



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 9 OF THE CONVENTION**

**Third periodic reports of States parties due in 2007**

**Addendum**

**TURKEY\***

[12 November 2007]

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\* This document contains the initial, second and third periodic reports of Turkey, due on 15 October 2003, 2005 and 2007, submitted in one document.

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## Introduction

1. Turkey ratified the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter referred to as “the Convention”) on 13 May 2002. The instrument of ratification was deposited on 16 September 2002. In accordance with article 19, the Convention entered into force for Turkey on 16 October 2002. In its instrument of ratification, Turkey conditioned its ratification upon two declarations and one reservation. These are set forth in the annex.

2. Article 90 of the Turkish Constitution states that international agreements duly put into effect bear the force of law. Thus, international agreements adopted by the Turkish Parliament by a law of ratification directly become a part of domestic legislation. As such, the Convention has become part of Turkish domestic law. No appeal to the Constitutional Court shall be made with regard to international agreements on the grounds that they are unconstitutional. In the case of a contradiction between international agreements in the realm of fundamental rights and freedoms duly put into effect, and domestic laws on the same matter, provisions of international agreements shall prevail.

3. Turkey has the honour to present its initial, second and third periodic reports in a single consolidated document to the Committee on the Elimination of Racial Discrimination on the legislative, judicial, administrative and other measures which give effect to the provisions of the Convention, in accordance with article 9 thereof.

4. This report which contains data from the 1990s until 2007, has been prepared under the coordination of the Ministry of Foreign Affairs with the contribution of the relevant ministries and public institutions, namely the Ministry of Justice, the Ministry of Interior, the Ministry of National Education, the Ministry of Health, the Ministry of Labour and Social Security, the Ministry of Culture and Tourism, the Human Rights Presidency of the Office of the Prime Minister, the General Directorate on the Status of Women of the Office of the Prime Minister, the General Directorate of Social Services and Child Protection Agency of the Office of the Prime Minister, the State Planning Organization of the Office of the Prime Minister and the Turkish Radio and Television Corporation.

5. For general factual information and data concerning Turkey, as well as the general framework for the protection and promotion of human rights, please refer to the core document of Turkey (HRI/CORE/TUR/2007).

### **I. GENERAL FRAMEWORK ON NON-DISCRIMINATION AND EQUALITY**

6. All human beings are born equal in dignity and rights. Any doctrine or practice of racial superiority is legally and morally unacceptable and cannot be justified on any ground. Racism, racial discrimination, xenophobia and related intolerance threaten the basic fabric of our societies and our moral values.

7. Despite all the efforts for the promotion and protection of human rights, violations persist in many parts of the world as no country is impeccable in this regard. Human rights policies need to be reinforced with measures to eliminate discrimination and intolerance.

8. In spite of the tangible progress achieved in elimination of institutionalized forms of racial discrimination, the international community still experiences new and mounting waves of bias, exclusion and racist violence. The need to fight all forms and manifestations of discrimination is more evident than before.

9. Turkey is fully committed to the fight against racism, and racial discrimination as defined in the Convention. With this understanding, Turkey became party to the Convention along with other core United Nations instruments in the field of human rights, and incorporated sound and effective measures into its legislation concerning prohibition of racial discrimination.

#### **A. Legal background**

10. The protection and promotion of human rights is among the priority policy objectives of Turkey. Respect for human rights is an inviolable and constant principle of the Constitution.

11. The main philosophy of Turkey's human rights policy can be summarized as "human rights for all with no discrimination".

12. The constitutional system of Turkey is based on the equality of all individuals without discrimination before the law, irrespective of their origins in terms of language, race, colour, ethnicity, religion or any other such particularity.

13. In Turkey, all individuals are equal before the law, enjoy the same rights and have the same obligations without discrimination. Acts of discrimination are prohibited and penalized by law.

14. Article 10 of the Constitution of the Republic of Turkey guarantees equality before the law. It reads as follows:

All individuals are equal without discrimination before the law, irrespective of language, race, colour, gender, political opinion, philosophical belief, religion and sect, or any such considerations.

Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice.

No privilege shall be granted to any individual, family, group or class.

State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings.

15. By referring to "or any such considerations", the Constitution grants the judiciary wide discretion on its judgement of cases of inequality.

16. In line with the fundamental principles of equality and non-discrimination, every Turkish citizen is considered an integral part of the Turkish national identity and culture. Diversity in their origins is the source of the richness in Turkish society.

17. The State system is based on the principle of constitutional/territorial nationalism. The concept of citizenship is defined in article 66 of the Constitution on the ground of legal bond without any reference to ethnic, linguistic or religious origin. According to this article, “everyone bound to the Turkish State through the bond of citizenship is a Turk”. The Constitution does not provide any definition of racial or ethnic connotation for being a “Turk”. On the contrary, article 66 depicts a purely legal definition and does not provide for a kinship based on “blood”. The term “Turk” is the reflection of the national identity of all citizens in Turkey irrespective of their origins.

18. The idea conveyed in article 66 of the Constitution fully reflects the main philosophy of the Republic, which makes no discrimination among the citizens of the Republic on the grounds, *inter alia*, of ethnicity, religion or race. No importance is attached to a citizen’s racial or ethnic background, since the definition of a common identity on the nationhood and conscience on territorial basis contrary to the one on the basis of blood has been adopted with the establishment of the Republic in line with the principle of citizenship.

19. The Turkish nation is not a juxtaposition of communities or groups. It is composed of citizens who are equal before the law irrespective of their origins in terms of language, race, colour, ethnicity, religion or any other such particularity, and whose fundamental rights and freedoms are enjoyed and exercised individually in accordance with the relevant law. In this context, no official censuses or data collection on ethnic or linguistic grounds are carried out.

20. Similarly, fundamental rights and freedoms set forth in the Constitution do not lead to any distinction between Turkish citizens and foreigners. Fundamental rights and freedoms are in principle recognized for everybody regardless of citizenship in line with article 10 of the Constitution. On the other hand, article 16 of the Constitution stipulates that the fundamental rights and freedoms of foreigners can only be limited by law in accordance with international law. Political rights (the right to vote and to be elected, the right to form political parties and to become their members) and the right to enter into public service are however solely vested with Turkish citizens. As of September 2007, a total of 212,624 foreigners from 174 countries have been granted a residence permit in Turkey.

21. The fundamental rights and freedoms are guaranteed in the Constitution with provisions concerning inviolability of the human being, his/her material and moral identity, prohibition of torture and ill- or degrading treatment (art. 17), prohibition of forced labour (art. 18), personal liberty and security (art. 19), privacy of individual life (art. 20), inviolability of the domicile (art. 21), freedom of communication (art. 22), freedom of residence and movement (art. 23), freedom of religion and conscience (art. 24), freedom of thought and opinion (art. 25), freedom of expression (art. 26), freedom of science and the arts (art. 27) freedom of association (art. 33), the right to hold meetings and demonstration marches (art. 34), property rights (art. 35), freedom to claim rights (art. 36), guarantee of lawful judgement (art. 37), principles relating to offences and penalties (art. 38) and the right to request prompt access to the competent authorities for everyone whose constitutional rights and freedoms have been violated (art. 40).

22. Basic social rights are also guaranteed in the Constitution without any reference to citizenship. Some of them are the right and duty of training and education (art. 42), the freedom to work and to conclude contracts (art. 48), the right to rest and leisure (art. 50), the right to organize labour unions (art. 51), the right to live in a healthy and balanced environment (art. 56) and the right to social security (art. 60).

23. The principle of equality is enshrined in various other laws regulating specific areas of political, social and economic life. There are specific laws such as the Civil Code (art. 8 on the principle of equality in capacity of persons as subject to rights), the Law on Social Services and Child Protection (art. 4 on non-discrimination in eligibility to receive social benefits), the Political Parties Law (art. 82 on prohibition of racism and art. 83 on protection of the principle of equality), the Basic Law on National Education (art. 4 on the principle of equality in education, art. 8 on gender equality-affirmative action), the Labour Law (art. 5 on the principle of non-discrimination, equal treatment), the Law on Disabled People (art. 4 on non-discrimination against people with disabilities).

24. Acts of discrimination are prohibited and penalized by law. The Turkish Criminal Code contains several provisions penalizing acts of discrimination. (These are set forth in detail in paragraphs 83-86 below, under article 2.)

25. There is a sound legal framework in Turkey to prevent all forms of discrimination, including racial discrimination. Furthermore, all remedies are available against violations of fundamental rights and freedoms, including acts of discrimination.

26. No violation of article 14 of the European Convention on Human Rights, which regulates non-discrimination, has been found by the European Court of Human Rights (ECtHR) on the complaints lodged against Turkey on the grounds of racial discrimination.

#### **B. Additional protection of rights of persons belonging to non-Muslim minorities in Turkey**

27. Under the Turkish constitutional system, the word “minorities” encompasses only groups of persons defined and recognized as such on the basis of multilateral or bilateral instruments to which Turkey is party.

28. In this context, “minority rights” in Turkey are regulated in accordance with the Lausanne Peace Treaty of 1923. According to this Treaty, Turkish citizens belonging to non-Muslim minorities fall within the scope of the term “minority”. Turkish legislation, which is based on the Lausanne Peace Treaty, contains the term “non-Muslim minority” only.

29. Articles 37-45 of the Treaty (sect. III) regulate the rights and obligations of individuals belonging to non-Muslim minorities in Turkey. These provisions are recognized as fundamental laws of Turkey: the stipulations contained in articles 38 to 44 shall be recognized as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation, nor official action prevail over them (art. 37).

30. In line with the State philosophy based on equality of citizens assuring non-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 their minority status in accordance with the Lausanne Peace Treaty.

31. Currently, Turkish citizens belonging to non-Muslim minorities have:

- 196 places of worship
- 42 primary and secondary schools
- 138 foundations
- 5 hospitals
- 9 newspapers

32. Within the ongoing reform process in Turkey, there has also been major progress in improving the legislation concerning citizens belonging to non-Muslim minorities in Turkey. In this context, a new governmental body, namely the Minority Issues Assessment Board, has been in operation since 2004 with a view to addressing and resolving difficulties which citizens belonging to non-Muslim minorities may encounter in their daily lives. In this process, periodic contacts are held with them.

### **C. International cooperation**

33. Turkey believes that a successful fight against all forms and manifestations of discrimination and intolerance requires combined efforts at national and international levels.

34. In this respect, Turkey has become party to all relevant international instruments both at global (United Nations) and regional (Council of Europe and Organization for Security and Cooperation in Europe, (OSCE)) forums, and duly maintains a close and constructive cooperation within the special mechanisms of these organizations on the fight against intolerance and discrimination.

35. In this context, Turkey is actively involved in the work of the OSCE in the field of promoting tolerance and non-discrimination. As a testimony to its efforts in this regard, a Turkish ambassador, Mr. Ömür Orhun, nominated by the Government of Turkey, was appointed in December 2004 as one of the three Personal Representatives of the OSCE Chairman-in-Office on combating intolerance and discrimination.

36. Within the framework of the Council of Europe, Turkey has always taken part in the elaboration of policies and recommendations aimed at elimination and prevention of contemporary forms of racial discrimination. The Government of Turkey actively participated in and contributed to the elaboration process of the Plan of Action and the Declaration against Racism, Xenophobia, Anti-Semitism and Intolerance adopted on 8-9 October 1993 at the Vienna Summit of Heads of States and Governments.

37. Turkey has been supporting the activities of the European Commission against Racism and Intolerance (ECRI), which is one of the most important monitoring mechanisms in Europe, in its efforts to combat racism, xenophobia, anti-Semitism and intolerance across Europe from the perspective of the protection of human rights and fundamental freedoms.

38. Turkey has long been among the co-sponsors of the United Nations resolutions and declarations related to non-discrimination and tolerance, xenophobia, racism and anti-Semitism.

#### **D. Alliance of Civilizations Initiative**

39. With its deep-rooted legacy of mutual understanding, multi-faith tolerance, dialogue and respect for other cultures and religions, Turkey acts as the co-sponsor of the Alliance of Civilization Initiative.

40. As a result of many decades of negative interaction and disconnect, tremors have been felt along the major cultural and religious fault lines. Decades-old injustices and inequalities on the one hand and entrenched fears and suspicions on the other are all combining to foment prejudice, hate, intolerance, anger and the like.

41. This phenomenon is not new. But the urgency with which it needs to be dealt with is very clear. The regression towards a confrontational relationship among the reigning thought sets of our time is a major threat and a long-term challenge which merits our immediate attention.

42. Troubling events of recent years have highlighted the need to engage in a meaningful and operational dialogue among different cultures and belief systems.

43. In an effort to curb the propensity for the deepening of the divide, Spain and Turkey have, since 2005, been working on the Alliance of Civilizations (AoC) initiative. The Initiative aims at facilitating harmony and dialogue by highlighting the common denominator of different cultures and religions.

44. Under the auspices of the United Nations Secretary-General, a High Level Group of internationally renowned figures came together to flesh out the elements prevalent among the different cultures and belief systems and, more importantly, to suggest bold recommendations to pre-empt the hyperbolic scenarios that have captured the popular imagination. The report finalized by the High Level Group at its last meeting in Istanbul on 12-13 November 2006 and presented to the Secretary-General contains recommendations of profound importance in this regard.

45. This report, which can be found on the AoC website, will be the backbone of the all-important implementation stage. Based on this report, activities are planned in a wide array of topics such as education, youth, migration and the media. The ultimate goal is to create a comprehensive coalition that can avert any further deterioration of relations between societies and nations by establishing a paradigm of mutual respect between cultures.

46. In April 2007, the former Portuguese President, Jorge Sampaio, was chosen by the Secretary-General Ban Ki-moon as the High Representative of AoC.



47. There is also a “Friends of the AoC” Group formed in the United Nations bringing together nations that support this initiative. This group has a growing membership of close to 70 nations.

48. In this framework, Turkey calls on all responsible actors and members of the international community to actively participate in and support the implementation stage. As one of the two co-sponsors of this initiative, Turkey is providing the AoC ad hoc secretariat with financial and other types of support.

49. Success in the implementation phase is imperative if solutions are to be found to the present problems. Putting the recommendations in the High Level Group’s report into practice will be crucial. As of autumn 2007, the ad hoc secretariat of AoC is working to map out priorities in the form of an implementation plan. Work will subsequently focus on actual implementation.

50. The High Representative and the AoC secretariat will take the lead in prioritizing, selecting and guiding the necessary projects and programmes together with outside partners. In this regard, potential ideas and projects should be shared with the High Representative’s Office and the AoC secretariat.

51. The next major event within the context of the AoC initiative will be held in Madrid in January 2008 as a forum.

#### **E. Gender equality**

52. Since the second half of the 1990s, the Turkish Parliament has continued to adopt several new laws with a view to establishing gender equality and improving women’s status in society. Many positive steps have been taken in this respect.

53. Turkey is one of the pioneering countries in providing rights to women in political life. There were 48 women parliamentarians in the Turkish Parliament that was formed after the general elections of 22 July 2007.

54. Within this framework, women’s participation into political life is encouraged by all political parties and there are a growing number of members in women’s branches in political parties.

55. There are no legal barriers to women’s participation in the workforce.

56. Awareness-raising campaigns on women’s participation in the labour force and, in particular, in decision-making bodies are being carried out by NGOs. The Government, in this respect, considers this issue as a priority for the advancement of women.

57. Equality between women and men before the law has been one of the principles of Turkish Constitution. Article 10 of the Constitution stipulates that “Women and men have equal rights. The State is responsible for ensuring that this equality is put into practice”. According to the 9th National Development Plan for 2007-2013, in order to ensure women’s participation in economic and social life, educational and training opportunities for women will be increased, employability of women will be improved and the fight against domestic violence will be sustained.

58. Turkey signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985 and it entered into force in 1986, followed by the Optional Protocol to the Convention in 2002. Turkey has also signed most of the ILO Conventions on the rights of women in employment and on gender equality in employment relationship. Detailed information on women's issues can be found in Turkey's combined fourth and fifth periodic reports (CEDAW/C/TUR/4-5).

59. In recent years, there has been an improvement in legislation that aims to improve women's social position. The new Civil Code, particularly the Family Law Section, came into force on 1 January 2002 and it was elaborated on the basis of gender equality. The "family leader" regime was abolished; equal representation of the family by spouses and equal rights regarding acquired properties have been introduced.

60. The new Criminal Code, on the other hand, includes provisions that protect women especially from violence and sexual harassment. The most important development is the abolition of the distinction between women and girls in the law. The basis of the previous law was the societal norms and it evaluated many crimes that victimize women as crimes against society. The new law abolishes that approach and gives priority to the protection of individual rights and freedoms. In this way, sexual crimes are defined as crimes against the individual rather than crimes against public decency. Marital rape and sexual harassment at the workplace are defined as crimes, for the first time. Another important development is that the crimes committed for the sake of honour are defined as qualified crimes, the penalty for which is life imprisonment with no possibility of reduction in the sentence.

61. A parliamentary commission, the Commission for the Investigation of the Causes of Honour Killings and Violence against Women and Children was set up in 2005. The report prepared by the Commission was approved and published in the Official Gazette on 4 July 2006 as a circular of the Prime Ministry. The Circular defines the measures to be taken in prevention of honour killings and violence against women and children and states that the General Directorate for the Status of Women (GDSW) is the coordinator institution for prevention of violence against women. In accordance with the Circular, "The Committee for Monitoring Violence against Women" has been established to combat violence against women with the participation of representatives from all stakeholders.

62. In 2007, provisions regarding prevention of domestic violence were introduced to Law No. 4320 on the Protection of the Family which aim at protecting abused persons and punishing perpetrators.

63. As for working conditions, in 2003, the principle of equal treatment was introduced in new Labour Law. Article 5 of the Labour Law prohibits discrimination based on sex in the employment relationship. Furthermore, the employer cannot treat a worker differently, directly or indirectly, in concluding the employment contract, establishing the conditions, implementation and termination thereof on grounds of pregnancy, except for biological reasons or work requirements. Different aspects of work conditions of women have been regulated in bylaws under the Labour Law.

## **F. National mechanism for gender equality and its activities**

64. The General Directorate on the Status of Women (GDSW), established in 1990 as a national mechanism, is responsible mainly for protecting and improving women's human rights, strengthening the status of women in social, economic and political life and ensuring equal access of all rights and opportunities. The Directorate is responsible, inter alia, for policymaking and coordination among public institutions and NGOs in the field of gender issues. The Directorate is still in a process of strengthening its institutional capacity.

65. GDSW has started to implement the "Promoting Gender Equality" project funded by the European Union (EU) in 2006. The overall objective of the project is to promote gender equality and the protection of women's human rights in Turkey. The project has two components. The first component seeks to strengthen the institutional capacity of the National Mechanism (NM/GDSW) to mainstream gender issues into all public policies, promote the implementation of gender equality legislation with the participation of central and local authorities as well as NGOs and to contribute to the establishment of a Gender Equality Body in line with EU practices and the *acquis communautaire*. The second component of the project aims to combat domestic violence against women, to increase institutional capacities of all stakeholders to eliminate domestic violence against women and to improve women's human rights in line with political criteria.

66. GDSW has also implemented its "Stop Violence against Women" campaign in cooperation with United Nations Population Fund since November 2004 to raise awareness. Moreover, annual reports prepared by GDSW for 2005, 2006 and 2007 include topics such as eliminating violence against women and increasing employment opportunities for women.

67. GDSW is the coordinator of the Consultative Committee on the Status of Women which includes representatives from public institutions, universities and NGOs. The main responsibility of the Committee is to help the formation of national gender policies in the fields of economic, social and cultural life, to deliver opinions and to advise on the implementation of plans and programmes.

68. The Gender Statistics Team at the Turkish Statistics Institution seeks to produce statistics from a gender-equality perspective. GDSW, together with other relevant public institutions, contributes to the studies of the team.

69. Education, health, employment and law commissions on women composed of NGOs dealing with women's issues, in cooperation with GDSW, have been operational since 1996. In addition to these commissions, in February 2006, an international relations commission and a media commission were established. (The employment commission was renamed the employment and entrepreneurship commission.)

## **G. Disadvantaged groups**

70. The situation of those Turkish citizens considered disadvantaged is given due consideration in the reform process, within the general framework of combating discrimination in the field of human rights.

71. Turkish citizens of Roma origin generally live in big cities and have a settled life. Although increasingly integrated within the communities they live in, in certain localities they face difficulties stemming from general problems such as poverty and unemployment. These difficulties are, in general, related to inadequate living conditions, low levels of education, early marriages and irregular temporary employment, none of which is specific to them.

72. Difficulties experienced in access to services are mostly related to poverty and unemployment, as is the case for other disadvantaged groups. These difficulties are addressed within the general policy of the Government directed at alleviating poverty and social exclusion. They receive equal assistance in education and health, as well as food, and heating and fuel supplies from local and general solidarity funds.

73. These citizens are not subject to discrimination due to their origin. They are an integral part of the Turkish society. As all forms of discrimination are prohibited and heavily penalized by law in accordance with the Constitution, acts of discrimination against them are also dealt with under the provisions of non-discrimination in relevant laws.

## **II. INFORMATION RELATING TO THE ARTICLES OF THE CONVENTION**

### **Article 2**

74. Turkey believes that, in order to eliminate racial discrimination in all its forms and manifestations, it is important to take effective legal and administrative measures, including the improvement of existing legislation and the establishment of comprehensive institutional structures where necessary.

75. Turkey has been taking major steps to protect and promote human rights, including measures against discrimination in general and racial discrimination in particular.

76. As mentioned in chapter I of the report, according to the Constitution of the Republic of Turkey, all individuals are equal without any discrimination before the law, irrespective of language, race, colour, gender, political opinion, philosophical belief, religion and sect, or any such considerations.

77. In conformity with this basic tenet of the Constitution, all public authorities and public institutions in Turkey are under an obligation not to engage in any act or practice of racial discrimination. As such, sponsoring, defending or supporting racial discrimination is prohibited.

78. Turkey reviews its policies and legislation so as to make them more effective in strengthening democracy, promoting respect for human rights and fundamental freedoms and consolidating the rule of law. This practice has gained acceleration since the launching of a comprehensive reform process with the advent of millennium. As part of this reform process, a series of legal reforms have been carried out in a very short period of time.

79. The Constitution was amended three times since 2001 and eight harmonization packages were adopted to adapt the existing legislation to these constitutional amendments. The resolve of

the Government on the continuation of the reform process has been confirmed by the announcement of the “9th Harmonisation Package” on 12 April 2006. A great majority of the issues in the package have already been realized.

80. The constitutional amendments were fortified by the adoption of laws that are fundamentally important for the protection of human rights. Among such laws are the new Civil Code, the new Criminal Code, the new Law on Associations and the new Code of Criminal Procedure.

81. As part of this process, new provisions concerning non-discrimination have also been incorporated into the legislation by these amendments.

82. The previous Criminal Code, No. 765, did not include a general provision on prohibiting discrimination. Certain provisions dealt with the matter in a limited manner, i.e. “restricting the freedom of worship of persons belonging to different religions” constituted an offence. Article 312 penalized acts of “openly inciting the population to breed enmity or hatred towards one another based on social class, race, religion, sect or regional difference in a manner which might constitute a danger to public order”. Similarly, denigrating a part of the population in a manner to insult or damage the human dignity was defined as an offence.

83. The new Turkish Criminal Code, No. 5237, which entered into force on 1 June 2005, defines “discrimination” as an offence and penalizes acts of discrimination based, inter alia, on race. Relevant provisions of the Criminal Code are as follows:

#### Article 3

(2) In application of the Criminal Code, no discrimination shall be made between persons in respect of race, language, religion, sect, nationality, colour, gender, political or other opinion, philosophical belief, national or social background, birth, economic and other social status and no one shall be granted any privileges.

#### Article 122

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.

Article 216

- (1) A person who openly incites groups of the population to breed enmity or hatred towards one another based on social class, race, religion, sect or regional difference in a manner which might constitute a clear and imminent danger to the public order shall be sentenced to imprisonment for a term of one to three years.
- (2) A person who openly denigrates part of the population on grounds of social class, race, religion, sect, gender or regional differences shall be sentenced to imprisonment for a term of six months to one year.
- (3) A person who openly denigrates the religious values of a part of the population shall be sentenced to imprisonment for a term of six months to one year in case the act is likely to distort public peace.

84. The definition and criminalization of genocide and the crimes against humanity, which include acts against members of a racial group, is an important new element introduced by the new Criminal Code into the Turkish criminal justice system.

Article 76

- (1) The commission of any of the following acts against members of any national, ethnic, racial or religious group with intent to destroy it in whole or in part through the execution of a plan shall constitute genocide:
  - (a) Deliberate killing;
  - (b) Causing serious bodily or mental harm to members of the group;
  - (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
  - (d) Imposing measures intended to prevent births within the group;
  - (e) Forcibly transferring children of the group to another group.
- (2) The perpetrator of the offence of genocide shall be sentenced to aggravated life imprisonment. However, for the deliberate homicide and deliberate wounding committed under genocide, the rule of real concurrence of crimes shall be applied in accordance with the number of victims identified.

Article 77

- (1) The commission of the following acts systematically against a group of the population in line with a plan with political, philosophical, racial or religious motives shall constitute crimes against humanity:
  - (a) Deliberate homicide;

- (b) Deliberate wounding;
- (c) Torture or inhuman treatment or slavery;
- (d) Depriving one of his/her liberty;
- (e) Subjecting persons to scientific experiments;
- (f) Sexual assault and sexual abuse of children;
- (g) Impregnation by force;
- (h) Compelling persons to engage in prostitution.

(2) If the act in subparagraph (a) of the first paragraph is committed; the offender will be sentenced to aggravated life imprisonment: if the acts mentioned in other paragraphs are committed a penalty of not less than eight years of imprisonment shall be imposed. However, for the acts of deliberate homicide and deliberate wounding defined in subparagraphs (a) and (b), the rule of real concurrence of crimes shall be applied in accordance with the number of victims identified.

85. According to the law, legal entities shall also be subjected to security measures for these offences mentioned in articles 76 and 77. There shall be no statute of limitations pertaining to these offences.

86. Furthermore, unlawful collection of personal data inter alia on racial grounds constitutes an offence with imprisonment under the Criminal Code.

#### Article 135

(1) Any person who unlawfully records personal data shall be sentenced to imprisonment of six months to three years.

(2) Any person who records personal information relating to the political, philosophical or religious opinion of individuals, or to their racial origins, ethical tendencies, sex lives, health conditions or connections to trade unions, is sentenced according to the provisions of the above paragraph.

87. While reviewing the legislation, due attention has also been given in order to remove connotations that might be perceived as discriminatory. For example, the new Law on Settlement, which was adopted by the Parliament on 19 September 2006 and entered into force on 26 September 2006, does not include discriminatory provisions against the Roma.

#### Article 3

88. Racial segregation or apartheid are concepts alien to the Turkish society. Any policy, ideology or regime which defends racial hatred and discrimination is condemned and penalized by law.

89. During the apartheid regime, no official contact took place between Turkey and South Africa. Turkey has always been actively engaged in the efforts of the United Nations for the elimination of any kind of racism and racial discrimination. It strongly opposed the apartheid regime, and consistently voted for all relevant United Nations resolutions condemning it. This position lasted until it had become clear that apartheid was going to be abandoned and replaced by a democratic government based on majority rule.

90. In parallel to the developments leading towards the end of the apartheid regime, Turkey established formal relations with South Africa on 7 June 1991. Diplomatic relations were established in October 1992, with embassies being set up in the respective capitals in 1994.

91. Turkey was an active member of the United Nations Council for Namibia and supported every international action against apartheid and colonialism. Turkey also contributed regularly to the United Nations Trust Fund for South Africa and the United Nations Fund for Namibia, of which it was one of the trustees. While joining all efforts that the international community took against apartheid, Turkey also provided humanitarian assistance to its victims.

92. Turkey participated in the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001. The Conference took many years to prepare and Turkey, from the outset, was a firm believer and supporter of it. Turkey took an active part in all phases of the preparatory process and played a major role in the Conference itself. In doing so, Turkey spared no effort in facilitating negotiations and bridging differences among various group of countries. Turkey will continue to bring its contribution through its membership in the Bureau of the Preparatory Committee for the Durban Review Conference to be held in 2009.

#### **Article 4**

93. The purposes of article 4 of the Convention are given full effect by the provisions of Turkish legislation. In conformity with the relevant laws, public or private organizations cannot propagate, promote or incite racial discrimination.

94. Article 82 of the Law on Political Parties, No. 2820, has as its title “Prohibition of regionalism and racism”. The article states that political parties are not allowed to function with the aim of regionalism and racism. Furthermore, article 83 affirms that political parties shall not function in contradiction with the principle that all individuals are equal without any discrimination before the law, irrespective of language, race, colour, gender, political opinion, philosophical belief, religion and sect, or other similar considerations.

95. Principle of non-discrimination also appears in the Law with regard to the provision which regulates membership in a political party. Statutes of political parties cannot contain clauses of discrimination among applicants for membership on grounds of language, race, gender, religion, sect, family, group, class or profession (art. 12).

96. Furthermore, the Law on Political Parties provides for sanctions on political parties which have discriminatory agendas and activities prohibited by the Constitution and other legislation.



A political party can only be closed down by the Constitutional Court. The decision of the Constitutional Court cannot be changed by any other authority. Chapter V of the Law sets out the conditions and procedures for the abolition of political parties.

97. The Law on Associations (No. 5253), which entered into force on 23 November 2004, prohibits the establishment of associations advocating supremacy of a certain race. According to article 30 (b), associations shall not be established to realize objectives expressly prohibited by the Constitution and laws or to commit criminal offences.

98. Persons who establish associations prohibited under article 30 (b) or executives of associations who act in contradiction to the said article, shall be sentenced at minimum to imprisonment for a term of one year to three years and a judicial fine. In such cases, the association in question shall be closed down.

99. The Civil Code (Law No. 4721) states that no association shall be founded for purposes against the law and morality (art. 56). If an association's objectives are not compatible with the legislation and public morals, a court may order the dissolution of the said association upon the request of the public prosecutor or any other concerned person (art. 89).

100. In those cases where political parties, associations, organizations are established or function on the basis of ideas or doctrines of superiority of one race or ethnic origin, or attempt to justify or promote racial hatred or discrimination, necessary action is taken by the authorities in line with the provisions of the relevant legislation.

## **Article 5**

101. As already mentioned in chapter I above, it is the underlying principle of the Turkish Constitution that there can be no discrimination in the enjoyment of fundamental rights and freedoms.

### **A. The right to equal treatment before the tribunals and all other organs administering justice**

102. Every Turkish citizen has the right to launch legal action before the relevant judicial courts should he/she believe that his/her fundamental rights or freedoms have been violated.

103. In application of the Criminal Code, no discrimination shall be made between persons in respect of race, language, religion, sect, nationality, colour, gender, political or other opinion, philosophical belief, national or social background, birth, economic or other social status and no one shall be granted privileges (art. 3). The same rule applies to the application of the provisions of other laws.

104. Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals who are not able to speak Turkish, for the oral use of their own language before the courts.

105. During trials, if the accused, victim or witness does not speak sufficient Turkish to explain his/her plight, the court appoints an interpreter to interpret the essential points of the prosecution and defence. Articles 202 and 323 of the Criminal Procedure Code regulate the right to use an interpreter.

106. In addition to the judicial remedies, there are State institutions to which the individuals can apply in order to seek justice. Further information on these remedies is included in paragraphs 205-214 below of the report under article 6.

107. Information on the training and supervision of law enforcement officials and judicial officers for the avoidance of racial discrimination is conveyed in paragraphs 218-226 below under article 7.

**B. The right to security of persons and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution**

108. According to the Turkish Constitution, everyone has the right to life and the right to protect and develop his physical and spiritual entity. The physical integrity of the individual shall not be violated, except for medical necessity and in cases prescribed by law. A person shall not be subjected to scientific or medical experiments without his or her consent.

109. Article 17 (3) of the Constitution stipulates that no one shall be subjected to torture or torment; to penalties or treatment incompatible with human dignity.

110. Article 94 of the Criminal Code states that any public officer who performs acts incompatible with human dignity and who causes severe bodily or mental pain, or loss of consciousness or ability to act or humiliation shall be sentenced to 2 to 12 years imprisonment. Other individuals participating in the commission of this offence shall be punished in a similar manner. The Criminal Code regulates, in detail, penalization of acts of violence or bodily harm, including homicide, torture, torment, use of humans for experimental purposes, trading in organs or tissues, illegal abortion and sterilization and offences against sexual inviolability.

111. Law No. 2559 on Duties and Competencies of Police stipulates limits on the powers of the police to use weapons inter alia in self-defence and prevention of escape by a lawfully convicted or arrested person. According to the Additional article 6 of the Law, the police may only use weapons, where essential, after a gradual use of proportionate force. Similarly, the Law on Organization, Duties and Competences of Gendarmerie (Law No. 2803) includes limits on the competence of the gendarmerie to use weapons.

112. The Law on Enforcement of Penalties and Security Measures states that no cruel, inhuman, insulting and degrading treatment shall be used in the course of enforcement of sentences and security measures.

113. The above-mentioned provisions are applied to all individuals without any discrimination on grounds of race or any other consideration. The relevant authorities take necessary measures for the effective implementation of the legislation.

### **C. Political rights**

114. According to article 67 of the Constitution, all Turkish citizens participate in the political process on an equal footing.

115. The Law on Political Parties prohibits discrimination on, inter alia, religious and racial grounds and safeguards the principle of equality before the law.

116. In conformity with the conditions set forth in the law, citizens have the right to vote, to be elected, and to engage in political activities independently or in a political party, and to take part in a referendum. Elections and referenda shall be held under the direction and supervision of the judiciary, in accordance with the principles of free, equal, secret, and direct universal suffrage, and public counting of the votes. The conditions under which the Turkish citizens who are abroad shall be able to exercise their right to vote are regulated by law. All Turkish citizens over 18 years of age shall have the right to vote in elections and to take part in referenda. The exercise of these rights shall be regulated by law (article 67 of the Constitution).

117. The electoral laws are drawn up in such a way as to reconcile the principles of fair representation and consistency in administration. Citizens have the right to form political parties and to join and withdraw from them, in accordance with the established procedure. A person must be over 18 years of age to become a member of a political party.

118. Political parties are indispensable elements of democratic political life. Political parties can be formed without prior permission. They are required to pursue their activities in accordance with the provisions set forth in the Constitution and in the relevant legislation.

119. The principle of equality also applies to the enjoyment of political rights in Turkey. Racial or ethnic background is not a determining factor in terms of participating in elections, establishing a political party, becoming a member of a political party or taking part in other forms of political life.

120. Political parties cannot pursue goals contrary to the constitutional principle of equality based on non-discrimination. In this context, under the Constitution and relevant law, political parties cannot be set up on the grounds of, inter alia, ethnic discrimination.

121. Under article 58 of the Law on Basic Provisions on Elections and Voters Registers, it is not allowed to use any language other than Turkish, which is the official language of the State, in the election process.

### **D. Other civil rights**

122. Everyone has the right to hold peaceful meetings and demonstration marches without prior permission. The right to hold meetings and demonstration marches can only be restricted by law on the grounds of national security and public order or prevention of crime, public health, and public morals or for the protection of the rights and freedoms of others. Article 34 of the Constitution stipulates that the formalities, conditions and procedures governing the exercise of the right to hold meetings and demonstration marches are prescribed by law.

123. Freedom of expression is protected and regulated under several pieces of legislation. Article 25 of the Constitution guarantees that everyone has the right to freedom of thought and opinion. No one shall be compelled to reveal his thoughts and opinions for any reason or purpose, nor shall anyone be blamed or accused on account of his thoughts and opinions.

124. Everyone has the right to express and disseminate his thoughts and opinions by speech, in writing or in pictures or through other media, individually or collectively. This right includes the freedom to receive and impart information and ideas without interference from official authorities.

125. Certain restrictions can be imposed, through relevant provisions of the Criminal Code, on the exercise of the right to freedom of expression, on the basis of article 26 (2) of the Constitution.

126. Article 115 of the Criminal Code penalizes the act of hindering the exercise of freedom of belief, thought and conviction. Persons hindering the exercise of this freedom shall be subject to imprisonment for 1 to 3 years.

127. The Turkish land has traditionally, throughout history, been a home to those fleeing religious persecution. Interfaith dialogue and harmony have deep roots in Turkey. The Republic of Turkey adheres with great dedication to the legacy of multi-faith tolerance and cultural pluralism. Based on this legacy and the secular system of the Republic, freedom of religious belief, conscience and conviction in Turkey is firmly guaranteed by the Constitution and relevant legislation. Dissemination of religious beliefs or convictions is not prohibited under the Turkish law. Indeed, preventing a person from disseminating or expressing his or her religious beliefs through the use of force or threat constitutes an offence according to the Criminal Code.

128. As regards Turkish citizens belonging to non-Muslim minorities, this freedom is further safeguarded in accordance with the Treaty of Lausanne of 1923.

129. The ongoing reform process that has been carried out with resolve and transparency in recent years has also led to further improvements in the legislation concerning religious freedoms.

130. Within this framework, in addition to the regulations with regard to the Turkish citizens belonging to non-Muslim minorities as stipulated in the Lausanne Peace Treaty, legislative and administrative arrangements have also been carried out to ensure the freedom of religion of all citizens and foreigners residing in Turkey. Some examples in this regard are set out in the paragraphs below.

131. According to the new Law on the Civil Registry, the religion section in the registry and identity card can be completed, changed, or left blank in conformity with a person's written statement.

132. The Law on Construction was revised to allow the allocation of land zones for the use of places of worship by not only Muslims, but also by followers of other religious faiths.

133. The Law on Construction also provides for special zones for places of worship in the preparation of each public works plan. In this regard, the Ministry of the Interior issued a

directive on 24 September 2003 instructing local authorities to designate the required places of worship in the preparation of public works plans and to allow for the construction of such places by the approval of the local authority.

134. Non-Muslim places of worship are administered by their associations or foundations. The property rights of places of worship rest with the real or legal persons that have built them. There is no restriction on the employment of foreign clergy in Turkey. As of December 2006, 122 foreign clergymen had been registered, with working permits, to serve in places of worship.

135. There are more than 300 non-Muslim places of worship, including 53 churches, run by foreigners residing in Turkey.

136. Despite this legal framework and the inherited tradition of religious tolerance, Turkey, like other multi-faith societies, is not totally immune to isolated incidents against non-Muslims. Nevertheless, such incidents are treated promptly and diligently by the relevant authorities, to bring those responsible to justice.

137. Anti-Semitism has traditionally been alien to the Turkish society. All forms of discrimination including anti-Semitism are prohibited and heavily penalized by law in accordance with the Constitution. Isolated incidents of anti-Semitic nature are dealt with under provisions of non-discrimination in relevant laws.

138. No violation of article 14 of the European Convention of Human Rights, which regulates non-discrimination, has been found, on the basis of religious discrimination, by the European Court of Human Rights (ECtHR) on the complaints lodged against Turkey.

## **E. Economic, social and cultural rights**

### **1. Right to work**

139. As amended on 17 October 2001, article 49 of the Constitution stipulates that everyone has the right and duty to work. The State shall take the necessary measures to raise the standard of living of workers, and to protect workers and the unemployed in order to improve the general conditions of labour, to promote labour, to create suitable economic conditions for prevention of unemployment and to secure labour peace.

140. Freedom to work and to conclude contracts is regulated by article 48 of the Constitution: everyone has the freedom to work and to conclude contracts in the field of his/her choice. The freedom to establish private enterprises is ensured. The State shall take measures to ensure that private enterprises operate in accordance with national economic requirements and social objectives and in conditions of security and stability.

141. Prohibition of forced labour is enshrined in the Constitution. According to article 18 of the Constitution, no one shall be forced to work, and thus forced labour is prohibited. Work required from an individual while serving a prison sentence or under detention, services required from citizens during a state of emergency, and physical or intellectual work necessitated by the requirements of the country as a civic obligation do not come under the description of forced labour, provided that the form and conditions of such labour are prescribed by law.

142. In Turkey, there exists no distinction, exclusion, restriction or preference, be it in law or in administrative practices or in practical relationships, between persons or groups of persons, on the basis of race, colour, sex, religion, political opinion, nationality or social origin, which would have the effect of nullifying or impairing the recognition, enjoyment or exercise of equality of opportunity or treatment in employment or occupation.

143. Labour Law No. 4857, dated 10 June 2003, was adopted in order to align Turkish legislation on labour with EU and ILO norms as well as to meet the emerging needs in this field in Turkey. Article 5 of the Law is entitled “Principle of equal treatment” and states that no discrimination based on language, race, gender, political thought, philosophical belief, religion, sect and similar grounds is permitted in commercial relations. In case of violation of the provisions of this article, the worker can demand the rights that he/she has been deprived of, in addition to an appropriate indemnity equivalent up to four months’ wages.

144. Article 18 regulates the conditions of termination of labour contracts for valid reasons. It explicitly states that race, colour, gender, marital status, family obligations, pregnancy, maternity leave, religion, political opinion and similar reasons do not constitute a valid reason for such termination.

145. The Business Inspection Board of the Ministry of Labour and Social Security is tasked with investigating allegations of discrimination in business relations. To date, the Board has not found any acts of discrimination, including racial discrimination, during its inspections.

## **2. The right to form and join trade unions**

146. Articles 51 and 53 of the Constitution safeguard the right to form trade unions and to conduct collective bargaining.

147. Article 51 states that employees and employers have the right to form trade unions, employers’ associations and higher organizations, without obtaining permission, and they also possess the right to become a member of a union and to freely withdraw from membership, in order to safeguard and develop their economic and social rights. No one shall be forced to become a member of a union or to withdraw from membership.

148. Trade Unions Act No. 2821 describes the worker as “any person working under a contract of employment”. Article 20 of the Act states that any person who is a worker within the meaning of the Act and is over 16 years of age may join a workers’ trade union. Article 22 of the Act stipulates that acquisition of membership in a trade union shall be optional and that no one shall be forced to join or not to join a trade union. Article 31 stipulates sanctions in case of discrimination. According to this article, it is unlawful for an employer to make any discrimination between workers who are members of a trade union and those who are not, or those who are members of another trade union, with respect to recruitment, arrangement and distribution of work, promotion, wages, bonuses, premiums, social and fringe benefits, discipline rules or provisions respecting other questions, including termination of employment. Accordingly, if an employer fails to observe the above-mentioned provision, he/she shall be liable to pay compensation which shall be not less than the worker’s annual wage.

149. According to the legislation, those wishing to form a trade union must be Turkish citizens. However, as of autumn 2007, the Ministry of Labour and Social Security was working on draft legislation to cancel this condition.

150. The scope, exceptions and limits of the rights of civil servants who do not have worker status are prescribed by law in line with the characteristics of their job.

151. The regulations, administration and functioning of trade unions and their higher bodies should not be inconsistent with the fundamental characteristics of the Republic and principles of democracy.

152. Article 53 of the Constitution stipulates that workers and employers have the right to conclude collective bargaining agreements in order to regulate reciprocally their economic and social position and conditions of work.

153. The procedure to be followed in concluding collective bargaining agreements shall be regulated by law.

### **3. The right to housing**

154. Article 57 of the Constitution stipulates that the State shall take measures to meet the need for housing within the framework of a plan which takes into account the characteristics of cities and environmental conditions and supports community housing projects.

155. The 8th Development Plan, covering the period between 2001-2005 and prepared by the State Planning Organization, reiterated that everyone has the right to housing; that adequate housing should be provided and that it is important to establish a system where public sector, private sector, NGOs, building cooperatives and individuals can take part in decision-making in order to supply housing and basic services. The plan states that, in order to minimize the negative effects of natural disasters in Turkey, urbanization in risky areas and slums should be prevented and that effective measures should be taken for ensuring construction standards and for adequate inspection. Schemes should be drawn up to finance housing for low and middle-income groups.

156. The Emergency Action Plan of the Government constitutes the major guide to housing policies. There are two important provisions in the Plan regarding housing and urbanization under its Social Policies Heading: article 44 states that housing construction by squatters will be prevented in cooperation with the local governments and existing squatter areas will be rehabilitated. The following article states that low-income groups will be provided adequate housing units in a short period of time, with low repayments.

157. The Housing Development Administration is the principal body in the implementation of housing and settlement policies as the provider of funds and land and as facilitator at local level to address the urgent housing needs of the society.

### **4. The right to public health, medical care, social security and social services**

158. Article 56 of the Constitution safeguards the right to health. According to the article, everyone has the right to live in a healthy environment.

159. The State centrally supervises the establishment of the health institutions and the services they provide, with a view to ensuring that all citizens pursue a physically and mentally healthy life.

160. The Ministry of Health is the primary public body responsible for policymaking in health care, implementation of national health strategies and direct provision of health services. It is the major provider of primary and secondary health care, children's and maternal health-care services, and family planning services. The Ministry of Health is essentially the only provider of preventive health care through an extensive network of health facilities (health centres and health posts) providing primary, secondary and specialized in-patient and outpatient services.

161. Legislation in the field of health does not contain any discriminatory provisions. Everyone within the social-security system benefits from health services equally. Turkish citizens who are not registered with any social-security system can still benefit from health services within the framework of the "green card" arrangement. Only Turkish citizens may benefit from this system.

162. On the other hand, health expenses of foreigners who do not have social security coverage and are not able to pay, are met in accordance with the Health Assistance Programmes Circular. In addition, foreign patients who are in need of serious and urgent medical attention are immediately admitted to hospitals and treated duly, irrespective of their social security coverage.

163. The right to social security is guaranteed under the Constitution and other legislation. Article 60 of the Constitution states that everyone has the right to social security. The State shall take the necessary measures and establish the organization for the provision of social security.

164. Within the framework of the social-security reform process, a general health insurance system will be introduced. The new Law on Social Insurance and General Health Insurance, No. 5510, will enter into force on 1 January 2008. In accordance with article 60 of the law, people who reside in Turkey and who will be included in the general health insurance system include: individuals who are not citizens of any State; refugees; individuals who are in need; and individuals who do not have access to social security through other means. Accordingly, the State will have the duty to pay the health insurance premiums of the people who fall under these categories. Thus, everyone residing in Turkey without social insurance will have the opportunity to benefit from health services to the same extent as those with social security coverage. The new arrangement aims at strengthening effective enjoyment of the right to health and social security.

165. The main social-security benefits in Turkey are medical care, sickness benefits, maternity benefits, old-age benefits, invalidity benefits, survivors' benefits, unemployment benefits and work-related injury and sickness benefits.

166. Social services are carried out in line with Law No. 2828 on Social Services and Child Protection. The law defines social services as a set of systematic and programmed services which aim at eliminating physical, psychological and social problems of persons and their families that may arise due to their own bodily constitution and circumstances or to developments outside their control; meeting their needs; preventing social problems and facilitating their solutions and improving and elevating living standards.



167. Article 4 (d) of the law stipulates that, in providing social services, no discrimination shall be made on grounds of class, race, language, religion, sect or region and that in those cases where demand exceeds supply, services will be provided according to the degree of urgency and the system of “first-come, first-served”.

168. The Social Services and Child Protection Institution provides social services to families, children, youngsters, handicapped, aged and women who are in need of protection, care and assistance. Planning and providing social services to refugees and foreigners are realized by this Institution in cooperation with the Ministry of Interior and the Ministry of Foreign Affairs, as well as the Office of the United Nations High Commissioner for Refugees (UNHCR). Unaccompanied refugee and foreign children aged up to 18 are temporarily placed in children’s homes of the Institution. Similarly, female refugees and foreigners who are subjected or under the risk of being subjected to violence are hosted at women’s shelters and provided with services such as in-kind assistance and money allowance, family consultation and other social services in accordance with the legislation.

### **5. The right to education and training**

169. Article 42 of the Constitution reflects the basic principle in education: “No one shall be deprived of the right of learning and education. ... Primary education is compulsory for all citizens of both sexes and is free of charge in State schools.”

170. Further legislation concerning education is as follows:

- Law on Primary Education (Law No. 222)
- Basic Law on National Education (Law No. 1739)
- Law on Vocational Training (Law No. 3308)
- Higher Education (Law No. 2547)
- Law on Unification of Education (Law No. 430)
- Law on Eight-year Compulsory and Uninterrupted Education (Law No. 4306)
- Law on Private Educational Institutions (Law No. 5580)

171. Educational institutions are open to all. Everybody is entitled to primary education, which is offered free of charge. Equal opportunity is provided for every individual.

172. Article 4 of the Basic Law on National Education states that educational institutions are open to all, regardless of language, race, gender, or religion. No privilege shall be granted to any individual, family, group or class.

173. The Higher Education Law also stipulates that educational institutions are open to all and that necessary measures shall be taken to ensure equal opportunity.

174. The 9th Development Plan covering the years 2007-2013 states that allocations of special funds for education will be directed towards providing equal opportunities in education.

175. In order to increase school attendance of girls, which is relatively lower than the attendance of boys, specific campaigns have been organized. One successful campaign of this kind is the “Come on, girls! Let’s go to school” campaign, which was launched in 2003. The aim of the campaign is to promote the enrolment of all children to schools, especially girls, aged between 6 and 14, who for some reason have been left out of the education system or have low school attendance. A total of 222,800 girls have been enrolled in schools since the beginning of the project until January 2007. The Ministry of Education plans to make the project permanent.

176. The success of the “Come on, girls! Let’s go to school” campaign was also a source of inspiration for media and a considerable number of NGOs. A further campaign “Dad, send me to school” has been launched as a civil initiative and has been well received by the public.

177. Both campaigns have been widely supported by civil society and this support enabled the campaigns to have greater impact.

178. Turkish nationals belonging to non-Muslim minorities have their own educational institutions. These institutions are regulated by the Law on Private Educational Institutions. In minority schools, children are able to learn their mother tongue. All subjects except Turkish and Turkish culture are taught in the students’ own languages.

179. The new Law on Private Educational Institutions entered into force on 14 February 2007. Previously, in schools where the language of education was not Turkish (including minority schools) and in schools established by foreigners, the Deputy Director had to be a Turkish citizen and teacher of the Turkish language or Turkish culture while also being fluent in the language of education. If a teacher with these qualifications could not be recruited, the deputy director was appointed among teachers of Turkish nationality and “Turkish origin”. In the new law, the phrase “Turkish origin” has been removed. According to this amendment, if a Turkish citizen and teacher of the Turkish language or Turkish culture who is also fluent in the language of education is not available, any teacher of Turkish nationality irrespective of his/her origin can be appointed as deputy director.

180. Turkish citizens belonging to non-Muslim minorities have 42 primary and secondary schools.

181. On the other hand, students belonging to non-Muslim minorities may, if they so wish, enrol in any other public or private school that is not run by their respective minorities.

182. Apart from the regulations related to the above-mentioned minority schools, article 42 of the Constitution states that no language other than Turkish shall be taught as a mother tongue to Turkish citizens at any institutions of training or education. Foreign languages to be taught in institutions of training and education and the rules to be followed by schools conducting training and education in a foreign language shall be determined by law. The provisions of international treaties are respected.

183. Law No. 4771 dated 3 August 2002, also known as the “third harmonization package”, amended the “Law on Foreign Language Education and Teaching, and the Learning of Different Languages and Dialects by Turkish Citizens” to allow private courses to teach the different languages and dialects traditionally used by Turkish citizens.

184. With a view to regulating the implementation of the aforementioned amendment, the Ministry of Education issued the “By-law on Education in Different Languages and Dialects Traditionally Used by Turkish Citizens in Their Daily Lives”, which took effect following its publication in the Official Gazette No. 25307 dated 5 December 2003.

185. In conformity with this by-law, a number of private courses for teaching languages and dialects traditionally used by the Turkish citizens in their daily lives have been established.

#### **6. The right to equal participation in cultural activities**

186. The preamble of the Constitution includes a reference to the right to take part in cultural life, “acknowledging the birthright of every Turkish citizen to lead an honourable life and to develop his/her material and spiritual existence on the basis of national culture, civilization and the rule of law, through the exercise of the fundamental rights and freedoms set forth in this Constitution in conformity with the requirements of equality and social justice”.

187. Every individual is free to participate in cultural events.

188. In the field of sports, equal treatment is ensured in participating in sports events and having access to sporting facilities. Turkish sports clubs retain many foreign sportsmen and sportswomen. In acts of violence that may take place from time to time in sporting events and that involve racial hostility, perpetrators taking part in violence are punished according to the law.

189. Broadcasting in different languages and dialects traditionally used by Turkish citizens was allowed by Law No. 4771, dated 3 August 2002, also known as the “third harmonization package”, which amended the “Law on the Establishment of Radio and Television Enterprises and Their Broadcasts”.

190. With a view to regulating the implementation of this amendment, the Radio and Television Supreme Council (RTUK) issued the “By-law on Broadcasting by Public and Private Radio and Television Corporations in Different Languages and Dialects Traditionally Used by Turkish Citizens in Their Daily Lives”, which took effect following its publication in the Official Gazette No. 25357 dated 25 January 2004.

191. Such broadcasts first began with a radio programme on the State-run TRT Radio 1 in Bosnian on 7 June 2004, followed by a broadcasting on the TRT-3 television channel on the same day. At present, broadcasts in local languages and dialects include news, music and documentaries in Bosnian, Kirmanchi, Zaza, Circassian and Arabic for a maximum of 60 minutes a day and 5 hours a week on radio and 45 minutes a day and 4 hours a week on television. Radio-1 and TRT-3 broadcast programmes in Bosnian on Mondays, Arabic on Tuesdays, Kirmanchi on Wednesdays, Circassian on Thursdays and Zaza on Fridays.

192. Since 7 March 2006, the RTUK has granted permission to several private radio and TV stations upon their applications to broadcast in Kirmanchi and Zaza. The aforementioned radio and TV stations started their broadcasts in these dialects as of 23 March 2006. Furthermore, cultural activities such as plays and concerts are held in other languages and dialects. Show programmes on national TV channels include performances in these languages and dialects.

193. Books, newspapers and periodicals are available in the languages and dialects traditionally used by Turkish citizens in their daily lives.

194. No restrictions shall be imposed on the free use by any Turkish national of any language in private communication, in commerce, religion, in the press, or in publications of any kind or at public meetings.

### **7. The right of access to places of service**

195. There has never been any official regulation or practice in everyday life in Turkey denying anyone, on the grounds of racial discrimination, the right of access to any place or service intended for use by the general public, such as means of transport, hotels, restaurants, cafes, theatres or parks.

### **Article 6**

196. Every Turkish citizen has the right to launch legal action against the Government and the administration before the relevant judicial courts in case he/she believes that his/her fundamental rights or freedoms have been violated. Article 40 of the Constitution states that everyone whose constitutional rights and freedoms have been violated has the right to request prompt access to the competent authorities. The State is obliged to indicate, in its official transactions, the legal remedies and authorities to which the persons concerned should apply and their time limits. Damages incurred by any person through unlawful treatment by public officials shall be compensated by the State. The State reserves the right of recourse to the official responsible.

197. In cases where an individual claims that the Constitution has been violated in a lawsuit that he/she has lodged before the court, the relevant Court can refer the claim to the Constitutional Court which would decide whether or not the claim is valid.

198. The judiciary is fully independent. Article 138 of the Constitution states that judges shall be independent in the discharge of their duties; they shall give judgement in accordance with the Constitution, law and their personal convictions, in conformity with the law.

199. No organ, authority, office or individual may give orders or instructions to courts or judges relating to the exercise of judicial power, send them circulars, or make recommendations or suggestions.

200. No questions shall be asked, debates held, or statements made in the Parliament, relating to the exercise of judicial power concerning a case on trial.

201. The legislative and executive organs should comply with court decisions; these organs and the administration should not alter them in any respect or delay their execution.

202. The same principle also exists in the Law on Judges and Public Prosecutors No. 2802:

- Judges shall discharge their duties in accordance with the principles of independence of courts and guarantees of judges
- No organ, authority, office or individual may give orders or instructions to courts and judges relating to the exercise of judicial power, send them circulars or make recommendations or suggestions
- Judges shall be independent in the discharge of their duties. They shall give judgement in accordance with the Constitution, law and their personal conviction (art. 4)

203. Within the reform process of the judiciary, a number of projects have been initiated under the supervision of the Ministry of Justice. Some examples of these projects include:

(a) The National Judiciary Network Project (UYAP): UYAP is an information mechanism, an “e-justice” system as a part of “e-government” efforts, which has been developed in order to ensure a fast, reliable, soundly operated and accurate judicial system. The project began in 2000 and is expected to be completed by the end of 2007;

(b) Better Access to Justice in Turkey (2006-2008 total budget: 4,400,000 euros): the project is designed to reach four key results:

- Increased utilization of the present legal aid system through public awareness activities on legal aid and training for lawyers
- Introduction of Alternative Dispute Resolution (ADR) into the Turkish legal practice through public awareness activities on ADR and training for lawyers
- Improvement of fairness in criminal proceedings through installing audio and visual recording systems at all Heavy Criminal Court Rooms
- Strengthening the technical capacity of the Ministry of Justice by procuring the infrastructure equipment necessary for a well-functioning judicial statistics system

204. Turkey recognized the competence of the European Court of Human Rights (ECtHR) to receive petitions from any person, non-governmental organization or group of individuals in 1987 and the jurisdiction of the ECtHR in 1990. Therefore, individuals may lodge complaints against Turkey at the ECtHR after exhausting all national remedies. To date, no ruling has been made by the ECtHR against Turkey on racial discrimination.

205. There are also governmental, administrative and parliamentary remedies for individuals who claim to be subjected to discrimination, including racial discrimination. These remedies are utilized through the Human Rights Presidency at the Office of the Prime Minister and numerous

human rights boards at provincial and sub-provincial levels on the one hand, and the Human Rights Inquiry Commission of the Parliament on the other. These bodies are tasked with investigating complaints and allegations of human rights abuses and submitting their findings to relevant authorities for necessary action.

206. The Human Rights Presidency, which was established in April 2001 as an affiliate body of the Prime Ministry, and 931 provincial and sub-provincial human rights boards carry out extensive supervision works on human rights, particularly at local level. Human rights boards include almost 14,000 non-governmental members.

207. Both the Human Rights Presidency and the human rights boards are entrusted with the task of receiving, examining and investigating allegations of human rights violations, including claims of racial discrimination, assessing the results of their examinations and investigations, referring the results to the offices of the public prosecutors or relevant administrative authorities and following up the results.

208. The human rights boards have gone through an institutional restructuring process with the adoption of a new Regulation on 23 November 2003 that introduced amendments to the Regulation on the Procedure and Principles of the Establishment, Functions and Operation of Human Rights Advisory Boards (No. 25298). With these legislative amendments, the human rights boards have assumed a more civil-society-oriented character. They are now composed of an average of 15 members, 2 members of whom are public officials with the remainder from different segments of the society, including civil society organizations, trade unions, chambers of professions, academia, human rights experts, local press and political party representatives.

209. An important element introduced by the amendments to the above-mentioned Regulation is the new task for the Boards to “carry out necessary work to prevent all kinds of discrimination”. Accordingly, the human rights boards conduct information activities such as preparing training sessions, seminars, TV programmes and printing publications for relevant purposes including the fight against discrimination including racism and xenophobia.

210. In addition, “human rights information and application desks” have been set up within each board where applicants are provided with individual application forms for claims of human rights violations.

211. Between January and July 2006, a total of 1,085 applications were received by the Human Rights Presidency and the human rights provincial and sub-provincial boards. Only 91 cases were related to claims of discrimination. No application was received concerning claims of discrimination on the basis of race, colour, language, religion or political opinion. All applications were on claims of fraudulent or preferential treatment in public services.

212. Established by Law No. 3686 of 5 December 1990, the Human Rights Inquiry Commission of the Parliament functions basically as a parliamentary monitoring mechanism with respect to allegations of human rights violations. A 23-member body with all political parties and independents represented according to the ratio of their seats, the Commission receives and examines applications from individuals living in Turkey, who do not necessarily have to be citizens, relating to alleged violations of human rights and conveys its findings to competent government bodies for action. The Commission possesses extensive powers of investigation and,

in the performance of its duties, is empowered to request information from Ministries and other government departments, local authorities, universities and other public institutions as well as private establishments, to conduct inquiries on their premises and to invite the representatives of these bodies to appear before the Commission and provide information. It also cooperates closely with relevant NGOs.

213. The process of establishing the institution of the Ombudsman is under way. The Law on the Ombudsman, which was approved by the Parliament in June 2006, is under consideration by the Constitutional Court following an application lodged for the annulment of some of its articles. The ruling of the said court was still pending as of autumn 2007.

214. The objective of this law is to establish the Ombudsman institution in order to provide recommendations on complaints received from natural and legal persons, to ensure the efficient conduct of public functions and services, in line with the nature of the Republic of Turkey as determined in the Constitution, respect for human rights and the rule of law. According to the law, the Parliament elects the Ombudsman and 10 Deputy Ombudsmen for a renewable period of five years. Article 12 of the law governs the independence of Ombudsman. According to this article, the Ombudsman and the Ombudsmen receive no order or recommendation from any person or institution. The office of the Ombudsman shall have 100 staff. The process of electing the Ombudsman and 10 Deputy Ombudsmen will be initiated after the Law's entry into force.

#### **Article 7**

215. Turkey believes that education and media are the primary tools in an effective, long-term strategy to combat racial discrimination and to achieve the desired level of harmony within societies.

#### **A. Education and teaching**

216. In Turkey, combating racial discrimination is considered a part of efforts to raise human rights awareness as a whole, mainly through education.

217. To coordinate efforts and activities in the field of human rights education, the National Committee for the United Nations Decade for Human Rights Education was established in 1998 to function as an advisory body during the Decade. The Committee prepared a national programme for the period of 1998-2007 by taking into consideration the relevant guidelines and principles set forth in the United Nations Action Plan on Human Rights Education. The national programme was adopted in July 1999 and forwarded by the Prime Ministry to all relevant authorities for implementation. The programme launched a nationwide public campaign to raise human rights awareness and introduced intensified human rights training for civil servants, particularly for those employed in the field of law enforcement and members of the judiciary.

218. In line also with the World Programme for Human Rights Education, the National Committee, whose name was then changed to the National Committee for Human Rights Education in November 2006 following the completion of the United Nations Decade for Human

Rights Education, is tasked with monitoring the implementation of the national programme and cooperating with governmental and non-governmental organizations and the media. The National Committee has identified the following target groups in the context of the national programme:

- Teachers who teach human rights in schools
- Law enforcement officers
- Members of the judiciary
- Members of the mass media
- Members of NGOs which carry out activities related to human rights
- Social workers and personnel at community centres who provide education in human rights for families living in economically and socially underprivileged sections of cities

219. In line with the national programme, all government institutions directly related to human rights issues have intensified their in-service human rights training programmes. In this respect, training courses covering human rights have become mandatory for candidate judges and public prosecutors during their two-year probationary period at the Training Centre for Judges and Public Prosecutors. The Ministry of Justice has included human rights courses in the in-service training provided for judges and public prosecutors who enter the profession after they successfully complete their probationary period. Judges and public prosecutors have been receiving human rights courses in cooperation with the Council of Europe and other international organizations. Moreover, bilateral programmes have been initiated with a number of countries for the training of judges and prosecutors in the field of human rights.

220. In addition to the inclusion of human rights courses in the training curricula, the Ministry of Justice also organizes, in cooperation with the United Nations, the Council of Europe, the European Union, universities and NGOs, periodic in-service seminars for members of the judiciary at various levels where participants are informed about Turkey's obligations under the relevant United Nations conventions, OSCE documents and Council of Europe conventions, the effects of these instruments in the Turkish domestic law and the rulings of the European Court of Human Rights with respect to Turkey. In the course of these seminars, judges and prosecutors are informed in particular about how the provisions of these instruments can be raised by defendants and included ipso facto in court decisions as they have become part of the Turkish domestic legislation.

221. The intensification of the training of members of law enforcement agencies is also considered to be a particularly useful means for promoting the implementation of human rights. In this framework, courses on human rights have become compulsory in the curricula of the Police Academy and Police Colleges since 1991. Law No. 4652 on the Higher Education of Police, which was prepared in line with the recommendations of the National Committee, was



adopted by Parliament on 25 April 2001 and came into effect on 9 May 2001. With this law, the 26 police schools all over Turkey, which formerly trained police officers for nine months, have been transformed into two-year vocational schools with an expanded emphasis on human rights education.

222. In this process, a number of periodic seminars, conferences and workshops have been held as part of the human rights training work being carried out for the staff of the Ministry of Interior at various levels. These seminars cover topics such as human rights provisions in Turkish domestic law and the duties and responsibilities of senior administrators and law enforcement officers with regard to human rights under the international conventions to which Turkey is party and under domestic legislation.

223. In 2003-2004, the Human Rights Presidency of the Office of the Prime Minister organized a number of round-table meetings for the human rights boards and for NGOs within the framework of the project titled "Awareness-Raising on Human Rights and Democratic Principles" conducted in cooperation with the EU Commission and the Council of Europe.

224. Between June 2005 and February 2006, the Human Rights Presidency and the EU implemented a human rights education project: 632 members of the human rights boards attended courses on fundamental human rights issues and communication with victims of human rights violations.

225. Human rights education is also provided to prison superintendents, as well as physicians, psychologists, social workers and teachers employed in penal institutions. Prison guards and security officers of penal institutions also receive candidate training for a period of one year covering professional subjects and human rights in accordance with the provisions of the Regulation on Training for Candidate Civil Servants Attached to the Ministry of Justice before their permanent appointment. Furthermore, the human rights education of prison staff is being supplemented through the distribution to all penitentiary institutions of books, handbooks and other relevant documentation prepared by experts and academics.

226. The human rights boards provide human rights training to public officials, especially the police and gendarmerie. They also conduct research regarding human rights issues and are extensively involved in human rights awareness-raising activities.

227. As for human rights training designed for schoolteachers, 180 primary and secondary school teachers underwent two-week human rights training courses in 2001-2003 to become human rights educators. During the 2004/05 academic year, within the framework of the Council of Europe's European Year of Citizenship through Education project, 162 teachers were given two-week in-service training courses on education for citizenship, democracy and human rights. Similar seminars and courses continue to be conducted for schoolteachers.

228. According to article 2 of the Basic Law on National Education No. 1739, one of the goals of the Turkish national education system is to educate all citizens as individuals respectful of human rights. Accordingly, many measures have been taken to promote respect for human rights and fundamental freedoms through education and training. Among these measures are the following:

- The primary education curriculum which was reviewed in 2005 includes subjects under Social Sciences courses on human rights and prevention of discrimination
- An elective course titled “Democracy and Human Rights” was added to the secondary education (*lycée*) curricula
- Several universities have launched Masters and PhD programmes on human rights, including courses on this subject in undergraduate programmes
- Upon the request of the National Committee for the United Nations Decade for Human Rights Education, the History Foundation of Turkey launched in May 2002 the Project for Promoting Human Rights in Primary and Secondary School Textbooks, aiming to screen all primary and secondary school textbooks to single out elements which were not in conformity with human rights norms, and to formulate recommendations to the Ministry of National Education for their improvement ensuring awareness of and respect for human rights norms in all school textbooks as well as among teachers, textbook writers, parents, and educators in general
- Connotations which might have been perceived as discriminatory in the definition of the term “Gypsy” were removed from the Turkish dictionary

229. In an effort to prevent discrimination in school books and education materials, the By-law published in the Official Gazette No. 24505 dated 17 March 2004, stipulates that textbooks should not contain language against fundamental human rights or include discrimination based on gender, race, religion, language, colour, political thoughts, one’s philosophical beliefs, sect or any such consideration.

230. Regarding textbooks and education materials, there is an obligation to comply with universal criteria such as citizenship, democracy, human rights and gender equality. Textbooks are regularly scrutinized in order to eliminate any discriminatory wording.

## **B. Culture**

231. The cultural policy of Turkey is based on tolerance and cultural diversity. Freedom of religion and conscience, freedom of thought and opinion, freedom of expression and dissemination of thought and freedom of science and the arts are among the indispensable elements of the cultural policy of Turkey. In this respect, articles 24, 25, 26 and 27 of the Constitution provide the basis for cultural policy. The preamble of the Constitution also refers to the right of everyone to take part in the cultural life. As mentioned earlier in the report, every citizen is considered an integral part of the Turkish national identity and culture.

232. The main objectives of the cultural policy of Turkey are:

- Protection and development of national culture
- Strengthening and enhancement of the cultural structure
- Dissemination of cultural activities

233. The 9th Development Plan covering the period in 2007-2013 contains a chapter entitled “Protecting and Improving Culture and Strengthening Social Dialogue”.

234. The said plan states that Turkey’s culture will be open for development while its authentic structure and richness is maintained. In addition, its contribution to universal culture will be ensured. According to the plan, creating an inventory of the country’s cultural heritage and protecting and restoring this heritage will remain an important objective. Moreover, public awareness will be raised to protect this heritage through widespread education programmes.

235. Inclusion of the cultural dimension in social and economic policies and active participation of local administrations and NGOs in the implementation of cultural policies will be ensured. Easy access to cultural activities by all segments of society will be attained.

236. In order to increase social integration and solidarity, priority will be given to policies that foster tolerance, social dialogue and cooperative culture.

237. The Ministry of Culture and Tourism is the main governmental body in the formation and implementation of cultural policies. The Ministry of National Education, local administrations and universities also have policies and institutions aiming at promoting culture and the arts.

238. The Ministry of Culture and Tourism conducts folk culture studies with a view to promoting understanding, tolerance and friendship among different cultures.

239. Bilateral cultural cooperation agreements have been signed with more than 80 countries, which include programmes of cultural exchanges, promoting cultural relations with different nations.

240. Each year, during the national holiday on 23 April, hundreds of children from different parts of the world are invited to Turkey to celebrate the 23 April Children’s Holiday. The festival, which took place for the first time as an international event in 1979 with the participation of children from 5 countries, today hosts around 1,000 children from 50 countries. During the festival, which lasts approximately 10 days, children aged between 8 and 14 stay with Turkish schoolchildren and their families. Thus, children of different origins and languages coming from various parts of the world get acquainted, spend time together and learn about each other’s cultures and traditions. At a parallel event, guest children perform the folk dances of their countries with their traditional costumes. Turkey attaches great importance to 23 April festivities and believes that it constitutes an important example of promoting tolerance, friendship and understanding between children of different origins and cultures.

### **C. Information**

241. Recognizing the role of the mass media in promoting human rights, Turkey attaches the utmost importance to the dissemination of information to combat prejudices that lead to racial discrimination, and to the promotion of understanding, tolerance and friendship among nations and racial or ethnic groups.

242. The legislation regulating broadcasting includes provisions on non-discrimination.

243. The Law on Turkish Radio and Television (TRT) No. 2954 sets out principles for broadcasting. In line with these principles, TRT does not broadcast propaganda for regimes or ideologies aiming at discrimination on grounds of language, race, religion and sect.

244. According to article 4 of Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts, dated 20 April 1994, radio, television and data broadcasts shall be conducted within a spirit of public service, in compliance with the rule of law, the general principles of the Constitution, fundamental rights and freedoms, national security and general moral values.

245. This article specifies, inter alia, the following principles for broadcasting standards in radio, television and data broadcasts:

(a) Broadcasts shall not instigate the community to violence, terror, ethnic discrimination or incite hatred and hostility by way of discrimination within the community on grounds of social class, race, language, religion, sect or geographical region, or give rise to feelings of hatred within the community;

(b) Broadcasts shall not, in any manner, humiliate or insult people because of their language, race, colour, gender, political opinion, philosophical belief, religion, sect, or any such consideration;

(c) All elements of programme services shall respect human dignity and fundamental human rights;

(d) Broadcasts shall not encourage the use of violence or incite feelings of racial hatred.

246. TRT's 2006 General Broadcasting Plan states that ridicule on the basis of language, religion and history should be avoided in choosing themes and creating characters for programmes. No one should be humiliated on grounds of race, gender, social class, religious belief and sect. Accordingly, no programmes will be broadcast which may incite feelings of racial hatred.

247. The Voice of Turkey, operating under the responsibility of TRT's External Service, broadcasts in 27 languages and presents programmes aiming at eliminating prejudices leading to racial discrimination in education, culture and information and at developing understanding and tolerance. Similarly, TRT broadcasts discussion programmes to raise awareness on human rights.

248. On the other hand, 14 specialized media colleges in Ankara, İstanbul, İzmir and Eskişehir provide theoretical training as well as practical experience for prospective journalists. Workshops and seminars organized by various institutions and organizations provide continuous training for media professionals. In this context, the Directorate General of Press and Information of the Office of the Prime Minister has initiated a series of local media workshops to strengthen the local media capacity to provide human rights sensitive coverage, taking into account the principles of professional journalism and media ethics. Between 1998-2007, 14 such

workshops were organized in the provinces of Diyarbakır, Trabzon, Bursa, Denizli, Erzincan, Edirne, Düzce, Mardin, Tunceli, Kayseri, Adıyaman, Adana, Konya and Karabük/Safranbolu with the involvement of local and national media representatives, academics, politicians, local administrators and civil society representatives.

### **III. CONCLUSION**

249. The fight against racial discrimination in all its forms and manifestations is among the priority objectives of the human rights policy of Turkey. Remarkable progress has been achieved in this direction and the ongoing reform process has been the main instrument in reinforcing the legal framework to promote and protect human rights. Naturally, there may be some areas which fall short of the desired level for protecting and promoting human rights. However, Turkey spares no efforts in reviewing both the legislation and its implementation with a view to identifying these shortcomings while educating the population to become more sensitive in eliminating racial discrimination in particular and raising awareness in the field of human rights in general.

**ANNEX**

**TEXT OF THE DECLARATION MADE BY THE REPUBLIC OF TURKEY  
UPON RATIFICATION OF THE INTERNATIONAL CONVENTION ON  
THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION**

The Republic of Turkey declares that it will implement the provisions of this Convention only to the States parties with which it has diplomatic relations.

**TEXT OF THE DECLARATION MADE BY THE REPUBLIC OF TURKEY  
UPON RATIFICATION OF THE INTERNATIONAL CONVENTION ON  
THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION**

The Republic of Turkey declares that this Convention is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied.

**TEXT OF THE RESERVATION OF THE REPUBLIC OF TURKEY UPON  
RATIFICATION OF THE INTERNATIONAL CONVENTION ON THE  
ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION WITH  
REGARD TO ARTICLE 22 OF THE CONVENTION**

The Republic of Turkey does not consider itself bound by article 22 of this Convention. The explicit consent of the Republic of Turkey is necessary in each individual case before any dispute to which the Republic of Turkey is party concerning the interpretation or application of this Convention may be referred to the International Court of Justice.

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