

WHAT ARE HUMAN RIGHTS?

Editors

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Preface

Human rights, representing the indispensable conditions of an honorable, equal and free life, are today a set of universal, moral values accepted by the whole world and an indispensable criterion for a fair, legitimate and civilized state and community. Beyond being an ethical ideal, the Human Rights form the basis for real respectable status of all the members of the humanity family, and the recognition of equal and indispensable rights form the basis of freedom, justice and peace all over the world as expressed at the preamble of Universal Declaration of Human Rights.

The rights and freedoms, that are declared with the Universal Declaration of Human Rights and that are currently present in all the modern Constitutions, are the products of an understanding accepting human as the highest value. All the humans, independent of where they are located in the world, or in whatever country, possess inalienable, un-transferable, indispensable, universal rights from birth as equal and free individuals without any distinction such as sex, race, religion, language or other status. Thereby the human rights are placed within the texture of the modern humanity understanding that humanity has attained at the twentieth century as a result of long struggles, creating and developing a new humanity approach reaching from today to the future.

Human rights is a multi-dimensional subjects-system. It relates to every section of the community. Human rights and democracy have passed a parallel evolution. Both are inter-related concepts. You cannot talk about democracy at a country where human rights are not warranted and in the same manner, you cannot think about the presence of human rights where there is no democracy. These are two concepts that are so much linked to each other that you cannot consider the presence of one without the other.

Likewise, human rights are closely related with the social and law state qualities of the government. It can even be said that, it is the foundation of social law state. Consequently, ensuring human rights, means to protect the qualifications that will positively influence the improvement of the community in every aspect.

The Constitution of the Turkish Republic has indicated being “respectful” to the human rights among the basic features of our Republic (Article 2) and clearly expressed the understanding of “state based on human rights” (Article 14). To realize this, various important regulations and studies have been made until today in our country in the area of human rights. Turkey has endorsed almost all of the international documents related to human rights and these documents have become an integral part of Turkish jurisprudence.

During the recent years, in the framework of the efforts to ensure that our people attain the value they deserve and complying with the Acquis Communitaire, nine compliance/reform packages were prepared and in a sense a “silent revolution” was realized through changes at constitutional, legal and administrative level in the area of human rights. With the two Constitution amendments in the recent years (2001 and 2004), comprehensive modifications

have been made at various fields that directly influence human rights such as Turkish Criminal Code, Criminal Execution Code, Criminal Procedure Code; moreover with the enforced compliance packages, important steps were taken in the form of reform aimed at strengthening the superiority of democracy and jurisprudence and ensuring respect towards human rights and liberties. A series of legal and administrative arrangements were made in several areas that directly affect human rights and liberties, thereby the restrictions aimed at human rights and liberties were significantly eliminated and significant progress has been made towards reaching universal standards related to human rights. The boundaries of human rights and liberties were expanded with the modifications made in several areas such as freedom of thought and expression, freedom of association, prevention of torture and degrading-treatment, banning of death penalty, individual freedom and security, freedom of press, sex equality, administration of justice, status of international treaties regarding basic rights, civil-military relations and so on. With the aim of reflecting the reforms made to implementation, additional mechanisms were supplemented to the existing judicial and administrative mechanisms and with this aim, new structures were formed such as Prime Ministry Presidency of Human Rights, Supreme Board of Human Rights, National Committee for Human Rights Education, Human Rights Consultancy Board, Reform Monitoring Group, Provincial and District Human Rights Boards, etc. Moreover, several new human rights units were established within various public institutions and agencies.

To ensure that the democratic structure of our country is brought to a perfect state, the human rights awareness is improved, human rights violations are prevented and the chance of benefiting from the basic rights and freedoms required by human dignity and modern life are fully granted to our people, our works will still continue with the same speed and determination. This is the basic vision in front of our country. It will be the basic target of the future works to ensure that the reforms made in the field of human rights are fully reflected in application and to ensure that all the people living in our country benefit equally from all the rights and freedoms. For this aim, it is evident that a “mental evolution” has to take place besides the developments at the legislative and institutional level. Consequently, education and awareness activities gain a high importance. The “continuity” of these activities also has an utmost importance in attaining the desired goal.

In fact, at these grounds that had always possessed, maybe not the letter but the spirit of the current human rights values, there is a tolerance climate providing the peaceful living of communities from various different religion, sect and ethnical base for several centuries.

This climate nourished with love for human being, means the presence of an information and thinking basis ideal for the targets desired to be attained with human rights. When it is considered from this view, it should be noted that human rights is not an “imported concept”, but a “lost commodity” of our civilization. The “mental evolution” concerning human rights shall enable the values basically present at the mind and heart of our community to be integrated with the universal language and content.

It is without doubt that all the studies that have been and will be made in the way of protection and improvement of human rights will make this land more livable with all the aspects of the human rights being the common value of humanity.

In this study which we think will provide a contribution, although small, to the efforts of protection and improvement of human rights in our country, on one hand, some basic information regarding human rights is given and on the other hand, the change and evolution

experienced in our country regarding human rights during the recent years and some examples of among the activities realized in this field, especially by the Presidency of Human Rights are displayed. With this respect, I hereby forward by gratitude to all who have contributed to this work and hope that this study will be beneficial for all the interested parties.

Cemil ÇİÇEK
State Minister and Deputy of Prime Minister

Introduction

The Presidency of Human Rights has been founded with the Law no. 4643 of 12.04.2001, with the aim of making studies aimed at protection and development of human rights. The Presidency has in general the following duties: provide coordination among the authorized institutions regarding human rights, monitor legislation and implementation, make studies to ensure conformity of the national legislation with the international documents, monitor the implementation of the human rights programs of the public institutions and agencies, examine and investigate the applications concerning the violation of human rights. The Presidency provides contribution to the studies executed in the framework of European Union membership process. Moreover, the Provincial and District Human Rights Boards present within the country at 81 provinces and 850 districts are sending monthly activity reports to the Presidency. These reports are evaluated and guidance service is being provided to the Boards, coordination is ensured and statistics are published.

The Presidency also examines individual applications regarding human rights violation claims and if a violation of right is determined, it contacts the related institutions and ensures that the necessary actions are taken to eliminate the violation. The information regarding the numerical data on human rights violation claims are periodically announced to the public. In addition to these, the Presidency organizes wide scoped training activities aimed at the civil public and public institutions and agencies, especially the Provincial and District Human Rights Boards and to the community in general. The Presidency also performs activities of raising awareness concerning human rights with the training material it prepares such as books, booklets, brochures and internet page.

It should be pointed out that in the road to protect human rights and for a just and more efficient administration a new law concerning the establishment of the Public Inspectorship Office (Ombudsmanship Act) was enacted by the Turkish Grand National Assembly in September 2006. This is particularly an important step considering the fact that the origin of Ombudsmanship dates back to the Ottoman era. Despite the fact that the law has been taken to the Constitutional Court by the President of the Turkish Republic for the annulment, and is still under the review of the Constitutional Court which suspended its application, we believe that the legal problems will be overcome with the new Constitution and the Public Inspectorship Office will be fully operational soon.

I would like to thank to Mr. Cemil ÇİÇEK, our Esteemed Assistant Prime Minister due to the support he has given in the publication of this book and to all who took great pains, especially to Ahmet UZAK and Mehmet ALTUNTAŞ. This study, which we think will provide a contribution, although small, to the efforts of protection and improvements of the human

rights in our country, is being presented for the benefiting of the members of the Provincial and District Human Rights Boards and everyone working in the field of human rights. Hoping that this booklet will be beneficial in the road of human rights.

Prof. Dr. Hasan T. FENDOĞLU
President
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PART I: THE CONCEPT OF HUMAN RIGHTS

A. What are Human Rights?

Human Rights are inalienable, inviolable and high quality moral values that make human a human and that the human possesses just by birth without being bound to any condition or status. These rights;

- Protect the value and dignity of the human being.
- Expresses the conditions necessary for a life worthy of human being.
- Are the most basic values aimed at meeting the requirements of the human by virtue of being a human, targeting to protect and develop his material and spiritual existence.

The source of human rights is “the human nature” and the “human dignity” at the core of this nature. All humans, by virtue of being a human, possess these rights “equally” without any discrimination in regards to religion, language, race, gender, public roots, nationality, etc. Thus, human rights are “universal”, they are present together with the existence of human kind independent from time, place, economy and culture.

With another view, it is possible to identify human rights as the political demands arising out of human dignity. Since human rights are the rights that the individual claims especially against the government and request for him not to violate. Accordingly, the reason for existence of the government is to secure the basic rights and freedoms possessed by the individual by birth. The government is the name of the political organization that the individuals comprising the community have established with this aim. In this respect, the government has two types of obligations, one being negative and the other being positive. The negative obligation of the government expresses it not violating the rights and freedoms of the individuals especially with force applying instruments. For example, the violation of prohibition of torture shows that the government has not fulfilled its negative obligation. On the other hand, the government not only has to not violate the human rights, but it also has to prevent any violation and take every measure for the humanely living of the human beings and improve the material and spiritual existence thereof. In this respect, for example, the authorities permitting constructions around a dump site possible to explode, displays that the government is failing to fulfill its positive obligation at the point of protection of the right to life.

Although the definition of human rights, its scope may differ according to political/ideological/philosophical understandings and preferences, it can confidently be said that an accord has been reached today in the process of establishing a standard in this subject,

especially at the international platform. Today, it is widely recognized view that a common human rights jurisprudence has been established with several documents and conventions that are accepted at both the UN and the regional level, especially such as the UN Universal Declaration of Human Rights (1948), the UN Twin Covenants, (International Covenant on Civil and Political Rights (1966); International Covenant on Economic, Social and Cultural Rights (1966)); and within this jurisprudence, in addition to the civil and social rights known as “classical” (first generation) rights, that economic, social and cultural rights known as “second generation” rights and the rights such as environmental right, development right, right of peace known as “third generation” (solidarity) rights are also an indispensable part of human rights; and that these rights are as a whole an indispensable and integrated part of the human dignity and a humanely “existence”. In other words, all the generation rights are the ones necessary to continue a humanely life. The lack of one of these rights, which are dependent on each other, negatively affects the other rights. Human rights, aimed at meeting a basic requirement of each human being, are as a whole, “the aggregate of the properties making human a human, the minimum conditions of humanely living”.

To express without going into detail, the Classical (First Generation) Rights are the rights that protect the individuals against the government and community, providing private, immune areas to the individuals where they can freely express themselves and that secure the participation of the individuals to the political affairs. The Classical Rights, in other words, define the rights that in essence protect the material and spiritual integrity of the individual, securing his/her freedom and protect the individual against the arbitrary power of the government. The government has the liability not to intervene, i.e., not to interfere, to these classical rights, which have the main purpose to restrict the power of the government against the individual.

The main the Classical rights are as follows:

- The Right to Life, Personal Integrity and Dignity
- Prohibition of Torture and Cruel, Inhuman or Degrading Treatment
- The Right to Individual Freedom and Security
- The Right to Freedom of Thought and Expression
- The Right to Freedom of Religion and Conscience
- The Right to Privacy
- The Right to Fair Trial
- The Right to Property
- Prohibition of Discrimination
- The Right to Peaceful Assembly and Demonstration
- The Right to Association
- Freedom to Work
- The Right to Petition
- The Right to Participate in Government
- The Right to Enter Public Services

Economic, Social and Cultural Rights, a.k.a. “Second Generation”, Rights, are the rights aimed at the conditions necessary for human development such as employment, education, health, etc. or “prerequisites ensuring the improvement of humanely facilities”. In other words, Economic, Social and Cultural Rights are the rights that protect the individual against

societal risks, securing a living standard sufficient for humanely living, providing them the opportunity to actually benefit from the Classical Rights and with this aim, that the individual can request from the government to realize. The majority of these rights are, as differing from the Classical Rights, the rights that significantly give the government a duty to serve and therefore requires the active intervention of the government and of which the realization depends significantly on the utilization of financial resources. Nevertheless, the differentiation between the Classical Rights and the Economic, Social and Cultural Rights, should not be interpreted in a too much strict manner. Just as there are classical rights making the governments obliged to avoid certain acts, there are also classical rights necessitating a certain assurance liability, thereby great financial resources. Moreover, it should be noted that the actual protection of the Classical Rights, especially against the interventions coming from the third parties, i.e. the community, necessitates big-scale investments to be done by the governments and the utilization of big financial facilities in this respect. For instance, the right of fair judgment requires well-educated judges, prosecutors, defense lawyers, police officers, adequate jails and other facilities. Similarly, the elections representing the indispensable usage of the Political Rights can also be shown as another example necessitating high amount of expenditures.

The main Economic, Economic, Social and Cultural Rights are as follows:

- The Right to Work
- The Right to Social Security
- The Right to Collective Bargaining and Strike
- The Right to an Adequate Standard of Living (Nourishment, Accommodation)
- The Right to Education
- The Right to Health
- The Right to Participate to the Cultural Life

The “Third Generation” or “Solidarity” Rights, developing after the 2nd World War, that are brought about by reasons especially such as environmental pollution, risk of war created by the nuclear weapons, development difference among regions, etc. and that are comprised of rights like the Right to Peace, the Right to Environmental, the Right to Development, the Right to Benefit from the Common Heritage of Humanity, although having individual aspects, refer mainly and associated with general conditions for the realization of the other rights. The common cooperation and solidarity of the persons, institutions, government and even the international community is required for their realization. It necessitates the joint solidarity of the persons and groups rather than being free. For example, in relation to the right to environment, the environment should not be harmed and the persons harming the environment should be prevented. This in turn, requires the joint effort and responsibility of the government, as well as other persons and institutions.

An important issue to be stated concerning human rights is that these rights are not static but instead have a dynamic character; certain changes can occur at the quantity and quality of these rights parallel to the developments in the political, economic, societal and especially technological life, and that certain new rights or right categories that cannot be foreseen at the moment, can be defined as human right. Abstract concepts such as human value or human dignity should be defined together with the universal elements they represent, in a continual interaction with the existing conditions and include all the elements obligatory for a humanely

living. In the end, the changing conditions may include brand new challenges and threats for human beings and can pose serious threats towards human existence and humanely living. It will undoubtedly be an obligation to define and widen the scope of the human rights concept, defining all the conditions necessary for a humanely existence and a dignified living, in a way as to include new assurances to the human beings at minimum level, against these new situations and new threats.

B. Development of Human Rights in the World

The birth of human rights goes to historic times. However, the shaping of these rights as a concept started at the 18th century. It is accepted that the thought of human rights started with the British Great Condition (Magna Charta Libertatum) declared in Britain in 1215. With this Condition, it has been stated the individual possesses life and property security, thereby the discretionary applications of the kind was ended.

On the other hand, the Universal Declaration of Human Rights declared on December 10th, 1948 is deemed as the Magna Charta of our day. Moreover, it is known that similar declarations were also declared before this date. Some examples are, 1776 Virginia Human Rights Declaration or American Independence Declaration, 1789 French Human and Citizen Rights Declaration. According to those declarations, the human are free and independent by their very nature and have certain rights from birth that they cannot abandon and transfer. The humans have the right and freedom to live. They have the right of property. The government has duties such as securing these rights and freedoms and provide suitable environment for the realization thereof. Human dignity and the right to life form the basis of all these rights and freedoms.

Especially at the international regime founded after the destructiveness and burning of the Second World War, it has become a basic concern to protect the human rights. This, in a way, is a “revolutionary” development in the history of the human rights jurisprudence. Since, the first time in history, has the acts of the governments against their citizen became a matter other than only their internal affair. The understanding of “I am the government, I can do whatever I please to my citizens”, was thrown into history with the foundation of supra-national organs. The document leading these organs is the Universal Declaration of Human Rights. This was followed with agreements aiming to protect the human rights at regional and universal level. The most renowned among these agreements are the European Convention on Human Rights prepared within the European Council, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights prepared within United Nations and also known as the “Twin Covenants”.

Other than these, various international treaties were signed with a view to combating with torture, racism and every kind of discrimination, aimed at protecting special social sections such as women and children. Especially the supervision mechanism implemented by the European Convention on Human Rights, has given a good example as to how the human rights can be effectively protected at the supra-national level. In fact, the judgements of the European Court of Human Rights have made significant contributions to the improvement of the human rights legislation and implementation of the party.

C. The Limits of Restricting the

Basic Rights and Freedoms

In the modern government / public service approach, the duty and responsibility of the government is to secure human rights by legal and institutional ways. This responsibility has been expressly regulated in general at the Constitutional level.

On the other hand, it is a generally accepted fact, both theoretically and at the national and international regulations together with the adjudication interpretations including the European Court of Human Rights, that the Human Rights can be restricted in certain cases necessitated by the social community that the individual is a part of. For example, the restriction of the travel freedom of a person wishing to travel to a zone under quarantine, has the aim of protecting the health or the right to life of that person and the community. Moreover, restricting certain rights in state of war and cases like extraordinary state can also be accepted.

The authorizations granted to the public power in restricting human rights are subject to certain limits both at the Constitution and at the international treaties that we are a party to.

First of all, the prohibition of torture is absolute and there cannot be any restriction or regulation in this regard. Moreover, the European Convention on Human Rights recognizes that a restriction cannot be brought on “the prohibition of slavery and forced working” and “the legality of punishments” even in the cases of state of war or extraordinary state.

In the cases where restriction is accepted, it is a constitutional obligation that this restriction is definitely enforced with laws. A restriction cannot be brought in the field of human rights, in whatsoever manner, via status, regulations, decision of the Board of Minister and similar arrangements. Moreover, the mentioned legal arrangements has to be based on the reasons indicated at the relevant articles of the Constitution concerning the restriction.

On the other hand, it is also a superior provision of our Constitution that the restriction is not in the character that eliminates the essence of the right and makes it impossible to benefit from the right in practice. The Supreme Court has stated that, if a right and freedom is made bound to conditions that makes it very hard to use this right and freedom as conforming to its purpose or makes it unusable, then the essence of the right and freedom would be damaged (decision no. E.1985/8, K.1986/27 of 26.11.1986); and the Supreme Court has qualified the binding of the usage of a right and freedom to “taking permission in general” as damaging the essence of the right and freedom (Decision no. E.1963/28, K.1964/8 of 28.1.1964).

The restrictions to be placed on the human rights should also be proportional as well. If the restriction placed, goes beyond the measure necessitated by the state causing restriction, this restriction is a restriction violating the constitution.

The restrictions to be placed on the rights cannot be arranged to serve any purpose other than the purpose causing the restriction. When the purpose of restriction is removed, the restriction should be removed as well.

One of the most important principles regarding the limits of restricting human rights is the obligation to abide by the requirements of the democratic society regime, of which the content has been matured with the interpretations of the European Court of Human Rights and that is also present within the text of our Constitution. The aim of the “democratic society regime”

accepted as the limit of restriction at article 13 of our Constitution is the understanding of a pluralist, liberal, modern and democratic society regime. This understanding has been stated in the article justification as follows: “the restrictions to be placed on the rights and freedoms or the limiting measures to be foreseen in this regard should not be against the democratic regime understanding, it should be reconcilable with the widely accepted democratic regime understanding.”

D. The European Union and Human Rights

As per the decisions taken by the European Union Council at the 1993 Copenhagen Summit; the compliance with the political criteria is a prerequisite for the access negotiations to commence. It is mandatory to comply with all the Copenhagen criteria to access to the Union.

The Copenhagen Political Criteria can be summarized as providing stability to the institutions assuring the protection and respect of democracy, the superiority of the rule of law, human rights and minorities. In these topics, there are no pre-determined solid norms, other than general principles, the deficiencies are put forward according to the properties of the countries.

In terms of protection of the basic rights at the European Union, the European Convention on Human Rights dated 1950 is taken as basis. Single Promissory Note dated 1986 and article 6 of the EU Treaty also take the basic rights at the Convention as basis. The Amsterdam Agreement has modified the provisions of the EU Agreement regarding the protection of the basic rights. Thereby, principles of freedom, democracy, human rights and basic freedoms, and respect to the rule of law were added, authorization was granted to the Court of Justice to ensure that these principles are abided by the Community organs and opportunity was provided for the application of sanction should the member states fail to fulfill their obligations. Moreover, provisions have been placed at the Agreement to prevent discrimination among the human based on nationality, gender, ethnical roots, religion, belief, handicapped status and age.

At the Köln European Council date June 1999, since it has been decided that these general arrangements does not fully meet the requirements, it has been brought to agenda to prepare a charter for the protection of the basic rights at the Union level. At this Charter named as Charter of Fundamental Rights of the EU; the general principles of the Human Rights Convention and the European Council Convention, basic rights granted to the Union citizens and the economic and social rights at the European Social Charter and the Convention for the Basic Rights of the Workers are present.

In relation to democracy and the rule of law, EU is seeking an environment at the candidate states where political pluralism, freedom of expression and religion, etc. democratic freedoms are present, different political parties can come to the government via free elections, the elections are held in a free and fair manner and where the opposition plays an effective role.

The most important stipulation of full membership to EU is human rights, democracy and the rule of law and even if it is not a member to EU, these are among the universal values to be adopted by Turkey.

E. European Council, European Convention

on Human Rights and ECtHR

At the countries where democracy and the rule of law is valid, the human rights are being protected by the constitution and laws, and its supervision is being made by independent courts. Consequently, the individual claiming that his right has been violated should firstly apply to legal procedures and seek his right. After all the legal procedures are tried, international supervision can be brought to the agenda.

The European Council is an independent international organization that has been founded by the European states in 1949 with the aim of protecting human rights, the rule of law and parliamentary democracy and to ensure that Europe becomes integrated, having a judicial legal entity with its headquarters in Strasbourg (France).

The European Convention on Human Rights (ECHR) is a binding agreement, covering the rights, to which it is mandatory to comply with, adopted in 1950 by the states member to the European Council, which also includes Turkey, to protect the personal and political rights present at the Universal Declaration of Human Rights in an effective manner. In this respect, the ECHR is completely different from the Universal Declaration of Human Rights having no legal binding force. The most important factor ensuring the enforcement of the contractual provisions is the supervision, by the European Court of Human Rights (ECtHR), of the fact whether the secured rights are violated or not. Based on this authority of the court, the individual can file complaints for the member states and the states do not have the right not to accept the adjudication authority of the Court regarding individual applications.

The Republic of Turkey has also adopted the European Agreement on Human Rights in 1954; accepted the right of individual application in 1987 and accepted the adjudication authority of the European Court of Human Rights in 1989. It is worthwhile to note the direct claim-ability and implement-ability of the European Convention on Human Rights at the internal Turkish legal system.

The supervision mechanism established by the European Convention on Human Rights functions as secondary or complementary concerning the human rights. In this framework, the supervision of the European Court of Human Rights has not been formed to replace the national authorities. The first duty to protect the human rights and specially eliminate the violations falls to the national authorities (judicial, legislative and administrative authorities). What the European Court does is merely a supervision complementing the supervision at the national level. Consequently, the acceptance of an individual application at the Court depends on the exhaustion of the internal legal procedures. Moreover, the application has to be filed after and within six months of the final verdict given as per the internal jurisprudence. The applications are rejected when they are not in accord with the Contractual provisions, they do not have clear justifications and when the right of petition is misused.

ECHR is organized in the form of Committees, Chambers and the Grand Chamber. The Committees make the initial investigation; the Chamber makes the decision of acceptability, looks at the essence of the issue and decides on individual applications. The Great Department acts as the authority for the interpretation of the Convention and the Protocols and the appealing authority. The decisions are final. The European Council Committee of Ministers also has to abide by the decisions of the court.

The decisions of ECtHR are the decisions that ensure the warranting of the minimum freedoms, not the restrictions of them. Beyond the decisions taken by ECtHR, the countries may improve the freedoms further toward their citizen if they wish.

PART II : HUMAN RIGHTS IN TURKEY

A. In General

At article 2 of the 1982 Constitution, it is stated that the Republic of Turkey is a State governed by the rule of law and respects human rights. Also at article 5 of our Constitution, it has been counted among the basic aim and duties of the State to work to eliminate the political, economic and social obstructions restricting the basic rights freedom of the individual in a way that does not accord with the principles of justice and of the social state governed by the rule of law, and to prepare the conditions necessary for the improvement of the material and spiritual existence of the human being. The basic rights and freedoms have been regulated at the second part of our Constitution under the headings of general provisions on basic rights and freedoms, rights and duties of the individual, social and economic rights and duties, and political rights and duties. Our Constitution not only regulates the basic rights and freedoms, but it also foresees certain mechanisms and assurances for the protection thereof. The article 13 of our Constitution regarding the fact that the basic rights and freedoms can only be restricted due to the reasons indicated at the relevant articles of the Constitution, without altering their essence, and only by law, and that these restrictions cannot be violating the text and spirit of the Constitution, the requirements of a democratic societal regime and the secular Republic and the principle of proportionality and the last clause of article 90 of the Constitution regarding the fact that in case a dispute arises by reason of the provisions on the same subject, differing between the international treaties and the laws enforced by law regarding basic rights and freedoms, then the provisions of the international treaties shall prevail, bear a special significance.

The provisions of the first clause of article 91 concerning the fact that, provided that martial law and extraordinary states are reserved, the basic rights, individual rights and duties taking place at the first and second sections of the second part of the Constitution, and the political rights and duties taking place at the fourth section cannot be regulated with decree laws, is one of the mechanisms that our Constitution has established with the aim of protecting the basic rights and freedoms.

Our Constitution was not content with only the assurances, of which some examples are given above, concerning the protection of the basic rights and freedoms, but it also brought about some arrangements for the protection of the basic rights and freedoms via right seeking and methods of application filing. At article 36 of our Constitution with the heading of “freedom to seek right”; after it is stated that everyone has the right to a fair trial, by benefiting from legal instruments and ways, in front of the adjudication authorities, as a plaintiff or defendant, by way of claim and defense; at article 40 related to the protection of the basic rights and freedoms; it is stated that anyone violating the rights and freedoms granted with the Constitution, has the right to be provided with the opportunity to apply promptly to the authorized institution and the opportunity to be able to protect the basic rights and freedoms via political and administrative procedures and processes, besides judicial procedures and processes, has been enabled. This situation was further strengthened by stating at article 74 of

our Constitution regulating the right for petition that; the citizens and the foreigners residing in Turkey, provided that reciprocity base is sought, have the right to apply in writing to the authorized institutions and the Turkish Grand National Assembly concerning their wishes and complaints in regards to themselves or the public, and that the result of their application regarding themselves will be informed to the petition holders promptly in a written form.

The issue of protection of the basic rights and freedoms with ex-adjudication political and/or administrative mechanisms is relatively a new phenomenon. During the historical development process, it has been seen that the basic rights and freedoms could not be protected only with constitutional and legal arrangements and judicial procedures and ways, it has come to the agenda the idea for the establishment of human rights institutions, that are, although associated with executive or legal organs, having a pluralistic structure where all the sectors of the community can be represented and an administrative and financial autonomy to prevent it to be influenced by external factors; and these types of institutions have been founded in various countries of the world. These developments related to the efforts of institutionalization in the field of human rights have also been most welcome by the United Nations. With the United National General Assembly Decision no. 48/134 of 20.12.1993 that includes principles regarding the establishment, duties and operation, authorities and responsibilities of the national human rights institutions, also known as the “Paris Principles”, it has been recommended for the establishment of national human rights institutions to effectively protect human rights and the strengthening of the ones already present.

The institutionalization studies in the field of human rights, parallel to the progresses in the world, have also followed an ever-increasing progress in our country. The first step in this regard was taken with the Law no. 3686 of 05.12.1990 and a Human Rights Investigation Commission was established under the structure of the Turkish Grand National Assembly. And as of 1991, a State Minister was commissioned with the duty of monitoring and coordination of human rights. With the Prime Ministry Communiqué no. 1997/17 of 09.04.1997, the Human Rights Coordinator Supreme Board has been gathered, under the chairmanship of the State Minister commissioned with the human rights issues, and with the participation of the Prime Ministry, Undersecretaries of Justice, Internal Affairs and Foreign Affairs Ministries. With the regulation published at the Official Journal no 23362 of 04.06.1998, the National Committee on Human Rights Education Decade was established. And with the Regulation published at the Official Journal no. 24218 of November 2nd, 2000 with the aim of protection of Human Rights and ensuring the prevention of the violations, the Human Rights Provincial and District Boards were founded. Moreover, human rights departments were established under the structures of several institutions and agencies.

The most comprehensive arrangement on institutionalization in the field of human rights within the governmental organization, was realized with the Law no. 4643 of 12.04.2001 amending Law no. 3056 on the Prime Ministry Organization. With the quoted law, “Presidency of Human Rights” was established as the main service unit within the central organization of the Prime Ministry. With the supplementary articles of the same law, the formation of “Supreme Board of Human Rights” and “Consulting Board of Human Rights” was arranged and opportunity was provided for the formation of “Investigation Delegations for the Violation Claims on Human Rights” with the aim of investigating the violation claims. The duty to perform the secretariat services of the Supreme Board of Human Rights, the Consulting Board of Human Rights and the Investigation Delegations for the Violation Claims on Human Rights has been given to the Presidency of Human Rights.

With the regulations published after the enforcement of Law no. 4643, the procedures and terms for the establishment, duties and operations of the Supreme Board of Human Rights, the Consulting Board of Human Rights and the Investigation Delegations for the Violation Claims on Human Rights have been identified, the Human Rights Provincial and District Boards were restructured in line with the latest legislative changes and they were granted a structure that is mostly based on and cored around the civil society. The National Committee on Human Rights Education Decade was granted a standing status under the name of National Committee on Human Rights Education.

In addition to the political and administrative application mechanisms formed in our internal jurisprudence with the aim of protecting the basic rights and freedoms, international application mechanisms were brought forward via the agreements that our Country became a party to at various dates. On this issue, in addition to the European Court of Human Rights; the receiving application and investigation authorities of the Committee for Prevention of Torture, the Committee for Prevention of Discrimination Against Women and the Human Rights Committee were also recognized and accepted by our Country. Thus, after the internal jurisprudence procedures are exhausted, the individual have been given the opportunity to apply to the relevant international organs.

Turkey is among the countries that have adopted United Nations Universal Declaration of Human Rights 50 years ago. After that, the European Convention on the Human Rights, and several supplementary Protocols to that Convention were also adopted.

Turkey has accepted the right of individual application to the European Court of Human Rights on January 28th, 1987 and in 1989, it has accepted the adjudication authority of the European Court of Human Rights. Turkey is also a party to the United Nations and the European Conventions concerning the prevention of torture and ill-treatment, and has opened its doors to international supervision in this regard.

Turkey has signed almost all of the international documents on human rights. These documents have become a part of Turkish jurisprudence.

As with most of the Constitutions arranged after the Second World War, the Constitution of the Turkish Republic has also expressed the importance placed on human rights. At article 2 of our Constitution, respect to human rights has been indicated among the qualifications of the Republic of Turkey, which cannot even be suggested to be changed. With the amendment made in 2001 at the 1982 Constitution, “reliance on human rights” principle has also been adopted. A significant change and evolution was experienced in the field of human rights with the Constitutional amendment made in 2001 and 2004, and the legislative changes made at the legal and administrative level by the 9 Reform Packages.

The reason that the human rights could not be fully implemented until today at the western norms is the lack of education, inter-regional development differences due to geographical and geological challenges, troubles arising from terrorism and fights against terrorism that has been continuing for a long time, unawareness and the personal faults. Otherwise, the deep marks of the respect to human beings are very much present in our cultural heritage.

B. The Reforms Made in Turkey in the Field of Human Rights

- With the amendment made at the article 14 of the Constitution with Law no. 4709 of 03.10.2001, the situations deemed as misuse of the basic rights and freedoms were restricted and thereby the limits of the rights and freedoms were expanded. Accordingly, the situations of abuse of the rights have been accounted as “the activities aimed at destructing the indivisible integrity of the State with its territory and nation, and endangering the existence of the democratic and secular order of the Turkish Republic based upon human rights” and thereby the expressions of “None of the rights and freedoms present at the Constitution, ... can be used to ensure the management of the State with a person or group or the dominance of a social class over other social classes or to create discrimination of language, race, religion and sect or to establish a government regime based on this concept and opinions in whatsoever way” previously present at this article have been omitted from the text.

On the other hand, article 13 of the Constitution determining the rules related to the restriction of the basic rights and freedoms and the Constitutional provisions bringing about restrictions regarding some special rights and freedoms (such as article 26 on the freedom of expressing and dissemination of thought, article 27 on the freedom of science and art, article 28 on freedom of press, etc.) have also been amended with Law no. 4709 of 03.10.2001, wherein the limit and utilization opportunities of the basic rights and freedoms were expanded.

- The new Labor Law no. 4857 was enforced on the date of June 10th, 2003. As per article 5 of the law concerning equal treatment, “In business relations, discrimination cannot be made based on reasons such as language, race, gender, political opinion, philosophical belief, religion and sect”. At the mentioned article, provisions have also been brought forward regarding the fact that the employer cannot apply different procedures on the full / part-time employees and the definite-indefinite period employees unless there are fundamental reasons, unless biological or the reasons related to the character of the work does not make it obligatory, a discrimination cannot be made, directly or indirectly, at the signing, implementation and termination of the employment contract due to gender or pregnancy, different wages cannot be determined for an equal work based on gender and that the implementation of protective provisions due to the gender of the employee will not be a basis of discrimination; and monetary sanctions and burden of proof have been regulated in case these provisions are violated during business relation or during its termination.

Also at article 18 of the new Labor Law no. 4857, after it is stated that, at the workplaces employing thirty or more employees, the termination of the contract of the employee having worked at least six months should be based on a valid reason of the employer arising from the adequacy or behaviors of the employee or the requirements of the enterprise, workplace or business; “race, color, gender, marital status, family obligations, pregnancy, delivery, religion, political opinion and similar reasons” and “the women employees not coming to work due to pregnancy, delivery and milk leave” are expressly stated among the states that cannot especially be a reason of termination. Other states that cannot be reason for termination have been stated as syndicate membership, syndicate activities, utilization of legal rights, and utilization of legal rights of leave due to illness or accident.

- At the Official Journal no. 25354 of 22.01.2004, the Prime Ministry Communiqué no. 2004/7 on “Acting as Conforming to the Equality Principle in Personnel Employment” has been published.

Accordingly; by making reference to article 2 and 11 of the United Nations Contract for Elimination of Every Kind of Discrimination Against Women (CEDAW) to which our

Country is also a party to, bringing about to the party states the liability to take every measure including legislative amendments to ensure the prevention of discrimination against women, it is emphasized that being concerned with the problems of our women, who have a special position in the improvement of the individual and the community as well as development of healthy generations, is a subject that the Government gives priority to, and in the framework of this point of view, it has been bound with provision that, at the works to be executed by all the public institutions and agencies with the aim of personnel employment, the application acceptance terms are to be determined in line with the service requirements and action will be taken that will not allow for discrimination.

- The provision of the second clause of the article 28 of the Constitution stating that “Publication cannot be made in a language that has been prohibited by law.” has been removed from enforcement with the Law no. 4709 of 03.10.2001.

In this respect, as per article 8 of the Law no. 4771 of 03.08.2002 (3rd Compliance Package), with the amendment made at the 1st clause of article 4 of the Law no 3984 on “The Establishment and Broadcasting Rights of the Radio and Televisions”, it has been made possible to broadcast at different languages and dialects used in the cultural life, in the framework of individual rights and freedoms. The Regulation issued in this subject to ensure the enforcement of the mentioned Law provision has been published at the Official Journal dated 25.01.2004 and put into force.

- With the Law no. 4771 of August 3rd, 2002 (3rd Compliance Package) that amends the Law on Radio and Television Broadcasts, the provision of “the broadcasts not being in the character to encourage the use of violence or to provoke racist hatred feelings” has been brought. Whereas with the Law no. 4928 of July 15th, 2003 (6th Compliance Package), by stating that “Regional organization can be formed from the already existing staff, where necessary, to watch the local broadcasts”, the measures aimed at ensuring the implementation of the mentioned provision nation-wide and the fulfillment of the supervision duty have been arranged.

- As being a social reality for modern societies, cultural and religious pluralism is a political principle within the theory and application of democracy. The recognition of differences and providing opportunity for their expression in the public life are among the indispensable conditions of being a democratic society. In this framework, with the Law no. 4771 of 03.08.2002 (3rd Compliance Package), amending the “Law on Foreign Language Education and Training”, the obstruction for the issue of learning different languages and dialects that the Turkish citizens traditionally use in their daily life has been removed. The Regulation related to implementation in line with the mentioned Law has been published at the Official Journal dated 05.12.2003 and put into force.

- In relation to the freedom of expression; the sentences were reduced with the amendment made at article 159 of the Turkish Criminal Code (TCC) with the Law no. 4744 of 06.02.2002 (1st Compliance Package), moreover, with article 2 of Law no. 4771 which has been enforced by being published on the date of 09.08.2002, a clause was added to article 159 of TCC, a provision was put forward stating that the written, oral or visual opinion expressions made just for criticism purposes, without the deliberate intention to denigrate and ridicule the organs or institutions listed at the first clause, will not necessitate for punishment.

- Again, the sentence to be given to “the person expressly praising an act deemed as crime by the law or saying that its looks good or who provokes the community to not abide by the laws” arranged at the 1st clause of article 312 of TCC has been reduced, whereas the offense

regarding “expressly provoking grudge and hostility in the public by discrimination based on class, race, religion, sect or region difference” arranged at the 2nd clause of article 2 of TCC has been bound to the condition of “expressly provoking the public to each other for hostility and grudge in a manner that can pose a threat to the public order”.

- Likewise, with a new clause added to Law no. 4744, the provision that the punishment at the first clause will be applied to the person who humiliates some part of the community in a manner that will damage human dignity, has been added.

- With the amendment made at article 107 of the Criminal Procedure Code, an obligation has been brought to inform a relative of the arrested or a pre-determined person by this arrested, “with the decision of judge” and “in a prompt manner” concerning every decision related to arrest or the extension of arrest.

- With the amendment made at article 128 of the Criminal Procedure Code, the period of police custody has been shortened at the crimes committed collectively, the obligation has been brought to inform immediately the relatives of the arrested person concerning the arrest and the extension of the arrest period.

- With the amendment brought at the Law no. 2820 on Political Parties with the Law no. 4748 of 26.03.2002 (2nd Compliance Package), amendments were made at article 101 and 102 of the Law on Political Parties and the closing of the political parties were made harder, and with the Law no. 4778 of 02.01.2003 (4th Compliance Package), the closure punishment indicated at article 102 has been completely removed and the punishment was transformed into only monetary sanction.

- With the amendment made with the 2nd Compliance Law at article 9 of the Law on Meetings and Demonstration Marches, the age limit to organize a meeting an demonstration march has been lowered from 21 to 18.

- With the arrangements made at articles 201/a and 201/b supplemented to article 201 of TCC related to the crimes to prevent the freedom of labor and working, immigrant smuggling, forced employment and organ trade has been deemed as crime as parallel to the international legislation and penal provisions were brought.

- With the amendment made with Law no. 4778 of 02.01.2003 (4th Compliance Package), a clause was added to article 245 of TCC and thereby it has been bound with provision that the penalty of alienating from government job and that is freedom-binding given at the mal-treatment and torture crimes committed during the fulfillment of the government job by the judiciary and armed force members and the other public officers cannot be transformed to monetary punishment or one of the measures and it cannot be postponed.

- In relation to the complaints towards the illegal acts of the security forces; with the amendment made at the Law no. 4483 on “Adjudication of Civil Servants and Other Public Officers” with the Law no. 4778 of 02.01 2003 (4th Compliance Package), the requirement to take permission from the administrative authorities has been removed at the investigations and inquiries to be opened against the bad intention and treatments, neglect, etc. acts of public officials against individuals arranged at 154/4 clause of the Criminal Procedure Code (CPC) and articles 243 (torture) and 245 (mal-treatment) of TCC. Therefore, the investigations for the behaviors and acts of the armed forces against the indicated law regulations will be

directly executed in the scope of juridical adjudication, without passing from the permission procedure sought at other crimes committed by the public officers.

- With a clause supplemented to the end of article 1 of the Funds Law no. 2762 with the Law no. 4778, to ensure compliance with principle of prohibition of discrimination regulated at the European Convention on Human Rights and the protection of property rights secured with Annex no. 1 Protocol, it has been enabled for the congregation funds to acquire immovable properties and take every kind of precautions on their immovable properties. The Regulation on “Obtaining of Immovable Property by the Congregation Funds, These Immovable Properties Under the Control of these Funds to be Registered to their Name” related to the implementation of the mentioned Law has been published at the Official Journal dated 24.01.2004 and put to force.

- With the arrangement made at article 445 of the Civil Procedure Code and the article 327 of the Criminal Procedure Code with the Law no. 4793 of 23.01.2003 (5th Compliance Package), it has been accepted as the reason of rejection of the adjudication of a finally given verdict or a court decision which has been ascertain by completing the legal procedure if it is determined by the ECtHR that such verdict is in violation of the European Convention on Human Rights and their annexed protocols.

- With the amendment made at article 9 of the Law on Duties and Power of Police, conformity has been obtained with the amendments made at article 19 of the Constitution concerning individual’s freedom and security and article 20 and 21 concerning the confidentiality of the private life and the residential immunity. Accordingly, in the cases indicated at this article, at the searches to be made by the police, the condition of the written order of the other authorized authority has been brought where there is a drawback due to the delay or the presence of a judge verdict decided as conforming to the procedures.

- The article 31 of the Press Law concerning the fact that the entrance to Turkey and distribution may be prohibited for the works of art published in foreign countries which are found as objectionable by the decision of the Board of Ministers, which are in violation of inseparable integrity of the State with its country and nation, its national sovereignty, the presence of the Republic, national security, public order, general public order and overall health, and Appendix 3 Article on sequestering of the published works have been annulled with the arrangement made.

- With the aim of protecting the private life and family life freedoms of the citizens with difference culture or customs, amendment was made at the Population Law, it has been provided for that the names of the children to be preserved and only the names that are not conforming to moral rules and hurting the public opinion not be placed; and with this provision, it has been anticipated to prevent the limiting interpretations and applications arising in this subject.

- With the amendment made at the Public Works Law no. 3194 of 3.5.1985, it has been aimed for the citizens with differing religion and beliefs to utilize their freedom of worshipping in the framework of the freedom of religion and conscience, the expressions of “mosque” at the Law has been replaced with “places of worshipping” and certain arrangements have been made concerning the places of worshipping.

- The Law on the Right of Obtaining Information, whereby the terms and procedures regarding the individuals to utilize their rights of obtaining information in conformity with the equality, impartiality and clearness principles of a democratic and transparent management, has been put into force on the date of 24.04.2004.

- Significant provisions were brought by making amendments at several articles of our Constitution via Law no. 5166 enforced on the date of 21.05.2004.

Accordingly;

- The provision of “Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice” has been added to article 10 of the Constitution;

- State Security Courts were annulled;

- Death penalty was annulled;

- With a clause added to article 90 of the Constitution, it has been bound with provision that “in the case of a conflict between international agreements in the area of fundamental rights and freedoms duly put into effect and the domestic laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail”.

- The Turkish Criminal Code no. 5237 has been adopted by the Turkish Grand National Assembly on the date of 26.09.2004 and published at the Official Journal no. 25611 of 12.10.2004. Article 184 of the Law with the title “Causing Public Works Pollution” has been put to force as of its date of publication. 1st clause of article 181 with the title “Deliberate Pollution of the Environment” and 1st clause of article 182 with the title “Pollution of the Environment by Fault” have been put to force two years after the date of publication. The other provisions were enforced on the date of June 1st, 2005.

The New Turkish Criminal Code is very different as compare to the previous one in terms of language and arrangement and moreover, it is bringing about new modern arrangement conforming to the international norms on various subjects in terms of its content. At the 1st article of the Law comprised totally of 348 articles, it is stated that the purpose of the Criminal Code is to protect the individual rights and freedoms, public order and security, the jurisprudence state, public health and environment, societal peace and to prevent the committing of crimes.

Among the important changes brought with the Law no. 5237 in relation to human rights, besides the provisions present at several articles for the prevention of discrimination, the following can be listed: arranging discrimination as a crime in a separate article, giving place to arrangements expanding the limits of the freedom of expression, freedom of association and other human rights and freedoms, the solidifying of the issue by stating that unjust provocation can only be realized by being subjected to an unjust act, placing serious sanctions on forest trade, genocide, torture and torment, detailed arrangement of sexual crimes, serious steps taken on legal terms to ensure the protection of the children from sexual exploiting, violence and drugs, increasing the punishment of robbery and snatching, important arrangement being made related to the environmental offenses arising from violations of the public works legislation, arrangement of effective penitence provision in the scope of struggle with terrorist organizations.

Also at the new Law, arrangements have been made to ensure the prevention of violence against women. In this respect, for the prevention of honor killing, punishments were increased when the crime of deliberate homicide is performed on one of the ancestors or successors or the spouse or siblings, likewise with the motive of customs, have been accepted as aggravating cause, moreover for the prevention of the suspects of these crimes to benefit from unjust provocation, the arising of an unjust provocation has been bound to the condition of the presence of an unjust act.

- Again at the new “Criminal Procedure Code” no. 5271 enforced on the date of June 1st, 2005, the police custody periods were shortened and taking into custody has been bound to the obligation of this precaution in terms of inquiry and the presence of the indications that the person has actually committed the crime.

At article 91 of the Criminal Procedure Code, the police custody duration has been arranged in principle as 24 hours except the period for sending to the nearest judge or court. Moreover, with the new arrangement, the obligatory period for sending to the judge or court nearest to the place of capture has been accepted as twelve hours at most. At the collectively committed crimes, due to the hardness in gathering evidence or the high number of the criminals, the custody period of the Public Prosecutor has been determined as three days, provided that it does not exceed one day for each time. In the same manner, the custody duration at the organized crimes indicated at (a) and (c) paragraphs of the 1st clause of article 250 of the Criminal Procedure Code and the crimes in the scope of (c) paragraph, has been determined as 48 hours except the period of sending to the nearest judge or court.

In addition, as per article 120 of the Constitution, the period determined as four days at the third clause of article 91 regarding the persons caught at the zones where extraordinary state has been declared, can be extended up to seven days with the request of the Public Prosecutor and the verdict of the judge. The judge hears the caught person before making a verdict.

- The new Associations Law no. 5253 has been put into force on the date of 23.11.2004. With the mentioned Law, the restrictions regarding the foundership of association and especially the limitation regarding the previously convicted have been removed, it has been permitted for association foundership for the juveniles at the age of 15 having the power of distinguishing, the restrictions present at the previous law on association membership, likewise the special limitations regarding student associations have been eliminated, positive changes were brought regarding the international activities of the foundations, the authorities of especially the armed forces have been limited in the supervision of the associations, and the limitations related to the obtaining of immovable properties have been abolished.

- The Law on the Establishment, Duties and Authorities of the First Instance Courts and Regional Courts and Juridical Adjudication and the Civil Procedure Code have been published at the Official Journal no. 25606 of 07.10.2004 and enforced on the date of 01.06.2005. At the Law on the Establishment, Duties and Authorities of the First Instance Courts and Regional Courts and Juridical Adjudication, the issue of the foundation of appeal courts at juridical adjudication is being arranged.

- The reforms made in the field of human rights have not only been limited to the legal norms in this field, but also important steps were taken at also the institutionalization level for better protection and improvement of human rights, better reflection to implementation,

identification and elimination of the present deficiencies, in summary for the better reflecting of the gains in this field to the community. In this framework;

- Human Rights Provincial and District Board were formed with the Regulation published at the Official Journal no. 24218 of November 2nd, 2000 with the purpose of protecting human rights, making the necessary investigations and researches regarding the violation claims, inform the results thereof the authorized institutions, inform the public regarding the human right, ensure that the citizen are approached with tolerance and kindness at the applications of the administration and to train the implementers and public officials.

The Provincial and District Human Rights Boards have been restructured with the Regulation published at the Official Journal no. 25298 of November 23rd, 2003.

As per the provisions of this Regulation, 931 human rights boards are working at 81 provinces and 850 districts. The public official weighted structure of the boards has been eliminated and a new structure that is civil society weighted has been formed. Of the Provincial and District Human Rights Boards comprised of at least 16 members, only two members are public officials, whereas the other members are comprised of the representatives of civil society organizations, occupational chambers and political parties. A “Human Rights Information and Application Desk” has been formed under the structure of each board present at the provincial and district centers all around Turkey.

- With the Law no. 4643 of 12.04.2001 amending the Law no. 3056 on the Organization of the Prime Ministry, the most comprehensive arrangements were made within the governmental organization concerning institutionalization in the field of human rights. With the quoted Law, “Presidency of Human Rights” was established as the main service unit within the central organization of the Prime Ministry. With the supplementary articles of the same law, the formation of “Supreme Board of Human Rights” and “Consulting Board of Human Rights” was arranged and opportunity was provided for the formation of “Investigation Delegations for the Violation Claims on Human Rights” with the aim of investigating the violation claims.

With the regulations published after the enforcement of Law no. 4643, the procedures and terms for the establishment, duties and operations of the Supreme Board of Human Rights, the Consulting Board of Human Rights and the Investigation Delegations for the Violation Claims on Human Rights have been identified, the Human Rights Provincial and District Boards were restructured in line with the latest legislative changes and they were granted a structure that is mostly based on and cored around the civil society. The National Committee on Human Rights Education Decade was granted a standing status under the name of National Committee on Human Rights Education.

- “Monitoring Boards of Enforcement Institutions and Detention Houses” have been founded with the Law no. 4681 of 14.06.2001, to see on-site, examine, get informed and submit to the authorized and relevant authorities the determination in the form of a report regarding the management, operation and applications of the punishment execution institutions and prisons, in the context of the principles determined at the effective legislation and the international treaties to which our country is a party to.

- Another development encountered in our country recently in the scope of the institutionalization studies in the field of human rights was the establishment of a “Public

Inspection Institution” (Ombudsmanship) based on the Law no. 5548 of 28.09.2006 on the Institution of Public Inspection published at the Official Journal no. 26318 of 13.10.2006, with the aim of investigating, searching and giving recommendations to the administration regarding the complaints of the real and judicial entities on the operation of the administration in the framework of the qualifications thereof specified at the Constitution of the Turkish Republic; regarding every kind of act and operation, behaviors and attitudes of the administration; in the framework of justice understanding, in terms of their conformity to the law, fairness and human rights.

However with the Decision no. E. 2006/140, K. 2006/33 of 27.10.2006 of the Constitutional Court published at the Official Journal no. 26333 of 01.11.2006, the enforcement of the provisional 1st article arranging the establishment of the Institution for Public Inspection of the mentioned Law has been suspended and as a result, the establishment of the Institution for Public Inspection could not be possible as of now. With the new Constitutional studies, it is being tried to overcome the legal problems in this regard.

C. The priorities of the 60th Government in the Field of Human Rights and the Program for Compliance with the Acquis Communautaire

As is known, the 60th Government is placing a great importance and priority to the preparations of EU membership. The Board of Ministers has decided for the speeding up of all the studies necessary in terms of compliance with European Union criteria and has identified its priorities.

The Government has placed a series of implementation towards ensuring that the human rights to be established in the community and a more effective and fast operation of the adjudication system directly related with the human rights within the 60th Government Program and the Program of Turkey for Compliance with the Acquis Communautaire (2007-2013).

a) At the 60th Government Program, the determinedness of the government in widening of the reforms regarding "Judiciary and Fundamental Rights" and the importance it places on human rights can be clearly seen. It is stated expressly at the Government Program that;

- It will be acted with the approach of zero tolerance in fighting against domestic violence, customs and honor killing, a mobility shall be commenced to reach a permanent and realistic solution to this problem,

- The Government's approach towards the new constitution is that it will be in the form of a societal contract regulating the relations between the government-society-individual on the basis of rights, freedom and responsibility; it will be ensured that the Constitution fully implements the democratic, secular and social jurisprudence state principles, being the unchangeable basic qualities of our Republic, protect the rights of the individual in the most effective manner, the basic rights and freedoms are secured at the principles and standards brought by the "Universal Declaration of Human Rights" and "The European Convention on Human Rights," the principles indicated at the international treaties that our country is a party to are implemented in terms of basic rights and freedoms, especially full compliance will be ensured with the Copenhagen Political Criteria, it shall be ensured that the basic rights and freedoms secured with Constitutional and legal assurance will be actually implemented and strengthened as an established element of our political culture.

- With the policy of “Zero Tolerance”, the human rights violation such as torture, loss, death under custody, unknown offender crimes, which are unacceptable at democratic states governed by the rule of law, will be followed with great determination, just as it was until today,

- The organization of the judiciary which has been brought to the agenda of the public opinion for years with problems, inadequacies and prison revolts, has made significant progress with the basic laws made compliant with EU, effective the effective utilization of information communication technologies, modern court house buildings rising with technical equipment, and the punishment and execution institutions made compliant with the universal standards; and that the studies on justice and judiciary reform shall be continued with determination in the future period,

- The "Protective Jurisprudence" application shall be more improved for the prevention of the disputes before they arise, legal arrangements will be made foreseeing alternative solution routes, especially at the legal disputes, so that fast, simple, low-cost and effective solution of the disputes can be ensured and there by the work load of the juridical organs,

- The studies in the way of strengthening the judicial and administrative capacity will be continued with the necessary legislation studies to attain EU standards, it will be enabled for the courts to benefit from electronic archiving facilities in a more effective manner and it will be made more effective to access the necessary information and documents and similar case decisions, the information network established among the adjudication organs shall be improved.

b) In the scope of the Program of Turkey for Compliance with Acquis Communautaire (2007- 2013), it is foreseen that a series of legislations to be enforced in the 2007-2008 legislative period regarding "Judiciary and Fundamental Rights". The main ones among these legislations, also present in the scope of the 9th Reform Package, are as follows:

- "Law on Amending the Law of Punishment and Execution Institutions and Prison Arrangement Boards" with the aim of basing the management, operation and implementation reporting of the punishment execution institutions and prisons on a more health foundation.

- "Law on Legal Aspects and Scope of International Child Kidnapping" aimed at the events of unjust kidnapping of the children by the persons not having the right of guardianship from one country to another and effective struggling against this issue at the international platform and the development of an international legal cooperation in regards to these events.

- "Law on Amending Various Laws with the Aim of Compliance with the Basic Criminal Codes" aimed at providing union of application in terms of the acts and crimes necessitating administrative sanction decision after the enforcement of the Turkish Criminal Code no. 5237 and the Offenses Law no. 5326, elimination of the indecisions arising from the implementation of the laws that include punishment provision, ensuring compliance with the provisions of the basic punishment laws such as the Turkish Criminal Code, the Criminal Procedure Code and the Offenses Law and ensuring compliance of certain crime elements with the Turkish Criminal Codes no. 5237 enforced on the date of 01.06.2005.

- "Law on Amending the Law concerning Establishment and Operation of the Court of Jurisdictional Disputes and the Law of Judges and Prosecutors" with the aim of reflecting the

opinion of the relevant supreme courts (Court of Cassation Military, Council of State, Military Court of Cassation and Military Supreme Administrative Court) to the combined boards of the Court of Jurisdictional Disputes and to contribute to the settlement of disputes.

- "Law on Amending the Law of Governmental Officials and the Labor Law" aimed at creating a parenthood leave by sharing the unpaid leave given by reason of delivery among the mother and father.
- "Law on Amending the Law no. 4320 on Protection of the Family" aimed at expanding the definitions of the family member being subjected to violence and the definition of household, thereby better protection of the family, elimination of the deficiencies arising from implementation and the expanding of the scope of the law.
- "Law of Foundations" aimed at ensuring that the foundations display activity in a more effective, transparent and democratic environment and making an equal arrangement related to the right of property.
- "Law on Amending the Law of Associations, Turkish Civil Law and the Law on the Organization and Duties of the Ministry of Internal Affairs" aimed at forming the legal basis for the elimination of the arrangements at the Associations Law no. 5253 that are open to interpretation, prevention of the possible legal problems to arise, especially the disputes to arise between the association and its members, effective and efficient execution of the service to be given to the associations, prevention of the exploitations and thereby increasing the reliance on non-governmental organizations, and as stated at ECHR decisions, as a requirement of the active liability of the government in addition to its passive liability concerning the freedom to organize, prevention of the discretionary interventions of the government and third parties so that the non-governmental organizations can work efficiently.
- "Audit Court Law" aimed at ensuring that the Audit Court performs its duties in the framework of the Law no. 5018.
- "Law on Amending the Law of the Court of Cassation" with the aim of mitigating the work load of the Court of Cassation by forming Appeal Courts.
- "Law of Turkish Judges and Prosecutors Union" aimed at meeting the common requirements of the officers of judgeship and prosecutorship occupations, ease their occupational activities and ensure the development of this occupation in conformity with the general benefits.

D. The Institutional Structure in Turkey Concerning Human Rights

Intensive studies towards the improvement of human rights in Turkey are being executed at every level. Before all, TGNA Investigation Committee of Human Rights is a parliamentary commission that monitors the developments in the field of human rights and strictly goes hard on the human rights violations.

As an indication of the importance placed by the Republic governments on human rights, as of 1991, a State Minister has been commissioned with the duty of monitoring and

coordination of human rights. Due to the importance of the subject, the Consulting Board of Human Rights has been gathered in 1994 and the Coordinator Supreme Board of Human Rights has been established in 1997.

The Coordinator Supreme Board of Human Rights established under the structure of the Prime Ministry, has shown intensive efforts in the way of preparing the legal and administrative infrastructure necessary for full realization of respect to human rights in Turkey and not allowing the human rights violations. Several law drafts prepared by the Supreme Board and adopted by the Governments we submitted before the Assembly. It has been the main objective of the studies of the Supreme Board to formulate the legal and administrative infrastructure necessary for full establishment of respect to human rights.

With the aim of taking the necessary measures to ensure continuity concerning the protection and improvement of human rights, the Presidency of Human Rights was founded under the structure of the Prime Ministry based on a Decree brought forward on October 5th, 2000, then after the cancellation of this decree, the Prime Ministry Presidency of Human Rights has been granted a legal status with law no. 4643 published at the Official Journal no. 24380 of April 21st, 2001. After this, it has been ensured that the execution and coordination of the human rights topics to be carried out with a permanent Presidency under the structure of the Prime Ministry also with the support of the necessary mechanisms.

The Presidency of Human Rights ensures the effective coordination of the subject of human rights having very wide dimensions.

The Presidency of Human Rights founded under the structure of the Prime Ministry with Law no. 4643 has undertaken the following missions;

- Being continuously in contact with the institutions charged with subjects of human rights and providing coordination,
- Monitor the implementation of the legislative provisions regarding human rights, evaluate the monitoring results and ensuring that the disorganizations observed at implementation and legislation are eliminated,
- Make the studies to bring the national legislation in conformity with the international legislation and documents,
- Monitor, evaluate and coordinate human rights education programs,
- Investigate, search and evaluate the applications regarding the violation claims of human rights.

Moreover the Supreme Board of Human Rights (SBHR) has taken its place in the new arrangement. In fact, it is among the duties of the Supreme Board to make studies related to the administrative and legal arrangements regarding the protection and improvement of human rights. The duty to give recommendation decisions for the Prime Ministry, Ministries and other public institutions agencies have also been vested in the Supreme Board.

SBHR is comprised under chairmanship of the State Minister Responsible from the Human Rights, with the participation of the undersecretaries or the authorized representatives thereof of Prime Ministry, Ministry of Justice, Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of National Education and the Ministry of Health. Consequently, since the determination of the policies on human rights and taking the related strategic decision will be performed by the hand of this Board, it has a very important place within the system.

Since the protection and improvement of the human rights concern every sector of our society, the Consulting Board of Human Rights has also been established with the new arrangement made.

The Consulting Board is responsible from ensuring communication between the governmental institutions and the non-governmental organizations regarding the human rights and act as the consulting organ on the national and international subjects covering human rights.

This Board is comprised of the representatives from the ministry, public institutions and agencies and occupational institutions, the non-governmental institutions related to the human rights, as well as the persons having publications and studies in this field.

One of the important issues regarding the protection of human rights, is to ensure that the claims of human right violations are investigated effectively. With the arrangement made, it is possible to form committees bound to a State Minister to be charged by the Prime Minister, to investigate and search the claims of human rights violations on site. At this committee to be comprised of minimum five people, since both the representatives of public and related occupational institutions will take place, it will be possible to obtain a result in the fastest manner. Thus, this formation is a very important innovation in terms of prevention of the violations.

Moreover, there are department of human rights under the structure of the Ministries of Justice, Internal Affairs, Foreign Affairs, Labor and Social Security, and Health.

Provincial and District Human Rights Boards have been founded at totally 931 points within 81 provinces and 850 districts, of which the members are comprised of non-governmental organizations other than 2 members that is a public official, with the aim of evaluating the human rights issues and speed up the solution of the problems if any. Thus, it will be possible to address the human rights issue effectively at every level and increasing of the human rights awareness with the works to be performed at the sites of the community.

E. Activities of the Presidency of Human Rights

The Presidency of Human Rights, which undertakes important responsibilities about the corporate infrastructure of the reform process performed by our country in the field of human rights, attempts to conduct its assignments properly by effectively assessing the cooperation of several national and international enterprises owing to its operations in an overrated field such as human rights and by getting the advantageous by means of corporate capacity and authorizations it has because of being a unit within the Prime Ministry.

The Presidency places a great importance to education activities owing to its basic aim of establishing the consciousness of human rights on all over the social sections and administrative units. The Presidency cooperates effectively and continuously with the Human Rights Boards established in the 931 provincial and district centers, and the Presidency tries to generalize the information and the awareness of the human rights on all over the Country by means of education programs and projects that are carried out especially for these Boards.

As a reason of being within the Prime Ministry, which is responsible for the coordination of the public mechanism, another main assignment of the Presidency is to make the studies, which are carried out for improving the human rights in social sections, much effective by getting these studies in a mean structure and to create a ground for the cooperation of public enterprises in order to let them to draw benefit from the facilities and studies of each other. Within this scope, there has been obtained an important stage of growth by means of common education and awareness-raising activities and the several coordination meetings performed by the Presidency, and thus tangible results have been obtained upon bringing about solidarity between public enterprises especially about the material supply for the human rights. Furthermore, as a result of sharing the information related to the studies about the human rights, by all the enterprises and the organizations, these studies became more productive and also the content of the publicity activities especially upon the international public opinion has been provided to be created seriously.

The Presidency performed important studies in order to establish a dialogue in between public section and the civil society as this dialogue has been thought to be lacked. Especially there has been cooperation with civil society organizations on the education activities and visits have taken place to each other in order to obtain information and material. The Presidency of Human Rights will carry on making contributions in order to make this dialogue more effective as it is the only unit that the civil society organizations can communicate directly about the human rights issues.

The Presidency is making important studies about investigating the claims of the human rights violation and bringing these claims to a conclusion and stating statistical information about the human rights complaint application, and thus the size of the human rights matters and the effects of these studies can be seen. The applications coming from the 931 provincial and district Boards of Human Rights all around the country are being transformed into statistical data by means of complaint forms. The data coming from the violation complaint applications and also the activity reports coming from the Human Rights Boards of the provincial and district centers are being followed with respect by the press and the international public opinion.

The way of application of the policy called “Zero Tolerance to Torture” which is being adopted and applied with determination by the Turkish Government and the results of this policy are followed and recorded by the Presidency with care and attention. By means of the Presidency’s call, authorized commissions are established within the provincial and district Human Rights Boards which are charged to make continuous investigations about the jails and to report them all and thus they got started to work.

An effective dialogue about the activities of the Presidency has been established with the international organizations such as EU at first hand and it has been specially endeavored that the policy and the applications of our Country about the human rights are being introduced exactly to these organizations. And furthermore, the Presidency dwelled upon the development of the corporate capacity and effectiveness by drawing benefit from EU funds and thus tangible results have been obtained.

a) Education and Awareness-raising Activities
the Projects Carried out

1. The Project of “Support to the Implementation of

Human Rights Reforms in Turkey”

This project has been conducted with the financial cooperation of European Union, and it had a budget of 4 million Euro, and it has been realized between the dates of 1st December 2006 - 30th November 2007. It has been aimed that with this project, which has been conducted within the coordination of the Presidency of Human Rights and within the cooperation of beneficiaries such as Ministry of Justice and Ministry of Internal Affairs, the reforms performed in the human rights field could be reflected to the applications more effective.

Within the context of the project activities related to the Presidency of Human Rights; an education program intended for 450 members of the provincial and district Human Rights Boards has been organized as “training of trainers”, and several study visits to international counter parts have been organized with the participation of the members of Boards and the personnel of the Presidency; a human rights training course has been given to the qualified personnel in an international institute; an international symposium has been organized about the human rights, round-table conferences have been organized with the representatives of the civil society; web sites have been designed for the Presidency of Human Rights and the Boards; a public relations strategy has been developed related to the general mean of the structure and the duties of the Presidency and the Boards and the execution of this strategy is still keeping on.

In the related component of this Project about the Ministry of Justice; the education programs and work visits have been realized intended for totally 720 judges, prosecutors and justice inspectors. In this context, it has been provided;

- To satisfy a comprehensive training intended for 250 judges and prosecutors about the application of the new crime legislation compatible with European Agreement on Human Rights,
- To satisfy a comprehensive training intended for 200 judges and prosecutors about the procedure applications related to European Agreement on Human Rights,
- To satisfy a training intended for 180 justice inspectors about the right to a fair trial and judicial ethics,
- To prepare, publish and distribute the materials describing the principles and rules about the right to a fair trial, peaceful meeting, right of association and freedom of religion and conscience related to the European Convention on Human Rights (ECHR),
- To realize several foreign study visits to which totally 90 judges, prosecutors and justice inspectors are attending.

In the related component of this Project about the Ministry of Internal Affairs; training seminars and study visits have been organized intended for totally 2471 personnel of the Ministry of Internal Affairs including governors, deputy governors, sub-governors, police chiefs and gendarmerie. In this context, it has been provided;

- To organize 30 seminars intended for approximately 2000 personnel including governors, deputy governors, sub-governors, police chiefs and gendarmerie about the subjects related to the protection of the rights of peaceful meeting and association and related to conduction of the inspection of law-enforcement officers and the prevention of terrorism acts compatibly with human rights.
- To organize seminars called “training of the trainers” intended for 250 deputy governors and sub-governors related to the inspection of the jails in accordance with the human rights standards adopted by EU,
- To organize 5 study visits intended for totally 141 assistant governors, sub-governors and top-level police chiefs and gendarmerie. These visits are aimed to observe the experience

and the applications of English Police Department about the standards and the procedures of the probation units related to the right of the peaceful meeting and the torture,

- To organize 4 work visits intended for totally 81 governors of province, deputy governors, sub-governors and top-level police chiefs and soldiers. These visits are aimed to observe the experience and the practices of French Police Department about the standards and the procedures of the legal interrogation, the probation length and conditions related to the conduction of the prevention of terrorism act in accordance with the human rights standards.

2. Strengthening the capacities of the provincial and the district Human Rights Boards: Training Project intended for the officers in charge with the application and information desks Within the context of the project, which has been conducted with the financial support of the European Commission, totally 632 officers officiated at provincial and district Human Rights Boards have been trained by the qualified experts and academics through the local meetings organized in 17 cities between the years 2005-2006; the training was about the basic subjects related to the human rights and the communication issues with the victim applicants of violation.

3. The project for improving, publishing and distributing the “human Rights” manual intended for provincial and district Human Rights Boards

The project, which has aimed the preparation of a human rights manual featured as guide book for the members of the Boards intended for improving the effectiveness of these Boards, has been realized within the cooperation of British Council and the said manual has been published in the quantity of 18.500 and distributed to the concerned people and organizations.

4. The Project for the accused rights

Within the context of the project, which has aimed to improve the knowledge and the awareness of the members of the provincial and district Human Rights Boards, the public officers, the representatives of the civil society and the public opinion about the rights of the suspicious and accused people in accordance with the new criminal law and the universal standards;

- A well-attended seminar has been organized in Ankara,
- 280.000 brochures have been published in order to be distributed to the public by means of the provincial and district Boards,
- 1862 pcs of the book called “Criminal Law and the Police” have been distributed to the provincial and district Human Rights Boards,
- 2500 pcs of the book called “The Rights of the Suspicious and Accused People”, which has been prepared by the Presidency and subjected to the regulations in accordance with the new criminal law, has been published and distributed to the Boards and to the other related organizations.

5. The Project for the study visits

The project, which has been financed by the EU funds within the general pack of administrative cooperation, is predicting exchange of information through the contacts with the several human rights institutions in Europe. Within this context, there has been several study visits realized to the human rights institutions in Austria, France and Spain.

6. The Project for improving a standard training program intended for provincial and district Human Rights Boards

The Project, which has aimed to create a standard training model used for the training of the members of the Boards, has been realized within the cooperation of Friedrich Naumann Foundation.

7. The TV Program broadcasted on the TV channel GAP called “Terazinin Kefesi” (Pan of Balance)

The TV program called “Terazinin Kefesi” has been co-produced collectively by the Presidency of Human Rights and Directorate General of TRT in accordance with a signed protocol and it was subjected to the several human rights issues with the participation of qualified speakers. This program has been broadcasted on the TV channel GAP as 13 series between February and June of 2006.

8. The TV Program planned to be broadcasted on the TV channel GAP is called “Dışarıdakiler” (Outsiders)

This documentary film, which is still in preparatory process, will be co-produced with the cooperation of the Presidency and TRT, and it is predicted to approach especially the subject of discrimination in several points of views.

The documentary is planned to be broadcasted on the TV channel GAP.

9. The Project for raising awareness about the Human Rights and Democratic Principles

Within the context of the project called “raising awareness about the Human Rights and Democratic Principles”, which has been organized jointly by European Commission, European Council and the Presidency of Human Rights of the Prime Ministry;

- 10 regional seminars have been organized related to the training of 400 members of media and civil society organizations.
- 7 regional seminars have been organized for the training of public officers and 300 deputy governors and sub-governors have been participated in this training.
- Study visits have been organized to Strasbourg and Copenhagen by participation of the members of the Human Rights Boards and the representatives of Civil Society organization into two separate groups with 15 people each.
- 200.000 pcs of brochures and 500.000 pcs of posters have been published and distributed to the all provincial and district Human Rights Boards and Civil Society Enterprises.

b) Relations with the Civil Society Organizations

The Human Rights Presidency is aware of the special importance of the dialogues and cooperation established with the civil society related to its own assignments. The Presidency, which emphasizes the contribution and support of the civil society on all the activities and projects performed by it, is the preferential public respondent of the civil society enterprises related to the human rights issues. Another case indicating the importance attached to this issue is the importance attached to the dialogues and cooperation with the civil society enterprises within the context of “The Project of Support to the Implementation of Human Rights Reforms in Turkey”. Also in the administration of this project, which is foreseeing serious activities and campaigns intended for improving the dialogues between public and civil society, the representatives of the civil society and academics are being charged together.

Furthermore, the Presidency is also conducting a study on a new Prime Ministry Circular, which is including the subjects that the civil society enterprises that display activities in human rights field should draw benefit in proper sense from the reforms realized in

accordance with the principles of the pluralistic and participatory democracy and the development of the associations between the Human Rights Boards and the civil society organizations.

c) The Inspection of the Jails and the Police Stations

There are permanent commissions within the constitution of the provincial and district Human Rights Boards undertaken by the Presidency coordination in order to follow and inspect the places, where the sensitive groups exist, in accordance with the human rights standards. The civil and qualified members of Boards, who are coming from the Bar Council Association and the Chamber of Physicians as representatives, are being charged in these commissions. The commissions are evaluating the places, where they are visiting, in accordance with the necessary standards about protecting the rights as per the physical conditions, the applications of the personnel and the officers and their conscious level related to the human rights and they are reporting these inspections. These regularly prepared reports are being sent to the related enterprises and to the Presidency and they are being announced to the public opinion by means of media. It is provided to take precautions by the related enterprises about the imperfections and the violations ascertained after the inspections. As a matter of coordination of the imperfections and the nonstandard conditions of especially the physical conditions of the places where visited including jails in front, these inspections made by the Boards have serious advantages.

The Presidency is conducting a study on a new Prime Ministry Circular which is including subjects about the application of the principle called “Zero Tolerance to Torture” without any concession, the investigation of the claims related to the torture and mal-treatment and the implementation of the necessary procedures for the guilty officers immediately.

d) The Structuring In the Field of Human Rights

The studies, which are foreseeing the restructuring of the Presidency of Human Rights of the Prime Ministry in accordance with the Paris Principles, have been taken into the extent of the reforms related to the Prime Ministry organization.

After the law, which is foreseeing the establishment of the Public Inspectorship Office, has been adopted by Turkish Grand National Assembly, this law case has been taken to the Constitutional Court by the President of the Turkish Republic for annulment of the law. And thus the effect of this law is being suspended by the Constitutional Court.

e) Investigation on the Violation Claims of the Human Rights, and the Obtained Statistical Data

The most important activity of the Presidency of Human Rights is to prepare human rights statistics monthly and to announce them to the public opinion since 2004. The numerical data related to the human rights violation claims, which have been started to be announced to the public opinion since 2004 in accordance with the transparency principle on conducting the public utilities, are as follows: claims to the 81 provincial Human Rights Boards and 850 district Human Rights Boards. These data are only about the claims.

The announced numbers are being obtained by means of “Individual Complaints Form for the Human Rights Violation Claims”, which is improved in order to obtain numerical data. This application form, which can be obtained from 931 Human Rights Application and Information Desks constituted country wide, also exists on the web sites of the governorship offices,

district offices and the Prime Ministry in front. Furthermore, this human rights form is also put in the system of Prime Ministry Communication Center. And thus it has been provided that all our citizens can call Alo 150 in order to communicate their complaints about the human rights from all over our Country.

On the other hand, all these forms filled by the people who are claiming about the human rights violation, are being sent to the Human Rights Presidency on the end of the each month, and after the said forms are being analyzed by the technical support of the Turkish Statistical Institute (TSI), the information on these forms are being presented to the public opinion as per numerical data.

The main function of these numerical data is to state how the reforms performed in the human rights field are being reflected to the application, what sort of subjects are having problems during the application and what sort of progress obtained on which fields. Once the provincial and sub-provincial Human Rights Boards get more recognized and trusted by our citizens, the applications to these boards are also increasing. It does not mean that there is no violation on such cities from where no application is being received. The numbers of the applications as per the cities are stating the capacity of receiving applications of those cities, in other words, this result is stating that how deeply our citizens are being informed about the way of applying.

Once the numerical data taken since 2004 are being reviewed, it seems possible to reach to some results and thus to take precautions.

1) General Survey to the applications of violation claims as per years

The top three violation claims obtained through the applications within the year 2004 are as follows;

1. Prohibition of torture and mal-treatment (158),
2. The right to a fair trial (131),
3. The right to personal freedom and security (121)

The top three violation claims obtained through the applications within the year 2005 are as follows;

1. The right to health and patient rights (211)
2. The right to proprietary (208)
3. Freedom of work and contract (203).

The top three violation claims obtained through the applications within the yest 2006 are as follows;

1. The right to health and patient rights (261)
2. The right to property (203)
3. The right to a fair trial (146).

The top three violation claims obtained through the applications within the year 2007 (including the first 6 months) are as follows;

1. The right to health and patient rights (115)
2. The right to property (84),
3. Violation of the Prohibition of mal-treatment (79).

The torture claims and the mal-treatment claims have been started to be evaluated separately since 2005 in order to obtain numerical data. With reference to the separate classification of the claim numbers related to the torture and mal-treatment in the year 2007, it has been observed that mal-treatment claims with numbers of 79 have taken third place and the torture claims stayed at thirteenth place with numbers of 17.

Within the terms of 42 months between January, 2004 and June, 2007, 4516 applications have been received by the Presidency and Boards as per 6787 right violation claims.

2) There has been a significant decrease at the claims of torture and mal-treatment:

The torture and mal-treatment claiming taking the first place in 2004 with 158 applications has shown a decline in 2005. According to 2005 year data where the torture and mal-treatment claims are displayed separately, the mal-treatment claims are at the 9th place and the torture claims are at the 17th place.

According to the data obtained within the year 2005, when the torture and mal-treatment claims are considered separately, the mal-treatment claims are at the 9th place and the torture claims are at the 17th place.

When the data obtained in 2006 are compared with the data of 2005, it has been seen that the claims of violating the torture prohibition have taken the 17th place in 2006 by decreasing to 25 applications and the mal-treatment violation claims have taken the 9th place by falling to 112 applications.

According to the 2006-year data, the claims of violation of health and patient rights have taken the first place with 261 applications. At the second place, there is the claims of violation of the right to property with 203 applications, and the claims of violation of the right to a fair trial is at the third place with 146 applications.

When the data obtained in 2007 are compared with the data of 2006, it has been seen that the claims of violating the torture prohibition have taken the 13th place in 2007 by decreasing to 17 applications and the mal-treatment violation claims have taken the 3rd place by falling to 79 applications.

According to the 2007-year data, the claims of violation of health and patient rights have taken the first place with 115 applications. At the second place, as in 2006, there is the claims of violation of the right to property with 84 applications, and the claims of violation of mal-treatment prohibition is at the third place with 79 applications.

It is considered that the policy of “zero tolerance towards torture” implemented by the political command has played the most important role in the fact that, although the total number of applications in 2005 has increased by 62 % as compared to 2004, the complaints regarding the Prohibition of Torture and mal-treatment have remained at the same level; its

share decreasing to 7.43 % in 2005 as compared to its share in the general distribution being 9.64 % in 2004; and the dropping of the claims of violation of mal-treatment prohibition in 2006 to the 11th place with 47 % decrease from the value of 67 in 2005 to the value of 36 and the dropping of the claims of violation of torture prohibition down to the 18th place with 63 % decrease from the value of 27 in 2005 to the value of 10 in 2006. In the year 2007, a significant change has not been observed in regards to the increase in the number of applications.

Another point worthwhile to mention here is that, the applications of “Torture Prohibition” generally mentioned together with the “mal-treatment” are much lower in reality. Among the data related to the Prohibition of mal-treatment, it is seen that there are events in the character of insult, scolding, indifference and detain experienced by the citizens with the public officials such as doctors, nurses and security forces.

3) The Institutions Complained About with the Claim of Violation of Human Rights

The complaints mentioned at the violation claim applications indicated here are in the character of claim and their accuracy is being investigated by the related institutions. However, these figures give a general idea as to on which institutions the complaints are intensified.

Municipality: The Municipalities taking the 4th place with 8 % rate and 68 applications in 2004; have risen to the first place with 12.13 % rate and 167 applications according to the data of 2005. As of the first 9 months of 2006, the complaints related to the Municipalities take the 3rd place with 107 applications. The majority of the complaints regarding the Municipalities are related to the violations of property rights arising out of expropriation operations of the municipalities, public works and workplace license operations, environmental pollution and deficiencies of infrastructure, personnel rights of the municipality personnel and the violations of “freedom of working and contract” arising from the personnel policies. The high quantity of the Municipalities and them being the institutions that are most in contact with the community is undoubtedly another factor forming the basis of these data.

Security Forces: Among the institutions complained about, the Security Department was at the first place in 2004 with 132 applications, however it has declined to the 2nd place in 2005 with almost no change in the number of applications (134), 6th place in 2006 with 63 applications and took the second place in 2007. It is observed that most of the complaints concerning the Security Department (police) are related with the violation claims of the prohibition of torture and mal-treatment, right of individual freedom and security, right of fair trial, right of petition, security of private life and residence immunity.

Although a decrease has been observed on the claims of mal-treatment at the police station, the claims of mal-treatment and torture outside the police station, at unknown locations, is becoming significant.

On the other hand, it has been determined that request were received from several security officers regarding the fact that their work times are too long and their working conditions are not appropriate, and in regards to improvement on financial and personnel rights.

Judiciary (Court House): The Court Houses taking the 2nd place in 2004 with 85 applications, has dropped to the 6th place in 2005 with 119 applications. The complaints regarding the Court Houses have took the 5th place with 78 applications.

Health Institutions: The Health Institutions taking the 5th place in 2004, have risen to the 3rd place in 2005 and took the 2nd place in 2006 with 110 applications. According to the data of the years 2005, 2006 and 2007, the complaints taking the first place concerning the Health and Patient Rights are stemming from issues such as indifference, bad treatment conditions, intense queues, hygiene problems, wrong treatments and technical incapacities. It is considered that putting the SSK and State Governments equally to the service of all the citizens has been effective in the increase of these types of complaints. With the commenced application, in case the human rights boards and the decisions to be taken by these boards are seriously implemented by the relevant health institutions, it is estimated these types of complaints will get lower. Joint studies are being suggested for the inspection and visits by Human rights Boards and Patient Rights Boards. It is vitally important that the reports to be written as a result of the unexpected inspections and visits to be made by the commissions to be formed by the Human Rights Boards be taken seriously by the ministry of Health and Patient Rights Boards.

Governorships: According to the data of 2006, the governorships take the first place among the institutions complained about with 111 applications.

According to the 2007 data, the first place was of the Health Institutions, just as it was in the previous years, with 99 applications, whereas the Security Department and the Governorships shared the 2nd and the 3rd place, respectively. The tables related to the Institutions being the subject of complaints is as follows according to the years.

When it is looked at the applications regarding the Institutions since 2004 year, the Municipalities take the 1st place with 496 applications, adjudication is at the 2nd place with 464 applications and the complaints concerning the Ministry's central units is at the 3rd place with 410 applications. It is noteworthy to point out that the complaints concerning the Health Institutions take the 4th place with 403 applications.

4) The Provinces Where Complaints Lodged

According to the data of 2005, the Province Institutions receiving the most applications for violation claim are in order, Konya, Ankara, İstanbul, Denizli, Kırıkkale, Amasya, Samsun, Kilis, Sivas, Karaman, Giresun and Adana. In the year 2006, this order was realized as Konya, İzmir, Malatya, Ankara, Kırıkkale, Bolu, Erzurum, Mersin, Şanlıurfa, Trabzon, Çorum, Hatay and İstanbul. In the first six months of 2007, this order was realized as Denizli, Bartın, İzmir, İstanbul, Muğla, Ankara, Malatya, Şanlıurfa, Bolu, Kırşehir, Rize, Bingöl, Samsun, Erzincan, Muş, Trabzon, Erzurum, Hatay, Adana, Mersin, Artvin and Sakarya. The ordering of the provinces receiving complaint applications up until now from the year 2004 is as follows: İstanbul, İzmir, Konya, Ankara, Kırıkkale, Malatya, Denizli, Samsun, Adana, Bartın, Şanlıurfa, Mersin, Bolu, Antalya, Erzurum, Trabzon, Giresun, Diyarbakır, Sivas and Hatay.

When these data are evaluated by considering the population structure of the provinces, it is seen that the most successful ones on receiving applications for violation claims are Provincial Human Rights Boards of Kırıkkale. It should be emphasized here that, the high number of applications in a province does not mean that human rights violations are intensely experienced in that province. The highness of the quantity of applications should be evaluated

as the indication that the Boards at the province, with their successful works, have become a door of hope in the eyes of the public for the solution of their problems. However, this situation should be interpreted as that the relations between the community and the public officials at those regions have become based on a certain level of trust and transparency and that the awareness of the public in adopting human rights is relatively high. The lack of any applications received should not be interpreted as there being no violation in that province, instead it should be understood that this may indicate that the Boards are experiencing deficiencies of recognition and reliance before the citizens.

5) Civil visit commissions with the aim of inspection:

A Commission is being established under the structure of the Provincial and District Boards with the instruction of the Presidency of Human Rights, investigations are being made at the security and gendarmerie prisons at their provinces, and they are preparing reports on whether the physical conditions of the prisons and the applications of the authorized personnel are conforming to the human rights standards or not. The Boards not only perform these studies for the prisons, but also for the children nurseries, student dormitories, elderly care centers, etc. places which bear a sensitivity in terms of human rights applications. In fact, after the events at Malatya children nursery, it has been requested by the Presidency of Human Rights for a commission to be established at the structure of the Boards, this commission to visit these types of sensitive location with or without informing, and send the reports prepared by them to the Presidency of Human Rights. It is considered that the number of applications made to the Boards will increase as they elevate their level of recognition via the activities they shall perform at these types of sensitive events.

6) Overall assessment:

The numerical data related to the human rights violation claims made to 81 provincial Human Rights Boards and 850 district Human Rights Boards have been started to be announced to the public opinion since 2004 in accordance with the transparency principle on conducting the public utilities. These applications are in the form of a claim and it is up to the related institutions to search the accuracy of these claims. These data give a general idea regarding the character and dimension of the human rights problems in our country.

According to the 2005 Turkey Progress Report prepared by EU in 2005, the Boards had been evaluated to be insufficient in terms of “recognition and reliability” due to the fact that they receive a low number of applications. As of today, the Boards are receiving more and more applications as a result of the activities they have performed in the recent times, both in terms of quantity and variety, and the positive development observed at public relations. In fact, while the total number of applications received by the Boards was 847 in 2004, this number reached a value of 1377 in 2005 with almost an increase of 62 %. The number of applications received in 2006 was 1590, whereas this figure was 702 in the first six months of the year 2007. The Regional Education Seminars organized for the Board officers and non-governmental organizations, by the Presidency of Human Rights at 32 provinces between the years 2003-2006 aimed at strengthening the functionality of the Boards, is estimated to increase this number within time.

The high increase observed at the total number of applications definitely does not point out the increase in the number of human rights violations in Turkey, instead, as a result of the promotion and awareness studies performed by the Presidency of Human Rights and the

Boards, it is relied upon the increase in the recognition and trustworthiness rates of these institutions before the community. The Boards assess that the mentioned increase will go on until human rights become institutionalized and get rooted within the system.

63 % of the application holders are men and 99.3 % of them are Turkish citizens. At the applications made with the claim of violation of rights, 96 % of the violation was from the urban area (province and city center), whereas 4 % was from the rural area (villages and towns). When it is looked at the distribution of the applications according to the places of settlement where the violation was made; health and patient right takes the first place at the violation claims filed at the urban area, and this is followed by the freedom of working and contract. At the claims of violations at the rural area the property right takes the first place with 32.4 % and this is followed by the individual freedom and security with 10.2 %.

At 2005 year Turkey Progress Report of EU, it is stated that “A serious part of the applications or violations of right received by the Prime Ministry Provincial and District Human Rights Boards between the dates of October 2004 - March 2005 is comprised by torture and mal-treatment claims”.

According to the 2005, 2006 and 2007 data, the complaints regarding the property rights at the second place are focused on the issues such as title deed and cadastre problems, expropriation prices and the disputes arising during their payment. As an example, the following can be listed: especially in the South East, the claims related to the problems arising from the fact that some villages are under the property of landlords, complaints regarding the highness or the unjustness of the monetary fines applied in traffic, and the complaints regarding the fact that equal pay to equal job principle has been violated due to the fact that the contracted personnel or syndicate personnel at certain public agencies are receiving higher wages.

Among the complaints regarding the freedom of work and contract at the third place according to the 2005 and 2006 data, the dismissal acts of especially the municipalities and private companies, their assignment operations to new posts and the heavy work load are the ones most emphasized. As examples to these the following can be shown: troubles of the police and guardsmen regarding their work times, and the applications of the persons who were not employed although they have won the KPSS exam, with the justification that they have not served their military service.

The complaints regarding the violation of Discrimination Prohibition taking the 6th place in 2004, 5th place in 2005, 4th place in 2006 and 10th place in 2007, are not related with the claims that discrimination has been applied against human due to race, color, language, religion or political opinion difference as it is present in the literature (at the Universal Declaration of Human Rights, at the European Convention on Basic Rights and 1982 Constitution). These complaints are mostly related to the claims regarding influence, favoritism or price unjustness cases observed at the operation of mostly the public services.

It is considered that, the complaints of violation of Torture and Mal-treatment Prohibition, Right to Fair Trial, Right to Individual Freedom and Security taking the first three places according to 2004 year the right work data, being replaced by with the Right to Property, etc. issues and the amount of the complaints regarding the topics such as Freedom of Expression, Freedom of Association, Right of Meeting and Demonstration Marches, etc. remaining at a limited number, are the illustrations displaying the gaining by Turkey of a more transparent,

democratic administrative style opening the way to the freedoms. These data display that, just as in the modern democracies having an established political and legal regime, based on sound traditions, the complaints of the individuals in Turkey have shifted towards the increasing of their life qualities rather than political freedoms.

According to the 2005 year data, the institutions mostly being subject of complaints have been, in order, Municipality, Security and Health Institution. This order was changed in 2006 as Governorship, Health Institution and Municipality. Whereas this order has been realized as Health Institution, Security and Governorship.

The Security Department was at the first place in 2004 with 132 applications, 2nd place in 2005 with 134 applications, 6th place in 2006 with 119 applications and took the second / third place in 2007 with 80 applications. It is observed that most of the complaints concerning the Security Department are related with the violation claims of the prohibition of torture and mal-treatment, right of individual freedom and security, right of fair trial, right to petition, right to privacy. An issue that should be noted here is that, the governorship and ministry categories, taking place at the application forms includes various institutions and application units due to the hardness of expressing all the public department on a single form. For example, the complaint related to an operation of the Provincial National Education directorate is recorded as “governorship”. Again, the complaints regarding any institution associated with the ministry takes place under the category of “ministry”.

When it is taken into account that the quantity and effectiveness of the non-governmental organizations displaying activity in the field of human rights in our country is not yet at the desired level, the significance of the duty falling on the Sub-Governor and Governors acting as the Board Chairmen can be understood better who are working to ensure that the Provincial and District Human Rights Boards attain the targeted efficiency level. The interest of the public and the contributions of the non-governmental organizations to these new agencies are increasing with the efforts of the Board Chairmen who are aware of the duty falling upon them. However, the Board chairmen need to benefit maximally from this new and hope-giving platform in terms of the dialogue between the governmental institutions and the citizens.

Another issue to be indicated is that, as per the Regulation arranging the working procedures of the Boards, it is a sufficient assurance in terms of the civil feature of the Boards and the reliability of their decisions, that the Property Administrative Chief Governor, Deputy Governor and Sub-Governors acting as the Board chairmen having equal right of vote as compared to the votes of other members in the decision-taking at the boards and them having no right to veto. Since at these boards comprised of 15 persons on the average, there are at most two public officials including the Chairman. Nevertheless, it is believed that certain negative events and inadequacies experienced are stemming from the fact that the Boards are new structures in the phase of formation and that these problems will be eliminated in time depending on the intensity and character to be gained by the studies.

One of the most important conditions required for the success of the Provincial and District Human Rights Boards is undoubtedly, the governorship or kaimakam’s office acting as the host of the Board, should not apply pressure on the Board members while performing the duty of chairmen of the Board and adopt the role of “arbitrator” instead of “judge” on the decisions to be taken by the board members. As much as this approach can be adopted, the Boards shall

act as the mediator at the identification and settlement of the problems that have been or can be experienced between the individual and the government.

PART III : APPENDICES

A. Universal Declaration of Human Rights

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion,

national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

Everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

Marriage shall be entered into only with the free and full consent of the intending spouses.

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.

Article 21.

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Everyone has the right of equal access to public service in his country.

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization

and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

Everyone, without any discrimination, has the right to equal pay for equal work.

Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

Everyone has duties to the community in which alone the free and full development of his personality is possible.

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for

the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

B. Special Days related to the Human Rights

- 7- 14 January - The Week for Blinds (Rights of disabled people)
- First week of March - The Week for Green Crescent (Turkish temperance society for teetotal) (Within the context of Rights for environment and health)
- 8th of March- International Women's Day
- 21st of March - International Day for the Elimination of Racial Discrimination
- 23rd of April - National Sovereignty and Children's Holiday
- 3rd of May - World Press Freedom Day
- 19 - 25 May - The Week for the Youth
- 5th of June - World Environment Day
- 24th of July - Press Fest (Freedom of the Press)
- 1st of September - World Peace Day
- The First Sunday of the October - World Children Day
- 24th of October - United Nations Day
- 28th of October - 4th of November - The Week for the Red Crescent
- 20th of November - World Children Rights Day
- 2nd of December - Abolition of Slavery Day
- 3rd of December - World Handicapped Day
- 10th of December - World Human Rights Day and Week

C. The Main Institutions and Agencies related to the Human Rights

International Organizations

European Council

Address : 67075 Strasbourg Cedex

Tel: +33 (0) 3 88 41 20 00

Fax: +33 (0) 3 88 41 27 45

Web : www.avrupakonseyi.org.tr , www.coe.int

European Court of Human Rights (ECtHR)

Address : F-67075 Strasbourg-Cedex

Tel: +33 (0) 3 88 41 20 18

www.echr.coe.int

European Committee for Preventing Torture

Address : Human Rights Building Council of Europe F-67075 Strasbourg-Cedex France

Tel.: +33 3 88 41 39 39

Fax: +33 3 88 41 27 72

E-mail: cptdoc@coe.int
www.cpt.coe.int/turkish.htm

Turkish Representative Office of United Nations
Address : BM Binası Birlik Mah. 2. Cad. No.11 Çankaya-ANKARA
Tel: (312) 454 10 87
Faks : (312) 496 14 63
www.un.org.tr
National Organizations

Turkish Grand National Assembly Human Rights Commission
Adres: Bakanlıklar-Ankara
Tel: (312) 420 56 96
www.tbmm.gov.tr/komisyon/insanhak/insanhaklari.htm

The Presidency of Human Rights of the Prime Ministry
Tel: (312) 430 72 84
Fax: 0312 430 43 97
E mail: ihb@basbakanlik.gov.tr
www.insanhaklari.gov.tr www.ihb.gov.tr www.humanrights.gov.tr

General Directorate of International Law and Foreign Relations of Ministry of Justice
Adres: Milli Müdafaa Cad. No. 22 Bakanlıklar-ANKARA
Tel: (312) 418 90 12
Fax: (312) 425 02 90
www.uhdigm.adalet.gov.tr

Human Rights Data Bank of the Ministry of Justice
www.inhak-bb.adalet.gov.tr/uluslarmetin.htm

The Ministry of Foreign Affairs
Address : 06100 Balgat-ANKARA
Tel: (312) 292 10 00
www.mfa.gov.tr

Emergency Relief and Information Line for the Victims of Human Trade : 157

The Civil Service Review Board Presidency of the Ministry of the Internal Affairs
Investigation Bureau of the Human Rights Violation
Address : 06100 Bakanlıklar-ANKARA
Tel : (312) 425 72 14/3472-(312) 418 14 83-69
Fax: (312) 418 12 60

Research Planning Coordination Presidency of the Ministry of Internal Affairs
www.icisleri.gov.tr/apk/Daireler/AnaSayfa/InsanHaklariDairesi.htm

Gendarmerie Headquarters
The Gendarmerie Investigation and Evaluation Center for Human Rights Violations
(GIECHRV)
Address : Korg. Hulusi Sayın Kışlası Zemin Kat 06500 Beştepe-ANKARA

Tel : (312) 456 1 156 (pbx)
Fax: (312) 212 84 63/0- 215 14 17
www.jandarma.gov.tr/jihidem/ana_sayfa.htm

Human Rights Branch Directorate of the the Security General Directorate
www.egm.gov.tr/temuh/insanhaklari4.htm
Human Rights Branch Directorate of the Ministry of Health
Address : Mithatpaşa Cad. No : 3 06434 Sıhhiye / ANKARA
Tel : +90 (312) 435 6440
www.saglik.gov.tr/sb/default.asp?sayfa=birimler&cid=13

Turkish Bar Association
Address : Çetin Emeç Bulvarı No:46 Balgat - ANKARA
Tel : 312 287 87 90 (Pbx)
Fax : 312 286 31 00 - 286 55 65
www.barobirlik.org.tr/insanhaklari/mevzuat/ub/

Human Rights Research and Implementation Center of the Turkish Bar Association
Address: Karanfil Sk. No: 5/62 Kızılay-Ankara
Tel: (312) 425 30 11/138
www.barobirlik.org.tr

Ankara University Social Sciences Faculty Human Rights Center
Address : Ankara University SSF Campus, Cebeci-Ankara
Tel : (312) 319 77 20/225
www.ankara.edu.tr

İstanbul Bilgi University Human Rights Jurisprudence Research and Implementation Center
Address : Kurtuluş Deresi Cd. No:47 Dolapdere-İstanbul
Tel : (212) 253 87 42
www.insanhaklarimerkezi.bilgi.edu.tr

Hacettepe University Human Rights and Philosophy Research and Implementation Center
Tel : (312) 299 21 60
www.huihm.hacettepe.edu.tr

İstanbul University Human Rights Jurisprudence Research and Implementation Center
Address: İstanbul University Beyazıd-İstanbul
Tel : (212) 522 18 81
www.istanbul.edu.tr/merkezler/ihhaum/

Marmara University Human Rights Center
Address : Marmara University, Faculty of Law, Tıbbiye Cd. Haydarpaşa-İstanbul
Tel : (216) 349 84 00
www.ihm.8m.com

Turkey and Middle East Public Administration Institute - Human Rights Center

Address : TODAİE 1 numaralı Cadde No:8 Yüce-tepe-Ankara
Tel : (312) 231 73 60
www.todaie.gov.tr

D. Communication with the Presidency of
Human Rights of the Prime Ministry

Direct Communication Line For Complaints
ALO 150 (BİMER)

T.R.
Prime Ministry
Presidency of Human Rights

Address
Yüksel Caddesi No. 23, Kat 3, Yenişehir 06650 Ankara -TURKEY

Telephones
+90312 430 2378
+90312 430 6193
+90312 430 7284

Fax
+090312 430 4397

e-mail
ihb@basbakanlik.gov.tr

Web sites
www.ihb.gov.tr
www.ihk.gov.tr
www.insanhaklari.gov.tr
www.insanhakları.gov.tr
www.humanrights.gov.tr