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Summary record (partial)* of the 5th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 4 May 2011, at 10 a.m.

Chairperson: Mr. Pillay

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Consideration of reports:

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Initial report of Turkey (continued) (E/C.12/TUR/1; E/C.12/TUR/Q/1 and Add.1)

Articles 10–12 of the Covenant

1. **Mr. Onaner** (Turkey) said that asylum-seekers and stateless persons had enjoyed access to health and social services within the framework of the general social and health insurance system since 2008. Refugees, asylum-seekers, victims of human trafficking and illegal immigrants were covered by social insurance, or by the Social Support Department of the Prime Ministry.
2. With regard to health care in prisons and penitentiary centres, larger prisons had full-time doctors on site. In the case of smaller establishments which did not have such a service, health checks were carried out on a weekly basis by visiting doctors. Consequently, all detainees received health care. Prisoners requiring emergency treatment could be sent to hospital if necessary.
3. On the issue of early marriages, Turkish legislation was very clear. Those aged 18 or over could marry freely, while individuals under the age of 18 years but over the age of 17 years could marry with parental approval. Those under the age of 17 years but over the age of 16 years needed to seek a court decision authorizing the marriage. Individuals under the age of 16 years were not permitted to marry. A draft bill had been submitted to Parliament in February 2011, under which forced marriage would be criminalized. Currently, any attempt to marry an individual under the age of 16 years was considered to be sexual abuse and therefore a criminal act. In 2009, 307 individuals had been convicted of the crime of attempting to marry children. The number of convictions for 2010 for the same offence had been 272. Even though the draft bill had yet to be adopted, such practices were already considered illegal.
4. Any Turkish citizen resident abroad who applied to the Turkish Consulate General in the host country to marry must comply with the regulations he had just outlined. However, in the case of Turkish citizens who had married abroad and then registered the marriage at the Turkish Consulate General, the law of the host country would apply.
5. Turkey took the issue of child labour very seriously. In 2006, the International Labour Organization had ranked Turkey among the top three countries in the fight against child labour.
6. As to the action plans on domestic violence and gender equality, Turkey pursued a comprehensive legal and social strategy to curtail domestic violence against women, including legal and administrative measures as well as education and awareness-raising programmes involving all segments of society. The three basic pillars of the strategy were the Law on the Protection of the Family, the new Penal Code and the Law on Municipalities. Together with other measures, those three pillars facilitated the lodging of complaints by women, provided for the enforcement of precautionary measures and ensured the protection of women, as well as guaranteeing that penalties were in place and providing a legislative framework for the establishment of women's shelters. There were currently 62 such shelters in Turkey and women in need of protection could also make temporary use of shelters originally set up for children.
7. Turkey had launched many awareness-raising campaigns on violence against women. In that area, the Directorate General on the Status of Women was working closely with non-governmental organizations.

8. Domestic violence was considered to be a crime under article 86 of the Penal Code. The article stated that physical violence was prohibited and that, in cases in which it was directed against a spouse or children, the penalty would be increased by 50 per cent. In 2009, there had been 526 cases of domestic violence, resulting in 266 convictions. In 2010, there had been 556 cases and 148 convictions.
9. With regard to old age pensions, the Government was working to increase the amounts paid to pensioners. Furthermore, in the case of pensioners with disabilities, the amount of the pension was increased threefold.
10. Regarding universal social security coverage, since 2010 the Social Security Institution had been providing coverage for 61.5 million people out of a population of 73 million. Many of the 11.5 million people not covered by the Social Security Institution benefited from the Green Card system. Around 2 per cent of the population did not come under either system, but could still receive social security benefits and services on application. That section of the population included young men completing their military service, for whom social security provision was made by the Ministry of Defence, and students at university whose parents did not have any social security cover with the Social Security Institution. Such students could benefit from the social security provided by their universities. Although everyone could apply for benefits, Turkey's aim was to establish a universal general social security system, which, although not leading to major changes in practice, would facilitate the equal provision of services.
11. The Directorate General on the Status of Women was responsible for implementing national plans on domestic violence and general equality. The Directorate was constantly assessing such plans and further information would be made available in that regard in the near future.
12. As to honour crimes and killings and the impact of the new Penal Code on such offenses, under article 82 of the Penal Code, honour killings were punishable with life imprisonment and the honour aspect of the killing was now seen as an aggravating factor. In 2009, there had been 23 cases of honour killings, involving the deaths of 16 individuals. Convictions had been obtained in 20 of those cases.
13. In an attempt to promote economic development in certain regions of the country, the Government had begun investing in projects to produce clean energy, including through the construction of dams. During the development process, efforts were made to obtain the agreement of inhabitants who would be affected by dam building. In cases of expropriation in which the inhabitants had deemed the compensation they had received insufficient, the Turkish courts had taken into consideration jurisprudence from the European Court of Human Rights linked to cases in which the Court had found against Turkey. Consequently, those inhabitants had received increased amounts of compensation.
14. The benefits brought by the energy generated by the dam would enhance the economic, social and cultural rights of many of the inhabitants of the region in question.
15. The application of so-called "speedy expropriation" was regulated by law and usually occurred in cases of national security or emergency. However, it could also be used when specific laws had been passed on individual development projects, as had been the case with the renewable energy project in Istanbul. The Council of Ministers had reached the conclusion that that project merited the use of speedy expropriation, but its decision had subsequently been overturned by an administrative court which had ruled that that measure would violate residents' human rights.
16. The Turkish Civil Code did not include any elements of sharia law and had no links to that legal system. One provision of the Code specified that divorced women had to wait 300 days before remarrying. The measure had no doubt been designed to protect any

unborn child of the woman and her ex-husband, should she be unaware she was pregnant when she divorced. Nonetheless, women who had a pregnancy test to prove that they were not pregnant were no longer obliged to wait the 300 days.

17. Civil marriages were the only type of marriage ceremonies recognized in the Turkish legal system. Couples must have a civil ceremony and were at liberty to have a religious ceremony afterwards. Persons who held the religious ceremony before the civil ceremony could be imprisoned for up to 6 months.

18. The Government recognized that it was not sufficient merely to criminalize early marriage. It was therefore conducting awareness-raising campaigns among young girls in order to alert them to the dangers of early marriage and prevent them becoming victim to that practice.

19. In 2009, some 213 cases of people trafficking had been brought before the courts. They had concerned 1,849 alleged victims of trafficking. The accused had been found guilty in 42 cases. In 2010, the courts had considered 179 cases concerning 2,299 victims. Some 62 accused had been found guilty.

20. Ensuring that persons with disabilities had access to public buildings and public transport was a priority for the Government. The year 2010 had been declared the year of accessibility for persons with disabilities, and local authorities had been given until 2012 to make the necessary changes to public buildings and their surrounding areas, and to public transport. While it was unlikely that the deadline would be met in all areas, one notable example of good practice was the recent renovation of the entrance to the building housing the Ministry of Foreign Affairs, which now included access points for wheelchair users. New buildings, plans to renovate existing buildings and new public transport vehicles would all provide for disabled access. The second periodic report would include an update on that situation.

21. Detailed statistics on sanitation were not available. However, efforts to improve sanitation levels, particularly in rural areas, were considered an ongoing priority. The Ministry of the Interior was currently implementing a project that aimed to provide sanitation infrastructure for all villages that did not yet have it. That should dramatically improve the situation in many rural locations.

22. The Government was taking steps to implement programmes to prevent suicide among young women. Within the framework of the efforts being made to forestall honour killings and violence against women in general, young women who were victims of violence were provided with counselling in an effort to protect them from considering suicide.

23. To the best of his knowledge, nothing prevented foreign citizens from benefiting from vaccination programmes. Persons belonging to non-Muslim minorities had access to four non-Muslim hospitals as well as all the other hospitals in the country.

24. In 2009, about 18 per cent of the Turkish population had been living below the poverty line. Under the framework of the 2011–2015 Country Programme Action Plan of the United Nations Children’s Fund (UNICEF), a two-year action plan had been drawn up to fight child poverty and increase child welfare.

Articles 13 to 15 of the Covenant

25. **Mr. Onaner** (Turkey) said that, while the percentage of children attending school was increasing every year, the 100 per cent target had not been met in 2010. Updated data on school attendance would be included in the second periodic report.

26. Textbooks and transport to schools were provided by the Government for students whose families could not pay for them. Transport was also provided to schools in remote

areas and to the nearest school for children in many small villages without their own school. One of the objectives of the Ministry of Education was to have a primary school in each village, although the size of some villages made that difficult to achieve. Some villages were inaccessible during the winter so children who lived in them often stayed with family members elsewhere in order to attend school; that was encouraged by the Government.

27. Textbooks were regularly reviewed and improved, for example to remove any references that could be considered discriminatory.

28. No discrimination existed with regard to access to education, but figures showed that the school attendance rates for girls had been lower than those for boys during the previous few years. The situation was improving but efforts and awareness-raising had to be continued to increase the access of girls to education. The target of 100 per cent school attendance applied to both boys and girls.

29. He was unable to confirm at which stage of education health and sexual health education was provided; such information would be included in the next report of Turkey to the Committee.

30. Law No. 5580 on Private Education Institutions aimed at facilitating the opening of private schools so that the number of educational establishments could be increased and education could be made available to as many people as possible. There was no danger of that Law being abused: it stipulated that all private schools were subject to regular inspections by the Ministry of Education, in the same way as State schools. In addition, all private school employees, including teaching and administrative staff, were subject to the same inspections and checks by the Ministry as employees of State schools, and private schools had to follow the same curriculum as State schools.

31. Upon completion of their secondary education, students were awarded a diploma. Students wishing to attend university were required to sit a centralized entrance examination.

32. Most universities did not prohibit students from wearing headscarves in their classes. He was not aware of any cases of discrimination against students who did not wear a headscarf.

33. The Turkish Government was committed to providing full rights to members of ethnic and linguistic minorities. Kurds and other ethnic or linguistic groups did not need to be defined as minorities in order to benefit from all the rights to which they were entitled. No attempts were made by the State to force assimilation or to negate a cultural identity. For example, Kurdish language courses and Kurdish radio and television broadcasts were available.

34. **Mr. Sadi** (Country Rapporteur) said that it did not take 300 days to ascertain whether a woman was pregnant; such a time period had doubtless been established for another reason and it could have had roots in sharia law.

35. He asked what measures were currently being taken to prevent forced marriages and requested information on the penalties imposed by courts on those convicted of "honour crimes". In addition, he asked if Turkey had any ongoing awareness-raising campaigns on domestic violence and whether the Turkish authorities would register the marriages of Turkish citizens that took place in a country whose laws were in conflict with Turkish laws, for example with regard to the minimum age of marriage.

36. Lastly, he asked whether the delegation regarded the Turkish policy of assimilation in education as successful and whether the Government had considered implementing a policy of integration in that context instead.

37. **Mr. Tirado Mejía** said that he was looking forward to receiving further information and specific figures on the dam construction projects with regard to the measures taken to protect the environment and cultural heritage and the people who had been relocated as part of such projects. He had not been satisfied with the response from the delegation on that issue: it was not just a matter of providing financial compensation; many other aspects had to be taken into consideration. He was also not satisfied with the information provided on speedy expropriations. He wanted to know whether the domestic legislation on that issue complied with international law and international obligations.

38. **Ms. Barahona Riera** noted that domestic violence was not criminalized as a separate offence under the Penal Code and suggested that more progress would be made in combating it in Turkey if it was classified separately. She would appreciate more details on sexual health education and on the information provided to the public in Turkey about health services and reproductive and sexual health. She enquired whether reviews of school textbook content also took place in the private education system.

39. **Mr. Riedel** asked the delegation what steps could be taken to further improve the situation of minority rights and what specific steps were currently being taken in that regard. He also wanted to know whether all the national human rights bodies, including the new national human rights institution, would be competent to deal with minority rights issues.

40. **Mr. Kerdoun** said that the university entrance examination system might be considered discriminatory; why should all school leavers who had obtained a diploma not be able to attend university?

41. **Ms. Shin** said that the figures the delegation had provided on the number of cases of domestic violence, and the number of resultant convictions, seemed low in the light of the scale of the phenomenon. She wondered whether there were factors deterring victims of domestic violence from reporting their situation. She also requested more information on the content of decisions to convict, and whether those entailed prison sentences or mandatory counselling of perpetrators, noting that the ultimate goal was to change violent behaviour through education, counselling or other programmes. She wished to know what measures were in place in Turkey, not just for the protection of victims of domestic violence, but also to provide alternative accommodation and employment opportunities, and to ensure they benefited from health insurance and other social protection measures.

42. **Mr. Abdel-Moneim** said he agreed with Mr. Sadi that the origin of the 300-day waiting period for a divorced woman to remarry was likely linked to sharia law and had to do with possible pregnancy. It was important to note that when two legal systems came into conflict, the one which most respected and fulfilled human rights should prevail.

43. **Mr. Marchán Romero** noted with satisfaction the constructive approach and openness shown by the delegation of Turkey on the issue of the rights of minorities. However, it remained the case that minorities had the right to be recognized as minorities, a right which encompassed the expression of their respective cultures and other specificities and went beyond the rights that Turkish citizens enjoyed in general. The Government should give serious consideration to the matter. He emphasized that it was the right of Kurds to decide whether or not they wished to be considered as a minority, and that the manner in which the Treaty of Lausanne addressed various communities, including the Armenians, was not a sufficient basis for dealing with the issue of minorities.

44. **Mr. Kedzia** agreed that the Government should reflect further on the issue of minorities, as the matter was one of rights and not simply of access to the authorities.

45. **Mr. Onaner** (Turkey) said that he welcomed the Committee's comments on the issue of minorities. His Government did its utmost to ensure that the rights of minority groups were protected, but did not deem it necessary to define them as minorities.
46. He was not certain of the origin of the 300-day waiting period for divorced women to remarry, but noted that courts now had the option of authorizing marriages to take place before the 300 days had elapsed.
47. On the question of the penalties attaching to early marriage, the courts could hand down a sentence ranging from 6 months to 2 years for those who forced marriage on a young person. Moreover, a forced union before 16 years of age was not recognized as marriage, but considered as sexual abuse under the law. Current legislation was thus rather dissuasive in that respect. On the question of which laws applied in the event of the early marriage of a Turkish citizen abroad, in no case could Turkish Consulates take any action running counter to the host country's legislation.
48. The university entrance examination was designed to ensure equal conditions for all secondary school graduates, since one uniform examination was administered to all students. That was a more effective way to assess their skills than a secondary school diploma alone, since quality of education could vary from one secondary school to the next.
49. On the use of foreign languages in schools, some foreign languages could be chosen as the language of instruction; for example, mathematics could be taught in English to help Turkish students prepare their careers and make them competitive on the global market. Russian was among the possible languages offered, although his delegation would need to verify whether there was a university in Turkey where courses were given exclusively in Russian.
50. He agreed that the financial compensation provided to the population affected by the construction of the Ilisu Dam was limited and that ways should be found to fully satisfy their needs. Nevertheless, the compensation covered financial losses, and losses of other kinds could also be taken into consideration. The project stood to benefit a much greater number of persons than the few who needed to resettle. Also, persons who had lived in their village for a certain number of years were provided with alternative places to settle, which sometimes had better agricultural land.
51. On the comments made with regard to domestic violence, his delegation would share with the Turkish authorities the idea that having a dedicated legal provision on the issue would be a valuable tool to help raise awareness. Turkey would also provide more comprehensive data on domestic violence in its second periodic report, if not before.
52. On the issue of minorities, while his Government would continue to ensure that all Turkish citizens fully enjoyed economic, social and cultural rights, regardless of ethnic origin, no changes would be made to its definition of minorities. National human rights bodies were perfectly able to address minority issues, possibly through a dedicated department which would take into consideration all ethnic, linguistic and other minorities. The fact that Turkey did not have a definition of minorities would have no bearing on the work of those bodies to promote and protect human rights.
53. He agreed with Ms. Shin that the figures provided on domestic violence should be viewed with caution and said he would provide the Committee with more data in that regard.
54. His Government would take due account of the Committee's comments when presenting its next report and was confident that the Committee's concluding observations would help raise awareness of the Covenant and the work of the Committee and better promote and protect human rights in Turkey.

55. *The delegation of Turkey withdrew.*

The discussion covered in the summary record ended at 12.30 p.m.