



4 December 2020

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Turkey and welcome the constructive engagement of your Government during the 35th session of the UPR Working Group in January 2020.

As the final outcome report on the review of Turkey has been recently adopted by the Human Rights Council at its 45th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Turkey – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 124 delegations and the presentation made and responses provided by the delegation of Turkey. I have also considered the actions taken by the Government of Turkey to implement the 215 recommendations fully supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the drafting of the Judicial Reform Strategy aimed at improving the protection of fundamental freedoms for all. I welcome the plans to pursue the reform process with the adoption of two more legislative amendment packages aimed at strengthening freedom of expression and victims' rights and encourage further efforts in this regard in order to address concerns about the independence and impartiality of the judiciary.

I also welcome the planned discussions on the national legislation, including the anti-terror legislation, within the Judicial Reform Strategy process. These include the analysis for expanding and strengthening rights and freedoms in legislation and practice regarding freedom of expression. Nevertheless, I am seriously concerned about numerous consistent reports of intimidation and harassment of and violence against human rights defenders, journalists, academics, judges and the media. I urge Turkey to refrain from detaining and prosecuting them as a mean of discouraging them from freely commenting and reporting on human rights issues.

I am aware that Turkey is facing the biggest influx of refugees in the world and is currently a home to around 4 million refugees and asylum seekers. I commend your Government in this regard and encourage to continue providing humanitarian aid, education and health services to refugees, migrants and asylum seekers, as well as upholding its international obligations on human rights.

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His Excellency
Mr. Mevlüt ÇAVUŞOĞLU
Minister of External Affairs
Turkey



I encourage Turkey to continue developing a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Turkey to support the establishment of an effective National Human Rights Institution in line with the highest international standards (i.e. the Paris Principles). I also encourage Turkey to make further efforts to establish a national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:
http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Turkey to consider submitting a mid-term report on follow-up to the third cycle of the review, by the end of 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Turkey in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: His Excellency
H.E. Mr. Faruk KAYMAKCI
Ambassador, Deputy Minister of Foreign Affairs & Director for EU Affairs
Turkey

Mr. Alvaro RODRIGUEZ
United Nations Resident Coordinator a.i.
Turkey



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; 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; the Rome Statute of the International Criminal Court; the UNESCO Convention against Discrimination in Education; and the Council of Europe Framework Convention for the Protection of National Minorities and the Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms.
- Continuing cooperating with the United Nations human rights machinery.
- Strengthening national capacities in the promotion and protection of human rights, taking into account the concluding observations of the treaty bodies and the recommendations of the UPR.

National human rights framework

- Reviewing relevant legislation in line with international human rights obligations.
- Strengthening human rights policies and expediting the adoption of an action plan on human rights, ensuring that it fully embraces the accepted UPR recommendations.
- Strengthening the National Human Rights and Equality Institution, by ensuring its independence, and guaranteeing that the appointment of its members is in full compliance with the Paris Principles.
- Continuing promoting the role of the Ombudsman in investigating and monitoring human rights.
- Ensuring the compliance of its security forces with international humanitarian law and human rights law.

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

A. Cross-cutting issues

Equality and non-discrimination

- Implementing the anti-discrimination legislation in order to ensure the right to equal treatment of persons and prevent discrimination.
- Strengthening the fight against racial discrimination and hate speech, and adequately investigating and effectively prosecuting racist hate speech and discriminatory statements directed at minorities.



- Promoting measures against discrimination based on sexual orientation and gender identity, which include the punishment of perpetrators of discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons.

Development, the environment, and business and human rights

- Continuing to play a leadership role in the field of humanitarian and development aid and providing humanitarian assistance through human rights protection.
- Continuing ensuring that climate change and disaster risk reduction policies are gender-responsive and disability-inclusive and consistent with the United Nations Framework Convention on Climate Change and the Sendai Framework for Disaster Risk Reduction.

Human rights and counter-terrorism

- Reforming the Anti-Terrorism Act, including by narrowing the scope of the definition of terrorism with a view to bringing it in line with international human rights norms and standards, and ensuring that its implementation is fully consistent with Turkey's human rights obligations. Ensuring that those arrested on terror-related charges are afforded due process.
- Ensuring that anti-terrorism and defamation legislation do not interfere with the freedom of opinion and expression of journalists, artists, academics and human rights defenders.

B. Civil and political rights

Right to life, liberty and security of person

- Continuing efforts to eliminate acts of torture and ill-treatment and to prevent, investigate, prosecute and punish all acts of torture and ill-treatment.
- Establishing an effective mechanism to prevent torture and humiliating treatment.

Administration of justice, including impunity, and the rule of law

- Enhancing the efficiency of the judicial system and strengthening the independence and impartiality of the judiciary within the framework of the Judicial Reform Strategy 2019–2023, in line with international obligations and standards.
- Ensuring that the appointment of the members of the judiciary better respects the principles of independence and impartiality.
- Guaranteeing the separation of powers, by rolling back the Constitutional amendment of article 159 and by putting an end to the interference of the executive branch in the criminal justice system and in criminal investigations related to corruption charges against senior State officials.
- Promptly investigating all allegations of extrajudicial executions and enforced disappearances, guaranteeing that all those responsible are brought to justice.
- Establishing independent mechanisms for reporting and investigating allegations of unlawful detention, torture and inhumane treatment at the hands of police and security officers; and ensuring that all allegations of arbitrary detention, are duly investigated.



- Intensifying the monitoring of places of detention; conducting an immediate, independent and effective investigation into cases of torture and ill-treatment in detention; and taking judicial measures to prevent such acts and impunity in accordance with its policy of zero tolerance of torture.
- Ceasing the excessive use of pre-trial detention and ensuring human rights defenders and critics alleged to have committed an offence are guaranteed due process and fair trial rights.
- Opening effective channels of appeal to individuals for measures taken during the state of emergency.

Fundamental freedoms

- Providing the conditions for freedom of religion and belief, in law and in practice, in compliance with international standards and treating all people equally regardless of religion.
- Decriminalizing defamation or insult, by abolishing articles 299, 267 and 125 of the Criminal Code, and bringing national legislation on defamation in line with international standards.
- Reforming the Criminal Code and taking appropriate measures to ensure the full protection and enjoyment of the freedoms of opinion, expression, peaceful assembly and association, and amending related laws to ensure they fully meet human rights obligations.
- Taking appropriate measures to create and guarantee a safe and enabling environment for civil society organizations, human rights defenders, lawyers and journalists, so they can operate freely without fear of reprisals, interference or censorship and are not subjected to intimidation or arbitrary arrest, including by bringing those responsible for attacks and harassment to justice, in full accordance with international human rights obligations.

Prohibition of all forms of slavery

- Adopting a comprehensive anti-trafficking law and increasing actions to prevent and combat trafficking in persons, especially in the context of the refugee and migrant crisis.
- Continuing efforts to prevent, suppress and punish the trafficking phenomenon and all forms of sexual exploitation of children; to protect trafficking victims; and to strengthen international cooperation in that area, in line with target 5.2 of the Sustainable Development Goals.

Right family life

- Strengthening the rights of married women and their children through the civil registration of all marriages.

C. Economic, social and cultural rights

Right to health

- Continuing taking measures to improve the universal coverage of health services.



- Improving access to sexual and reproductive health services, especially for Kurdish women and other minority women, and for women living in rural and remote areas.

Right to education

- Promoting free education for all people.
- Revising the regulatory framework to ensure at least one year of genuinely free and compulsory pre-primary education and an improvement in the provision of pre-primary education that would enable all children, especially refugees, to attend school.
- Ensuring that children who drop out of school due to financial difficulties continue their compulsory education.
- Ensuring equal opportunities for girls in education; promoting their school attendance, particularly of those belonging to vulnerable groups and in rural area; and increasing women's access to and representation in higher education.
- Taking all necessary measures to protect academic freedom at university level and related rights in line with domestic laws and international standards.

D. Rights of specific persons or groups

Women

- Strengthening measures to combat discrimination against women and address discriminatory gender stereotypes, including through the implementation of relevant laws, the elimination of any loopholes in national legislation and the adoption of comprehensive reforms towards redressing gender injustice and inequalities.
- Enhancing the efforts to uphold the principles of gender equality in national legislation and policies, especially in the areas of decision-making, employment, education and health; and creating equal rights and opportunities for women, including through national strategic programmes and action plans.
- Promoting women's empowerment and participation in political and economic decision-making processes in order to ensure even greater participation by women in leadership roles.
- Adopting measures to combat violence against women, including by expanding national and local resources to respond to all forms of gender-based violence; explicitly criminalizing gender-based and domestic violence; addressing the root causes of the pervasive underreporting of gender-based violence and undertaking concrete efforts to encourage reporting; ensuring that all reports of gender-based violence are duly investigated; holding to account perpetrators of violence against women, including so-called "honour crimes" and domestic violence; and increasing the institutional support services and shelters for victims of violence.
- Preventing and eradicating harmful traditional practices which discriminate against women and girls.
- Strengthening law enforcement on the prohibition of early and forced marriages and implementing the National Action Plan and Strategy Document on Combating Child, Early and Forced Marriages.



- Adopting measures to address the inequalities suffered by Kurdish women, including in access to health and education services.

Children

- Upholding the rights of children and strengthening the legal and institutional framework to prevent and respond in a timely manner to cases of abandonment, ill-treatment or violence against children and adolescents.
- Adopting legislation prohibiting all forms of corporal punishment of children
- Stepping up efforts to combat and eliminate child and forced labour; reconsidering the minimum employment age for children; and addressing the situation of migrant children involved in informal labour.

Persons with disabilities

- Taking legislative, institutional and operational measures to promote the rights of persons with disabilities, and repealing discriminatory provisions and harmonizing the anti-discrimination legislation with the Convention on the Rights of Persons with Disabilities.
- Reinforcing efforts aimed at safeguarding the rights of persons with disabilities to access to inclusive education and adequate health care, including in rural areas.
- Protecting persons with disabilities against solitary confinement and other non-consensual treatment in institutions, and investigating those responsible for such measures.

Minorities

- Taking concrete measures to protect the rights of ethnic minorities.
- Ending discrimination against members of religious minority groups and speaking out against derogatory statements made against Jews, Christians and other religious minorities.
- Continuing efforts to consult non-Muslim minorities with a view to addressing their challenges when electing members of their institutions.

Migrants, refugees and asylum seekers

- Reviewing immigration laws and policies in order to safeguard the rights of migrants in accordance with international human rights standards.
- Ensuring that all refugees, asylum seekers and migrants within the territory of Turkey enjoy their basic human rights and continuing providing them with humanitarian aid, education and health services.
- Strengthening access to legal assistance and interpretation for asylum-seekers at border points and migration centres.