



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 7 January 2020 (ref: 2020-1/CESCR/GC) regarding the contributions to the Draft General Comment to the Article 15 of the International Covenant on Economic, Social and Cultural Rights, has the honour to enclose herewith the information note provided by the Ministry of Culture and Tourism. 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 CULTURE AND TOURISM
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.

While there is no comment or suggestion regarding the draft General Comment, Article 15 and the sub-clauses of the UNESCO Convention on Economic, Social and Cultural Rights include regulations that state parties should grant the right to benefit from scientific progress and practices to everyone. In the related draft General Comment, it is mentioned that the issue of extending accessibility to science and scientific studies may be restricted by the protection of intellectual property, and state parties should achieve balance between the protection of intellectual property and access to science. In this context, an information note on the limitations for education and learning, which aim at preserving this balance and are included in the Law (No. 5846) on Intellectual and Artistic Works, has been prepared by the Directorate General of Copyright.

**LIMITATIONS FOR EDUCATION REGULATED IN THE LAW ON
INTELLECTUAL AND ARTISTIC WORKS (Law No. 5846 of 5.12.1951)**

(3) Freedom to Perform Art. 33. Published works may be freely performed in all educational institutions for the purpose of face-to-face education and without directly or indirectly aiming for profit, provided that the name of the author and the work is announced in the customary manner.

(4) Selected and Collected Works for Educational and Instructional Purposes Art. 34. It is free to create selected or collected works, which are dedicated to educational purposes, by way of making quotations in an amount justified by the purpose, from published musical, literary and scientific works and works of fine arts that are made public.

(5) Freedom of Quotation Art. 35. Quotations of a work are permitted in the following cases:

1. Quoting a few sentences or passages of a work made public, in an independent literary or scientific work;
2. Incorporating certain elements of a published composition, at the most such as themes, patterns, passages or ideas, into an independent musical work;
3. Reproducing works of fine arts that have been made public and other published works, in a scientific work for the purpose of explaining its content and to the extent justified by such purpose;
4. Displaying works of fine arts that have been made public by projection or similar means in order to explain a subject at scientific conferences or lectures.

The quotation must be made in a manifest way. In scientific works, it shall be necessary to mention not only the name of the work and the author but also the passage from which the quoted part has been taken.

III. Due to the Interest of Individuals (1) Personal Use Art. 38. It is permitted to reproduce all intellectual and artistic works for personal use without pursuing profit. However, such reproduction may not prejudice the legitimate interests of rightholders without good reason or conflict with the normal exploitation of the work.