



PERMANENT MISSION OF THE REPUBLIC OF TURKEY  
TO THE UNITED NATIONS OFFICE IN GENEVA

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The Permanent Mission of the Republic of Turkey to the United Nations Office in Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the letter, dated 14 November 2019 (ref: GH/GC37/1) regarding the call for comments to the revised draft General Comment No. 37 on Article 21 of the International Covenant on Civil and Political Rights, has the honour to enclose herewith the comments provided by the Ministry of Interior. Further possible comments provided by the other relevant Turkish authorities will be subsequently transmitted.

The Permanent Mission of the Republic of Turkey avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 13 February 2020

Encl: As stated



Office of the High Commissioner for Human Rights  
Palais des Nations  
1211 Geneva 10

REPUBLIC OF TURKEY  
MINISTRY OF INTERIOR

Directorate of European Union And External Relations

Subject: Revised Draft General Comment No. 37 on article 21 (the right of peaceful assembly) of the International Covenant on Civil and Political Rights: Call for Comments.

The comments made by the Directorate General for Legal Affairs are as follows:

It is suggested;

- To remove "*the rule of law*" in Paragraph 1,
- To use "*the same*" in Paragraph 4,
- To remove "*provided the property is publicly accessible*" in Paragraph 13,
- To remove "*widespread and serious*" and "*and is sometimes referred to as a riot*" in Paragraph 19,
- To remove "*imminent*" in Paragraph 21,
- Regarding to Paragraph 27, in accordance with the laws of the countries concerned, if private security officers are not granted an action of intervention within the scope of the right to peaceful assembly, it should be taken into consideration that this group is covered by the statement of "*other members of the public*",
- To prefer "*possible*" in Paragraph 31,
- To prefer "*potential*" in Paragraph 33,
- To remove "*article 21 of*" in Paragraph 34,
- To prefer "*judgment*" in Paragraph 46,
- To remove "*fundamental*" and "*property rights*" in Paragraph 53,
- To remove "*in their entirety*" in Paragraph 57,
- To prefer "*directly*" and "*acts of violence, or are aimed at intimidating members of the population*" in Paragraph 60,
- To remove "*civilly and criminally*" in Paragraph 75,
- To remove "*should not render participation in the assembly unlawful, and*" in Paragraph 81,
- To add Paragraph 114 and also to add "*not only*" after the statement "*legal justification*",
- To prefer *Option 2* in Paragraph 22,

- To remove the words "*or political independence for part of the country*" in Paragraph 55 **as it is problematic and contrary to the integrity and unity of the country.**
- To remove the sentence "*They should not be used to prohibit insults to the honour and dignity of officials or State organ nor to pursue other objectives favoured by the authorities*" in Paragraph 55,
- To remove "*uniforms*" in Paragraph 60,
- Participation of protestors to the demonstration marches, meetings, assemblies etc. while covering their faces by using mask, hood or scarf with the aim of hiding their identities is against the Article 23/b of the Law (No. 2911) on Meetings and Demonstrations. These individuals are also subject to imprisonment according to the Article 33/a of the same Law. Therefore, regarding to the Paragraph 70, **it is requested to rewrite the whole Paragraph, especially the part of "*the wearing masks of face coverings or other disguises by assembly participants, such as hoods or masks*".**