

**Consideration of the initial report
of the Republic of Turkey
46th Session of the Committee on Economic, Social and Cultural Rights
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**Opening Statement
by Mr. Ali Onaner***

Mr. Chairperson,
Distinguished Members of the Committee,
Ladies and Gentlemen,

It is a great honour and privilege for my delegation and me to present to the distinguished members of the Committee on Economic, Social and Cultural Rights the initial report on Turkey's implementation of its obligations under the International Covenant on Economic, Social and Cultural Rights.

Page 1

Turkey signed and ratified the International Covenant on Economic, Social and Cultural Rights in 2003, as a result of its efforts to become party to all core universal human rights treaties. Turkey also became party to the International Convention on the Elimination of All Forms of Racial Discrimination and to the International Covenant on Civil and Political Rights respectively in 2002 and 2003.

In fact, since 2001 Turkey is pursuing a comprehensive and active human rights reform process aimed at improving the protection and promotion of human rights. A series of legal reforms have been carried out in a short period of time, including a number of constitutional amendments and a complete overhaul of basic laws.

* Head of Department for Human Rights
Turkish Ministry of Foreign Affairs

The most important novelty in the Constitution concerns Article 90 amended in 2004. The amended article states that international conventions on fundamental rights and freedoms prevail in case of conflict with the provisions of the national laws on the same matter.

Adoption of the new Civil Code, the new Penal Code and the new Criminal Procedure Code with a view to aligning Turkey's legal framework with the European standards and principles has effectively consolidated the constitutional amendments.

The ambitious reform process ensured substantial progress in, *inter alia*, abolishing death penalty, fight against torture, gender equality, freedom of religion, freedom of expression, freedom of association and assembly, as well as other cultural rights and social rights.

Representatives of civil society are involved in the reform process through these national monitoring mechanisms. Human rights education at all levels has been strongly promoted. In order to overcome possible challenges in the implementation of the legislative reforms and to create an institutional culture respectful to human rights, bilateral programs with several countries and joint projects with the Council of Europe and the EU are being carried out.

Page 2

More recently, as a result of the constitutional amendment package adopted in September 2010, human rights and fundamental freedoms have been further expanded and the constitutional system brought in line with Turkey's international obligations.

The amendments eliminated several shortcomings referred to in the judgments of the European Court of Human Rights, and enabled the implementation of several recommendations made by regional and international monitoring bodies.

Among the improvements brought by the recent Constitutional reform are:

- the inclusion of positive discrimination as a constitutional right for persons who require social protection, such as children, the elderly and the disabled, as well as for women in order to achieve de facto equality between men and women;
- constitutional guarantees for children's right to access "adequate protection and care", safeguarding the principle of the best interest of the child;
- broadening of the scope and extent of freedom of organization and union rights;
- definition of the right of petition as a constitutional right;
- elimination of the constitutional obstacle that prevented the establishment of an ombudsman;
- introduction of the right to individual application to the Constitutional Court with regard to the fundamental rights and freedoms enshrined in the Constitution in accordance with the European Convention on Human Rights.

In addition to the constitutional referendum, the Law against Terrorism has been amended in July 2010 in order to take minors out of the remit of this law.

According to new amendments, children who attend illegal meetings and demonstrations or distribute propaganda material for outlawed organizations cannot be tried on charges of terrorism in assize courts. Moreover, the law reduces the penalties applied to children accused of terrorism-related offences, such as being member of a terrorist organization or disseminating propaganda material for terrorists.

Mr. Chairperson,

The Turkish nation is composed of citizens, who enjoy the same fundamental rights and freedoms irrespective of their origins in terms of language, race, colour, ethnicity or religion. Acts of discrimination are prohibited and

penalized by law. The principle of equality between women and men is enshrined in laws regulating political, social and economic life.

Basic social rights such as the right and duty of training and education, the freedom to work and conclude contracts, the right to organise labour unions, the right to live in a healthy and balanced environment, the right to rest and leisure and the right to social security are guaranteed in the Constitution.

The protection and promotion of cultural rights is based on the principles of tolerance and cultural diversity. The freedom of religion and conscience, freedom of thought and expression, freedom of press, freedom of science and arts, protection of the historical and cultural heritage and promotion of arts and artists are part of Turkey's cultural policy.

Mr. Chairperson,

Page 4

The Turkish Government is determined to further improve the enjoyment of economic, social and cultural rights by all, and pursue the reform process aimed at attaining the highest standards in the field of human rights.

Turkey's determination in that respect has also found its reflection in her close cooperation with the treaty bodies and the United Nations special mechanisms in the field of human rights.

Having ratified the UN Convention on the Rights of Persons with Disabilities, Turkey is party to eight international human rights treaties.

Most recently, the Turkish Grand National Assembly adopted the law on the ratification of the Optional Protocol to the Convention against Torture that Turkey has signed in 2005. The ratification process of the Optional Protocol will be completed, when the aforementioned law is published in the official gazette.

Turkey also has a standing invitation to the thematic special procedures since 2001.

Visits, recommendations and appeals of the special procedures, including the Special Rapporteur on the question of torture, are given serious consideration. The Special Rapporteur on violence against women, the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of human rights while countering terrorism and the Special Representative of the Secretary-General on the situation of human rights defenders have recently visited Turkey.

In line with the importance we attach to the work done by the UN human rights mechanisms and the treaty bodies, I would like to reiterate our willingness to benefit from our cooperation with the Committee on Economic, Social and Cultural Rights.

We look forward to an open and constructive dialogue with the Committee and remain at your disposal to answer your questions and consider your recommendations.

Thank you very much for your attention.