

## **ADVANCE QUESTIONS TO TURKEY**

### **DENMARK**

- While recognizing the positive impact of Turkey's "zero tolerance policy on torture", it would be interesting to know how Turkey is planning to address the reported cases of torture and other ill-treatment taken place outside official places of detention.
- How does Turkey secure that cases of torture and ill-treatment are investigated effectively and that the perpetrators are brought to justice?
- When is Turkey expecting to ratify the OPCAT?
- Although some progress can be reported, the Alevi community is still not recognized as a religious minority and the Cem Houses are still not recognised as places of worship. Does Turkey have any plans of recognizing the Alevi community as a religious minority and the Cem Houses as places of worship?
- How will Turkey address the problems that non-Muslim communities are facing, including confiscation of property, acts of violence, discrimination and problems due to lack of legal personality?

### **IRELAND**

#### **Discrimination against women**

- The Committee on the Elimination of All Forms of Discrimination against Women recommended in 2005 that a definition of discrimination against women, in line with article 1 of the Convention, be included in the Constitution or in appropriate laws. Ireland would like to know what steps have been taken to implement this recommendation.

#### **Minorities/Racial Discrimination**

- The Committee on the Elimination of Racial Discrimination has noted the absence of a clear and comprehensive definition of racial discrimination in Turkish domestic law. Ireland would like to know whether there are any plans to address this.

#### **Torture/Conditions of detention and impunity**

- The Committee against Torture has noted with concern allegations that torture and other cruel, inhuman or degrading treatment of detainees held in police custody are apparently still widespread. The UN Country Team considered that the impunity of the perpetrators of these acts remained a cause of concern. What progress has the Government made to ensure compliance with domestic and international legislation preventing torture and ill-treatment, and to address the issue of impunity?

### **Freedom of association and expression/political parties**

- The UN Country Team has noted that there remain frequent situations where the right to peaceful assembly is restricted. Ireland understands that the frequent banning of websites is also a cause for concern. Ireland would like to know whether any further legal amendments are being considered to ensure that freedom of association, including in relation to political parties, is enshrined in Turkish legislation.

### **LIECHTENSTEIN**

- The Commissioner for Human Rights of the Council of Europe and his delegation visited Turkey from 28 June to 3 July 2009. In his report on this visit the Commissioner expressed serious concern about the persistent humanitarian and human rights situation of internally displaced persons (IDPs) in and from the eastern and southeast Turkey, the majority of them being of Kurdish origin. The Commissioner recommended the prompt adoption of further measures that would accelerate and make more effective the reparation of the IDP victims, including the facilitation of exercise by IDPs of their right to voluntary return, voluntary resettlement or local integration. Whilst noting with satisfaction the Ministry of Interior's willingness to resolve the persistent, IDP-related problems, including the positive efforts made in the context of the IDP action plan in the Van province, the Commissioner stressed the need for the authorities to promote a comprehensive, national strategy that would include improvement of living and education-related conditions in IDP-source areas. The Commissioner also urged the authorities to examine the possibility of abolishing the system of village guards and to proceed immediately to the completion of clearance of the mined areas, especially those from or near which IDPs originate.

*What measures has the Government of Turkey taken to address these concerns and to follow up on these recommendations?*

- In the same report the Commissioner for Human Rights of the Council of Europe urged the Turkish authorities in particular to develop awareness-raising activities in order to alert the general public of the benefits of a multicultural society and to create an efficient, specialised body to combat, inter alia, racial and religious discrimination. Periodic, open and substantive consultations between the authorities and religious minority groups should be established, thus ensuring dialogue and solutions to major issues affecting religious minorities' human rights, such as the one concerning the recognition of the legal personality of religious minority institutions and communities established in the country.

*What measures has the Government of Turkey taken to follow up on these recommendations?*

### **SLOVENIA**

- Is Turkey envisaging Constitutional and legislative amendments implicitly containing discriminatory provisions on the grounds of gender equality, gender identity and sexual orientation?

## **SWITZERLAND**

- The fight against impunity is of fundamental importance for the prevention of violations of human rights and humanitarian law. In this respect, the role of the International Criminal Court (ICC) is vital to guarantee better respect for human rights and humanitarian law.

*Where does Turkey stand in the ratification process of the ICC as well as the Additional Protocols I, II and III of the Geneva Conventions 1949 ?*

- It has been reported that the notion of ‘customary crimes’, in accordance with your penal code, has been used to justify reducing charges for homicide, especially of women.

*What measures is the Government of Turkey taking in order to ensure that honorary crimes are punished applying the most severe punishment possible by law?*

## **UNITED KINGDOM**

- We should be grateful if you could please elaborate further on the role that civil society and governmental institutions played in the preparation of your national report for this review, and which government institutions were consulted?
- Could you please provide an update regarding progress in the establishment of a National Human Rights Institution, and clarify whether, upon its establishment, it will operate in accordance with the Paris Principles?
- Your national report mentions that the functionality of the Human Rights Advisory Council –and the Human Rights High Council have not been as effective as initially expected. Could you please explain why, and what work is planned to increase the effectiveness of these bodies?
- The UK welcomes the establishment of the Reform Monitoring Group, Human Rights Presidency, Human Rights Boards, Bureau for Inquiry on Allegations of Human Rights Violations, and the Gendarmerie Human Rights Violations Investigation and Evaluation Centre. We would be most grateful to know where and how these bodies have had a positive impact on the handling of human rights cases. We would welcome some examples.
- In your national report you state that the Turkish government plans further to expand the scope of Freedom of Expression. Could you please let us know what steps are planned to achieve this?
- We commend your efforts to combat trafficking in human beings. In your national report you refer to working in partnership with civil society. We would be interested to know how this cooperation worked and what role was played by civil society?

- What steps is the Turkish government taking to address the existence of instances of torture and to conduct full and independent investigations of alleged offenders including by members of law enforcement and security services?
- Please could you indicate whether Turkey is considering ratifying the OPCAT? What steps are being taken to consult civil society organisations and relevant actors regarding the putting in place of a national preventative mechanism?

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