences under the state of emergency.[29]

3. Human rights and counter-terrorism[30]

13. The High Commissioner for Human Rights noted that Turkey had recently lifted its state of emergency, but was deeply alarmed at the recently enacted anti-terror law, which retained numerous emergency restrictions and was likely to continue their adverse effect on human rights and fundamental freedoms. The law restricted due process guarantees, prolonged the duration of pretrial detention and allowed for continued dismissals of public officials, because of alleged links to terrorist organizations.[31] The Special Rapporteur on torture noted that the counter-terrorism law was rather broad and vague, as was the definition of "terrorism" in article 1, as that law might be used for politically motivated prosecutions of political opponents, human rights defenders and journalists, particularly for alleged "membership of a terrorist organization". The Special Rapporteur was concerned by a new law (No. 6722), which granted counter-terrorism forces a perceived, albeit overturnable, de facto immunity from prosecution for acts carried out in the course of their operations in the south-east.[32] OHCHR noted that those presidential decrees had broadened the scope of the original emergency to include measures against individuals who "belong to, connect to, or have contact with the Fetullahist Terrorist Organization" (Decree-Law 668) and public personnel who have "membership in, affiliation or connection with the Fetullahist Terrorist Organization", as well as the spouses and children of such persons (Decree-Law 670).[33]

14. United Nations experts reiterated their concerns at the use of terrorism charges to target the legitimate exercise of freedom of expression and freedom of association.[34] UNESCO encouraged Turkey to ensure that legitimate enforcement of anti-terrorist legislation did not infringe on the ability of ordinary citizens, including journalists, to exercise the right to freedom of opinion and expression.[35]

15. The Special Rapporteur on freedom of expression stated that the space for political pluralism was shrinking and opposition parties faced terrorism-related accusations. He recommended that national legislation on defamation and countering terrorism be brought into line with international standards. He urged Turkey to urgently review the anti-terrorism law to ensure that counter-terrorism measures were compatible with article 19 of the International Covenant on Civil and Political Rights, and called on Turkey to repeal articles 125 (3) and 299 of the Penal Code, which criminalized the defamation of public officials and the President of the Republic.[36]

16. The Special Rapporteur on extrajudicial, summary or arbitrary executions recommended amending article 2 of Law No. 3713 on terrorism to reflect the international interpretation of the term "proportionality" and stipulate that lethal force should only be used as a last resort where there was an imminent threat to life.[37]

17. The ILO Committee of Experts noted that while Turkey indicated that the dismissals of public servants had merely been grounded on illegal activity of the employees targeted, workers' organizations indicated that the criteria of "connection to terrorist organizations" had been too broadly applied and used to target members of unions who shared political affinities with the opposition, with a view to strengthening the position of the pro-government unions in the public sector.[38]

B. Civil and political rights

1. Right to life, liberty and security of person[39]

18. OHCHR reported that air strikes and ground-based attacks in the Syrian Arab Republic by the Turkish army and affiliated armed groups had affected key civilian infrastructure, and Hasakah Governorate. OHCHR also received reports of intimidation, ill-treatment, killing, kidnapping, looting and seizure of civilians' houses by the Turkish-backed armed groups in areas in the north of the Syrian Arab Republic. OHCHR urged all parties to comply with all applicable obligations under international humanitarian law and international human rights law in conducting military operations and in relation to people residing in the territory over which Turkish military forces and affiliated armed groups exercise control.[40] The Committee against Torture was concerned at the committing of extrajudicial killings of civilians by the authorities in the course of carrying out counter-terrorism operations in the south-eastern part of Turkey. It was also concerned at reports that family members of those killed in clashes between security forces and members of armed groups had been denied the ability to retrieve their bodies. It expressed concern at reports that the imposition of curfews in areas in which security operations had taken place had restricted the ability of the affected populations to access basic goods and services. It was further concerned that allegations of excessive use of force against demonstrators had increased dramatically. It recommended conducting prompt, impartial and effective investigations into all allegations of extrajudicial killing, and those relating to the excessive use of force by law enforcement officers, and recommended that the perpetrators be held accountable.[41]

19. The Committee against Torture was seriously concerned about numerous credible reports of law enforcement officials engaging in torture and ill-treatment of detainees while responding to perceived and alleged security threats in the south-eastern part of Turkey.[42]

20. The same Committee was concerned that, despite amendment of the law to the effect that torture is no longer subject to a statute of limitations, it had not received sufficient information on prosecutions for torture, including in the context of cases involving allegations of torture that had been the subject of decisions of the European Court of Human Rights. The Committee recommended that Turkey align article 94 of the Criminal

Code with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[43] The Committee urged that all instances and allegations of torture and ill-treatment be investigated promptly, effectively and impartially and that perpetrators be prosecuted and convicted in accordance with the gravity of their acts; and that alleged perpetrators of torture and ill-treatment be immediately suspended from duty for the duration of the investigation. The Committee recommended that Turkey unambiguously reaffirm the absolute prohibition of torture and publicly condemn practices of torture, and issue a clear warning of personal criminal responsibility.[44]

21. The Special Rapporteur on torture recommended terminating all incommunicado detention and detention in unofficial detention locations, including during times of emergency.[45]

22. The Working Group on Enforced or Involuntary Disappearances stated that Turkey had done very little to come to terms with past enforced disappearances, as consecutive governments had been reluctant to engage with the issue and there had therefore been no proactive and comprehensive policy to address the right to truth, justice, reparation, and remembrance of the victims. It was concerned that there was no autonomous criminal offence of enforced disappearance, which was an obvious problem when it came to investigation, prosecution and adjudication of the acts of enforced or involuntary disappearance.[46]

2. Administration of justice, including impunity, and the rule of law[47]

23. OHCHR was concerned particularly that emergency Decree-Law 696 allowed impunity and lack of accountability, by affording full legal, administrative, criminal and financial immunity to administrative authorities acting within the framework of the decrees.[48]

24. The Special Rapporteur on freedom of expression was concerned about structural changes to the judicial system which undermined the independence of the judiciary, even those that predated the emergency declared in 2016. Since 2014, the executive branch had strengthened its control of the judiciary and prosecution institutions, including by the arrest, dismissal and arbitrary transfer of judges and prosecutors and threats against lawyers.[49]

25. The Special Rapporteur on torture observed that mass arrest, dismissal or suspension of civil servants, including judges, prosecutors and other representatives of the judiciary, had entailed major setbacks and delays in the administration of justice. He also reported on further arrests, including of military and police officers, human rights defenders, journalists, lawyers and health-care personnel.[50] OHCHR noted that Decree-Law 667 gave appellate supreme judicial instances (the Constitutional Court, Court of Cassation and Supreme Administrative Court) the power to dismiss their members allegedly linked to the Gülenist network. Accordingly, a large number of judges and prosecutors had been dismissed, arrested and detained since the failed coup attempt; 4,240 judges and prosecutors had been dismissed through executive orders of the High Council of Judges and Prosecutors, and the Constitutional Court had dismissed two of its judges. OHCHR recalled that any dismissals within the judiciary should be subjected to particularly exacting scrutiny, even in times of a serious public emergency, as they may weaken the judiciary as a whole and affect its effectiveness. In total, some 570 lawyers had been arrested and 1,480 had faced some kind of prosecution. OHCHR observed a pattern of persecution of lawyers representing individuals accused of terrorism, whereby lawyers were prosecuted for the same crime as that attributed to their client, or a related crime. This constituted an obstacle to the enjoyment of the right to fair trial and access to justice.[51]

26. The Special Rapporteur on torture noted that despite persistent allegations of widespread torture and other forms of ill-treatment, made in relation both to the immediate aftermath of the failed coup of 15 July 2016 and to the escalating violence in the south-east of the country, formal investigations and prosecutions in respect of such allegations appeared to be extremely rare, thus creating a strong perception of de facto impunity for acts of torture and other forms of ill-treatment.[52]

27. The Working Group on Enforced or Involuntary Disappearances reiterated on many occasions that impunity for acts of enforced disappearance might be a source of future

violations. It recommended that Turkey recognize past enforced disappearances and adopt a comprehensive policy to fully address them in order to guarantee the victims' rights to truth, justice, reparation and guarantees of non-recurrence, through both a strengthened judicial system and a newly created extrajudicial mechanism.[53] OHCHR reported on allegations of massive destruction, killings and numerous other serious human rights violations committed between July 2015 and December 2016 in south-east Turkey. OHCHR documented cases of torture, enforced disappearances, incitement to hatred, and prevention of access to emergency medical care. OHCHR also reported heavy damage in Cizre, in Şirnak Province, where up to 189 men, women and children had been trapped for weeks in basements without water, food, medical attention and power before being killed by fire, induced by shelling. The High Commissioner was particularly concerned that no credible investigation had been conducted and no one had been prosecuted.[54]

28. The Special Rapporteur on summary executions found that the investigations conducted by Turkey, on unlawful death, following the killing of Jamal Khashoggi, had failed to meet international standards, and recommended conducting a public inquest, and releasing the information and evidence at its disposal.[55]

3. Fundamental freedoms[56]

29. The High Commissioner stated that over the past two years, through successive states of emergency, the space for dissent in Turkey had shrunk considerably, with journalists jailed on terrorism offences.[57] The High Commissioner also called on the authorities to view critical or dissenting voices – including human rights defenders, academics and journalists – as valuable contributors to social dialogue, rather than destabilizing forces. The recent prosecution of 16 civil society activists for "attempting to overthrow the Government", for their alleged roles during protests in 2013, was emblematic of many other trials lacking international due process standards.[58] OHCHR reported on arbitrary closure of civil society organizations, including prominent human rights non-governmental organizations and media; arbitrary detention of people arrested under state of emergency measures; the use of torture and ill-treatment during pretrial detention; and restrictions of the rights to freedom of expression and of movement.[59]

30. The Special Rapporteur on freedom of expression reported on the crackdown on media outlets affiliated with the "Fetullahist Terrorist Organization" "Gülen movement" and on journalists working or having previously worked for such outlets, on journalists perceived to have connections to the movement, and on independent, oppositional or minority media outlets and journalists.[60] The Special Rapporteur made a series of recommendations concerning media freedom and access to information; Internet freedom; emergency decrees; and restrictions on the right to freedom of opinion and expression in national legislation. He noted that the Government had lifted the state of emergency in July 2018, while a great number of amendments to existing legislation had been fast-tracked through state-of-emergency executive decrees and remained in force. He stressed that the lack of evidence presented to justify charges of terrorism in these cases and the general overbroad legislation in that regard raised serious concerns. Civil society monitoring indicated that, as at the date of his report, between 68 and 139 journalists were being detained and approximately 190 media outlets and publishing houses had been closed down, with few granted permission to reopen.[61] The Special Rapporteur had previously stated that media freedom had been under threat prior to July 2016, but since then the scope of the crackdown had broadened dramatically. On the basis of emergency decrees, over 100 media outlets had reportedly been closed during the first six weeks of the state of emergency. Reports indicated that since 15 July 2016, at least 177 media outlets had been closed, 231 journalists had been arrested, nearly 10,000 journalists and media workers had been dismissed, and the press cards of at least 778 journalists had been cancelled. As at March 2017, over 100,000 websites had reportedly been blocked in Turkey.[62]

31. The Special Rapporteur on summary executions recommended the implementation of the special procedures' recommendations following their respective missions in 2016 and subsequently, including by dropping all charges against journalists, academics, and others targeted for the peaceful expression of their opinions.[63]

32. The Committee against Torture was seriously concerned about numerous consistent reports of intimidation and harassment of and violence against human rights defenders, journalists and medical doctors who provided assistance to victims of torture and urged Turkey to refrain from detaining and prosecuting journalists and human rights defenders as a means of intimidating them or discouraging them from freely reporting on human rights issues.[64]

33. The Committee on the Elimination of Discrimination against Women was concerned about the increasingly restrictive and oppressive measures taken over the years, such as imprisonment, against representatives of civil society organizations, women's organizations, women human rights defenders, journalists and other activists, including those in the Kurdish community.[65] The Committee on Migrant Workers reminded Turkey that human rights defenders deserved special protection as their work was critical for promoting human rights for all, including migrant workers. It recommended allowing journalists, human rights defenders and all non-governmental organizations to exercise their right to freedom of expression and opinion without threats and harassment. It urged the State party to ensure that reported instances of intimidation and harassment of human rights defenders and civil society activists were promptly and independently investigated, and that those responsible for such abuses were held accountable.[66]

4. Prohibition of all forms of slavery[67]

34. The Committee on the Elimination of Discrimination against Women was concerned about the significant increase of prostitution in areas with high concentrations of Syrian refugees and the persistence of trafficking in women and girls, both internal and cross-border, for the purpose of sexual exploitation, including Syrian girls being trafficked into exploitation in prostitution through false promises of marriage and a better life in Turkey.[68] The Committee on Migrant Workers recommended that Turkey adopt a comprehensive anti-trafficking law and continue its efforts to prevent, suppress and punish trafficking in persons, in line with target 5.2 of the Sustainable Development Goals.[69]

35. The Working Group on Enforced or Involuntary Disappearances received concerning information about the disappearance of migrants in, or transiting through, Turkey. It received reports of women and children disappearing in trafficking networks, particularly Yazidi women and girls being trafficked from the Syrian Arab Republic to Turkey and sold by Islamic State in Iraq and the Levant in Gaziantep in the south of Turkey.[70]

5. Right to family life[71]

36. The Committee on the Elimination of Discrimination against Women called upon Turkey to eradicate polygamous and child marriages, including such unregistered religious marriages, and to ensure the civil registration of all marriages so as to guarantee the rights of all married women and their children; and to amend existing legislation so as to ensure that women had equal rights to their names.[72]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[73]

37. OHCHR reported that following the coup attempt, and until December 2017, at least 152,000 civil servants had been dismissed, including 107,944 individuals named in lists attached to emergency decrees (including about 60,000 security, military and police officials, some 33,000 teachers, around 6,000 academics, and approximately 6,000 health sector personnel). An additional 22,474 people had lost their jobs due to the closure of private institutions.[74]

38. The Committee on the Elimination of Discrimination against Women was concerned about the higher rate of unemployment among women, and the persistent gender wage gap and low-paid jobs of women working in precarious conditions.[75]

39. The Committee on Migrant Workers was concerned about workplace exploitation of migrant workers, particularly that the wages of migrants in an irregular situation were low, varied widely, depended largely on the perceived hierarchy among different nationalities of migrant workers, and were paid irregularly or not at all.[76]

40. The ILO Committee of Experts noted that after the attempted coup, Turkey was in a state of acute national crisis, and that a commission of inquiry had been established to receive applications against the dissolution of trade unions by decree during the state of emergency, whose decisions were appealable before administrative courts of Ankara. The Committee had examined the role of that commission under the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The Committee hoped that the commission would be accessible to all organizations desiring its review.[77]

2. Right to social security[78]

41. The Committee on Migrant Workers recommended that Turkey reduce the cost of sending and receiving funds in line with target 10.c of the Sustainable Development Goals and facilitate the productive use of remittances.[79]

3. Right to an adequate standard of living[80]

42. United Nations experts noted that the arbitrary and sweeping nature of the country's state of emergency decrees represented major violations of economic, social and cultural rights and had been used as a justification to plunge many civil servants into poverty. They noted that even under a state of emergency, those rights could only be limited in ways that respected the basic rights themselves and "solely for the purpose of promoting the general welfare in a democratic society".[81]

43. OHCHR was alarmed about the results of satellite imagery analysis, which indicated an enormous scale of destruction of the housing stock by heavy weaponry.[82]

4. Right to health[83]

44. The Committee on the Elimination of Discrimination against Women noted with concern that access to sexual and reproductive health services, including modern contraceptives, was severely limited, especially for Kurdish women and other minority women, and for women living in rural and remote areas, thus resulting in a significant number of early and unwanted pregnancies.[84]

45. The Committee on Migrant Workers recommended that Turkey ensure in law and in practice that all migrant workers had access to medical care.[85]

5. Right to education[86]

46. The Committee on the Elimination of Discrimination against Women remained concerned about the high dropout rate and underrepresentation among girls and women in vocational training and higher education, particularly in deprived rural areas and refugee communities. The same Committee noted with concern that in parts of the south-east of Turkey, it was reported that nearly 50 per cent of girls were illiterate and even more did not continue education after primary school, given that public education was not accessible in Kurdish.[87]

47. UNESCO encouraged revision of the regulatory framework to ensure at least one year of effectively free and compulsory pre-primary education, and encouraged increased availability of pre-primary education to ensure that all children, particularly refugees, could enrol.[88]

48. The Committee on the Rights of Persons with Disabilities was concerned about the intersectional discrimination against and exclusion of Roma girls with disabilities, particularly from education.[89]

D. Rights of specific persons or groups

1. Women[90]

49. OHCHR identified a particularly alarming pattern of detaining women just before or immediately after they had given birth. OHCHR reported on a number of women with young children being held in detention.[91]

50. The Committee on the Elimination of Discrimination against Women was concerned about the persistence of deep-rooted discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society.[92]

51. The same Committee was concerned about the persistence of crimes, including killings, committed in the name of so-called "honour", and about the relatively high number of forced suicides and the significant number of child marriages, and the insufficient efforts to prevent them and adequately punish perpetrators. It recommended amending article 29 of the Penal Code to explicitly exclude so-called honour crimes, and dismantling the concept that honour and prestige were associated with the conduct or presumed conduct of women, which was based on patriarchal attitudes.[93]

52. The same Committee noted with concern that a large number of women were murdered by their intimate or former intimate partners or husbands or by members of their families.[94] The Committee against Torture recommended that all women victims of violence be able to access shelters and receive necessary medical care and psychological support.[95] The Committee on the Elimination of Discrimination against Women recommended explicitly criminalizing domestic violence, so as to enable the prosecution and punishment of perpetrators.[96]

53. The same Committee was concerned about the pervasive underreporting of gender-based violence against refugee women, including sexual violence; and forced marriages to Syrian and Turkish men for socioeconomic reasons or protection purposes.[97]

54. The same Committee recommended establishing a special unit within the Ombudsman Institution on human rights protection for women and children, and developing and implementing an adequately funded policy to ensure the advancement of women.[98]

2. Children[99]

55. The Committee on Migrant Workers was concerned that the minimum age for employment, set at 15 years, was lower than the age at which children normally completed compulsory education.[100]

56. The same Committee was concerned that many migrant children, be they unaccompanied or with their families, were involved in informal labour, mostly in the agricultural sector where they worked long hours under harsh conditions without legal protection.[101]

57. The Committee recommended that Turkey expeditiously and completely cease the detention of children on the basis of their or their parents' immigration status, and adopt alternatives to detention that allowed children to remain with family members and/or guardians in non-custodial, community-based contexts while their immigration status was being resolved, consistent with their best interests, and with children's rights to liberty and family life.[102]

58. The Committee on the Elimination of Discrimination against Women recommended effective implementation of the prohibition of child marriage.[103]

3. Persons with disabilities[104]

59. The Committee on the Rights of Persons with Disabilities was concerned about the persistence of segregated education, which was discriminatory at all levels, and the absence of an inclusive education system. It recommended recognizing inclusive education in the legislation and adopting policies and strategies to implement it.[105]

60. The same Committee was concerned about the prevalence of the medical, charitable and paternalistic approaches to disability, exemplified in disability assessments based on medical reports, which reduced persons with disabilities to their impairments and health condition.[106]

61. The Committee recommended that Turkey repeal discriminatory provisions against persons with disabilities and harmonize its anti-discrimination legislation with the Convention on the Rights of Persons with Disabilities.[107]

62. The same Committee recommended preventing cases of solitary confinement and any other involuntary treatment of persons with disabilities in institutions, and investigating and imposing criminal and administrative sanctions on perpetrators.[108]

4. Minorities[109]

63. The Committee on the Elimination of Racial Discrimination was concerned that persons belonging to some minority groups did not enjoy economic, social and cultural rights on an equal footing with the rest of the population. It was also concerned that the 10 per cent threshold constituted an obstacle to the equitable representation of minority groups in political affairs, particularly in elected bodies.[110]

64. The same Committee recommended that Turkey review its position and consider recognizing other groups that may qualify as being ethnic, national or ethno-religious minorities.[111]

65. The same Committee remained concerned at the persistence of discrimination, stereotypes and prejudices against Roma, and at Roma suffering from the effects of poverty.[112]

66. The Committee on the Elimination of Discrimination against Women was concerned about the persistent disadvantaged situation of Kurdish women that was exacerbated by prejudice against their ethnic and linguistic identity, leading to their further marginalization with respect to their civil, political, economic, social and cultural rights. It called upon Turkey to address the inequalities faced by Kurdish women.[113]

5. Migrants, refugees, asylum seekers and internally displaced persons[114]

67. The Committee on Migrant Workers was concerned that undocumented migrant workers were reportedly rarely able to seek redress for violations of their rights without being punished on the grounds of their irregular migration status. The fear of retaliation, the threat of deportation and the monetary fine for carrying out unregistered work deterred undocumented migrant workers from filing complaints.[115]

68. The Committee against Torture recommended that Turkey ensure appropriate reception conditions for returned refugees, asylum seekers and irregular migrants; and refrain from detaining asylum seekers and irregular migrants for prolonged periods, and promote alternatives to detention.[116]

69. The Committee on Migrant Workers, the Committee on the Elimination of Discrimination against Women and the Committee against Torture valued the substantial efforts by Turkey to respond to the massive influx of asylum seekers and undocumented migrants. They also commended Turkey for having admitted and/or accommodated Syrian refugees fleeing from armed conflict in their country, as well as thousands of asylum seekers and refugees from various third countries.[117] UNHCR stated that Turkey was home to the largest refugee population in the world. At the end of July 2019, there were over 3.6 million Syrians under temporary protection, almost half of whom were children. UNHCR recommended strengthening identification mechanisms for early detection of protection risks.[118]

70. The Committee on Migrant Workers was concerned that Turkey had reportedly expelled several thousand undocumented migrants.[119] The Committee against Torture was concerned by several reports of expulsion, return or deportation, in violation of the non-refoulement principle, with regard to hundreds of Syrian nationals, as well as to those returned to a third country without being granted access to asylum procedures. The same

Committee was concerned at reports according to which the Turkish Armed Forces opened fire on people trying to cross Turkey's southern border in April 2016, although it noted that the State party's delegation had denied these allegations, claiming that the 18 persons killed were "PKK terrorists" trying to cross the border. The same Committee recommended that Turkey ensure in practice that no one may be expelled, returned or extradited in violation of the non-refoulement principle, and investigate the shooting incidents.[120]

71. The Committee on the Elimination of Racial Discrimination was concerned at reports on the lack of a national strategy to address the needs of internally displaced persons, their inadequate living conditions, their difficulties in accessing adequate housing or recovering their property, and internally displaced children's low rate of school attendance.[121]

6. Stateless persons[122]

72. The Committee on Migrant Workers recommended that all children of migrant workers be registered at birth and issued with personal identity documents, in line with target 16.9 of the Sustainable Development Goals, and that Turkey raise awareness about the importance of birth registration among migrant workers and members of their families, especially those in an irregular situation.[123]

E. Specific regions or territories[124]

73. OHCHR reported that it remained urgent for the Turkish authorities to sustain their proactive approach to providing the Committee on Missing Persons in Cyprus with all necessary assistance to ensure that the Committee had unhindered access to all possible military zones located in the northern part of Cyprus and to provide the Committee *proprio motu* with any information from the relevant archives.[125]

74. OHCHR noted that the Committee of Ministers at the deputy level, of the Council of Europe, had called on Turkey to pay the just satisfaction awarded by the European Court of Human Rights regarding missing persons and property rights in Cyprus. OHCHR also noted that the OSCE Representative on Freedom of the Media had urged the Turkish authorities to drop legal charges against two journalists from the Turkish Cypriot newspaper *Afrika*, stressing that it was essential for the public authorities to refrain from initiating lawsuits against journalists for their work.[126]

Notes

1 Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Turkey will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/TRindex.aspx.
2 For relevant recommendations, see A/HRC/29/15, paras. 148.1–148.5, 148.52–148.55, 149.1–149.2, 149.12, 150.1–150.10, 151.1–151.11, 151.21 and 151.26–151.27.
3 See www.un.org/press/en/2016/sgsm17942.doc.htm.
4 CAT/C/TUR/CO/4, para. 22; and CEDAW/C/TUR/CO/7, para. 58.
5 CMW/C/TUR/CO/1, paras. 19–20.
6 Ibid., para. 66.
7 CERD/C/TUR/CO/4-6, para. 41.
8 UNESCO submission for the universal periodic review of Turkey, para. 15.
9 CRPD/C/TUR/CO/1, para. 59.
10 CERD/C/TUR/CO/4-6, para. 36; and CAT/C/TUR/CO/4, para. 24.
11 CERD/C/TUR/CO/4-6, para. 6.
12 CMW/C/TUR/CO/1, para. 18.
13 Ibid.
14 CERD/C/TUR/CO/4-6, para. 46.
15 OHCHR, "Funding", in *OHCHR Report 2015*, p. 61; in *OHCHR Report 2016*, pp. 79 and 83; in *OHCHR Report 2017*, pp. 79, 83 and 86; and in *OHCHR Report 2018*, pp. 76–77, 89, 105 and 111. Including to the three humanitarian funds in 2014 and 2017 and to the slavery fund in 2018.
16 See www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23206&LangID=E.
17 For relevant recommendations, see A/HRC/29/15, paras. 148.6–148.7, 148.9, 148.18, 148.20–148.27,

148.29, 148.31–148.33, 148.37–148.38, 148.50–148.51, 148.81, 149.11 and 150.29.

[18] CAT/C/TUR/CO/4, para. 28; CEDAW/C/TUR/CO/7, para. 21; and CERD/C/TUR/CO/4-6, para. 16. See also CAT/C/TUR/QPR/5, para. 16.

[19] A/HRC/37/50/Add.1, paras. 57–62 and 104. Turkey notified the Secretary-General of the United Nations of its invocation of article 4 of the International Covenant on Civil and Political Rights, and that the derogation involved obligations under articles 2 (3), 9, 10, 12, 13, 14, 17, 19, 21, 22, 25, 26 and 27. See also www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx.

[20] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20394.

[21] CAT/C/TUR/QPR/5, para. 5.

[22] OHCHR, "Report on the impact of the state of emergency on human rights in Turkey, including an update on the south-east", January–December 2017, paras. 3–4, 16, 31, 33–34 and 47, available at www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf.

[23] A/HRC/35/22/Add.3, para. 28.

[24] For relevant recommendations, see A/HRC/29/15, paras. 148.10, 148.16–148.18, 148.56, 148.131, 148.148–148.149, 150.12, 150.24–150.28 and 150.30–150.34.

[25] CERD/C/TUR/CO/4-6, para. 8.

[26] Ibid., para. 23.

[27] UNHCR submission for the universal periodic review of Turkey, p. 3.

[28] For the relevant recommendation, see A/HRC/29/15, para. 148.62.

[29] OHCHR, "Report on the impact of the state of emergency on human rights in Turkey, including an update on the south-east", para. 7.

[30] For relevant recommendations, see A/HRC/29/15, paras. 149.46, 150.22, 150.52 and 151.24–151.25.

[31] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23518&LangID=E.

[32] A/HRC/37/50/Add.1, paras. 68–69.

[33] OHCHR, "Report on the impact of the state of emergency on human rights in Turkey, including an update on the south-east", para. 43.

[34] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22667&LangID=E.

[35] UNESCO submission, para. 18.

[36] A/HRC/35/22/Add.3, paras. 58 and 84–85.

[37] A/HRC/29/37/Add.4, appendix, para. 3.

[38] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3963858.

[39] For relevant recommendations, see A/HRC/29/15, paras. 148.11–148.12, 148.15, 148.19, 148.41, 148.83–148.86, 148.90–148.94, 148.102, 148.111, 148.152, 149.6, 149.8–149.9, 149.11, 149.21, 149.27, 149.31 and 150.11.

[40] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25129&LangID=E; see also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25145&LangID=E.

[41] CAT/C/TUR/CO/4, paras. 13–16.

[42] Ibid., para. 11.

[43] CAT/C/TUR/CO/4, para. 18. See also CCPR/C/125/D/2980/2017.

[44] CAT/C/TUR/CO/4, paras. 9–10 and 12.

[45] A/HRC/37/50/Add.1, para. 106.

[46] A/HRC/33/51/Add.1, paras. 9 and 15.

[47] For relevant recommendations, see A/HRC/29/15, paras. 148.36, 148.104–148.107, 148.109, 148.130, 149.3, 149.22–149.32, 150.7–150.8 and 150.11.

[48] OHCHR, "Report on the impact of the state of emergency on human rights in Turkey, including an update on the south-east", paras. 5 and 45.

[49] A/HRC/35/22/Add.3, paras. 68–69.

[50] A/HRC/37/50/Add.1, paras. 24 and 62.

[51] OHCHR, "Report on the impact of the state of emergency on human rights in Turkey, including an update on the south-east", paras. 49–57. See also CAT/C/TUR/QPR/5, para. 17.

[52] A/HRC/37/50/Add.1, para. 23.

[53] A/HRC/33/51/Add.1, paras. 37 and 65.

[54] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21342.

[55] A/HRC/41/36, paras. 9 and 89.

[56] For relevant recommendations, see A/HRC/29/15, paras. 148.14, 148.106, 148.114–148.128, 149.5, 149.10, 149.34–149.39, 149.40–149.43, 150.13, 150.15–150.16, 150.18–150.19, 150.22–150.23, 150.35, 150.37–150.41, 150.39–150.40, 150.43–150.45, 150.47, 150.52, 151.12–151.15 and 151.19.

[57] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23052&LangID=E.

[58] See www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24265&LangID=E.

[59] OHCHR, "Report on the impact of the state of emergency on human rights in Turkey, including an update on the south-east", para. 7.

[60] A/HRC/35/22/Add.3, para. 39.

[61] A/HRC/41/35/Add.2, paras. 15–26.

[62] A/HRC/35/22/Add.3, paras. 31, 38 and 49.
[63] A/HRC/41/36, para. 89. The special procedures referred to are the Special Rapporteur on freedom of expression, the Special Rapporteur on torture and the Working Group on Enforced or Involuntary Disappearances.
[64] CAT/C/TUR/CO/4, paras. 43–44.
[65] CEDAW/C/TUR/CO/7, para. 10.
[66] CMW/C/TUR/CO/1, para. 34.
[67] For relevant recommendations, see A/HRC/29/15, paras. 148.11–148.15, 148.19, 148.83–148.94 and 148.152.
[68] CEDAW/C/TUR/CO/7, paras. 14 and 39.
[69] CMW/C/TUR/CO/1, para. 84.
[70] A/HRC/33/51/Add.1, para. 14.
[71] For relevant recommendations, see A/HRC/29/15, paras. 148.28, 148.42, 148.98–148.100, 148.103, 149.19–149.20, 150.14, 150.16–150.17, 150.20–150.21 and 150.42.
[72] CEDAW/C/TUR/CO/7, para. 54.
[73] For relevant recommendations, see A/HRC/29/15, paras. 148.57, 148.80, 148.132–148.133 and 149.1.
[74] OHCHR, “Report on the impact of the state of emergency on human rights in Turkey, including an update on the south-east”, paras. 61 and 64.
[75] CEDAW/C/TUR/CO/7, para. 45.
[76] CMW/C/TUR/CO/1, para. 57.
[77] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3965211.
[78] For the relevant recommendation, see A/HRC/29/15, para. 148.147.
[79] CMW/C/TUR/CO/1, para. 74.
[80] For relevant recommendations, see A/HRC/29/15, paras. 148.113 and 148.149.
[81] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21497&LangID=E.
[82] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21342.
[83] For relevant recommendations, see A/HRC/29/15, paras. 148.64 and 148.143.
[84] CEDAW/C/TUR/CO/7, para. 47.
[85] CMW/C/TUR/CO/1, para. 64.
[86] For relevant recommendations, see A/HRC/29/15, paras. 148.134–148.146, 149.45 and 151.6–151.7.
[87] CEDAW/C/TUR/CO/7, para. 43.
[88] UNESCO submission, para. 15.
[89] CRPD/C/TUR/CO/1, para. 13.
[90] For relevant recommendations, see A/HRC/29/15, paras. 148.13, 148.29, 148.40, 148.46–148.47, 148.57–148.69, 148.71–148.74, 148.79–148.80, 148.95–148.98, 148.101–148.112, 148.129, 148.133, 149.6–149.7, 149.13–149.14, 149.18, 149.44, 150.26 and 151.16–151.17.
[91] OHCHR, “Report on the impact of the state of emergency on human rights in Turkey, including an update on the south-east”, para. 12.
[92] CEDAW/C/TUR/CO/7, para. 28.
[93] Ibid., paras. 30–31 and 34–35.
[94] Ibid., para. 32.
[95] CAT/C/TUR/CO/4, para. 46.
[96] CEDAW/C/TUR/CO/7, para. 33.
[97] Ibid., para. 14.
[98] Ibid., para. 23.
[99] For relevant recommendations, see A/HRC/29/15, paras. 148.1–148.4, 148.28, 148.34–148.35, 148.39, 148.42–148.44, 148.48–148.49, 148.82, 148.86–148.89, 148.99–148.103, 148.108, 148.110–148.111, 148.113, 148.134, 148.137, 149.16–149.17 and 149.19–149.20.
[100] CMW/C/TUR/CO/1, para. 43.
[101] Ibid.
[102] CMW/C/TUR/CO/1, para. 48. See also CMW/C/TUR/CO/1, para. 89, in which the Committee requested that the State party provide, within two years, that is, by 1 May 2018, written information on the implementation of the recommendations contained in paras. 18, 48, 52 and 54 of CMW/C/TUR/CO/1; and CMW/C/TUR/CO/1/Add.1, on the Committee’s follow-up letter dated 16 September 2019 concerning the recommendations contained in paras. 18, 48, 52 and 54 of CMW/C/TUR/CO/1.
[103] CEDAW/C/TUR/CO/7, paras. 30–31.
[104] For relevant recommendations, see A/HRC/29/15, paras. 148.1, 148.4, 148.140–148.149 and 150.26.
[105] CRPD/C/TUR/CO/1, paras. 48–49.
[106] Ibid., para. 5.
[107] Ibid., para. 12.
[108] Ibid., para. 33.
[109] For relevant recommendations, see A/HRC/29/15, paras. 148.78, 148.148–148.156, 149.4–149.5,

149.15, 149.33, 149.40, 150.26, 150.35–150.37, 150.46–150.49, 151.8 and 151.20–151.23.

110 CERD/C/TUR/CO/4-6, para. 31.

111 Ibid., para. 14.

112 Ibid., para. 27.

113 CEDAW/C/TUR/CO/7, paras. 12–13.

114 For relevant recommendations, see A/HRC/29/15, paras. 148.85, 148.152–148.153, 149.1, 149.12, 149.45, 150.26, 150.47 and 150.50–150.51.

115 CMW/C/TUR/CO/1, para. 39.

116 CAT/C/TUR/CO/4, para. 26.

117 CAT/C/TUR/CO/4, para. 7; CEDAW/C/TUR/CO/7, para. 14; and CMW/C/TUR/CO/1, para. 10.

118 UNHCR submission, pp. 1 and 3–4.

119 CMW/C/TUR/CO/1, para. 53.

120 CAT/C/TUR/CO/4, paras. 23–24. See also CMW/C/TUR/CO/1, para. 89, in which the Committee on Migrant Workers requested that the State party provide, within two years, that is, by 1 May 2018, written information on the implementation of the recommendations contained in paras. 18, 48, 52 and 54 of CMW/C/TUR/CO/1; and CMW/C/TUR/CO/1/Add.1, on the follow-up letter of the Committee on Migrant Workers dated 16 September 2019 concerning the recommendations contained in paras. 18, 48, 52 and 54 of CMW/C/TUR/CO/1.

121 CERD/C/TUR/CO/4-6, para. 37.

122 For relevant recommendations, see A/HRC/29/15, paras. 148.35, 148.39, 148.44, 148.49, 148.89, 148.92 and 148.110.

123 CMW/C/TUR/CO/1, para. 66.

124 For relevant recommendations, see A/HRC/29/15, paras. 149.3–149.4.

125 A/HRC/40/22, para. 18; and A/HRC/37/22, paras. 15–20. See also Security Council resolution 2483 (2019) and S/2019/37, and Security Council resolutions 2338 (2017) and 2369 (2017).

126 A/HRC/40/22, paras. 20, 35 and 49.