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INFO PACK



Turkey's Human Rights Action Plan

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Introduction

Turkey unveiled its Human Rights Action Plan on March 2, 2021, with an announcement from President Recep Tayyip Erdogan. The document prepared by the Ministry of Justice detailing the plan noted that the Action Plan originated from the state's obligation to protect individuals' integrity and dignity with all-available capacity, institutions, and organisations. The Action Plan is based on eleven main principles and consists of a total of nine aims, fifty goals, and three hundred ninety-three activities. The nine aims constituting the backbone of the Plan are: building a stronger system for the protection of human rights; strengthening judicial independence and the right to a fair trial; improving legal foreseeability and transparency; strengthening the protection and promotion of freedom of expression, association and religion; ensuring personal liberty and security; safeguarding physical and moral integrity and the private lives of individuals; assuring more effective protection of the right to property; protecting vulnerable groups and strengthening social welfare; and raising high-level administrative and social awareness of human rights. The plan is set to be implemented over two years and will be reviewed by the "Monitoring and Evaluation Board" throughout its rollout.

The Action Plan, which has been prepared as part of the [Judicial Reform Strategy](#) announced in 2019, focuses on judicial and administrative issues with the intention of resolving problems at a practical level. The document notes that the Plan was designed with the participation of relevant stakeholders ranging from representatives of the high courts to members of civil society organisations. It also highlights that the planned activities are organised as measurable and monitorable actions that reflect social needs.

During his speech, President Erdogan highlighted that "the main determinants in drawing up Turkey's Human Rights Action Plan were the needs and demands of the people". He also added that "a new constitution which prioritises the people in order to build the state is the ultimate goal of our Human Rights Action Plan".

This info-pack explores the contours and scope of Turkey's Human Rights Action Plan announced on March 2, 2021, by presenting the details of its preparation process, outlining its main aims and related activities presented to achieve these aims and prospecting the ultimate objective of the Plan.



Republic of Turkey Ministry of Justice (Murat Kaynak - Anadolu Agency)

Preparation Process

The preparation of the Action Plan started after the announcement of the Judicial Reform Strategy in 2019, which envisaged the creation of a separate Human Rights Action Plan in order to address current challenges. Following this, the Ministry of Justice commenced analyses and examination processes whereby important reports, rulings, recommendations, written opinions, and experiences from a wide range of sources including judiciary, ministries, international organisations, and other countries were analysed. The first meeting was held with the Legal Policies Board of the Presidency on October 22, 2019, and the final draft of the Action Plan was submitted to the Presidency of the Republic on January 20, 2021. The document notes that the meetings and workshops were held with the participation of representatives of higher courts and judiciary institutions in order to identify challenges during the provision of judicial services and to develop solutions to these issues. Additionally, the document also highlights that representatives of universities, bar associations, and civil society organisations came together to discuss the problematic

areas and provide their perspectives and recommendations to these problems. As such, six working groups were established and five workshops were organised that separately gathered representatives of the judiciary, NGOs, the academy, business, labour and working groups. In the document, it is noted that during the preparation process, due attention was given to the recommendations of the non-governmental human rights organisations and the ultimate shape and content of the Plan has reflected these considerations. Additionally, in the course of the preparation process, recommendations were collected through meetings with the Human Rights Inquiry Committee and the Justice Committee of the Grand National Assembly of Turkey. This is in addition to the meetings with representatives from the Council of Europe and the European Union, who contributed their respective ideas and recommendations. It should also be noted that meetings with representatives of other relevant countries were held in order to draw information from their accumulated experiences on human rights.

Main Principles of the Action Plan

All institutions and organisations of the state perform their activities in line with the below-mentioned principles enshrined in the Constitution and the international conventions to which we are party.

1. Human beings have natural and inalienable rights, and the state has a duty to protect and advance these rights.
2. Human dignity, as the most fundamental of all rights, is under the effective protection of the law.
3. Everyone is equal before the law without any discrimination based on language, religion, race, colour, gender, political views, philosophical beliefs, sect or other reasons.
4. The overarching principle for administrative activities is to provide public services to all with integrity and in an equal and impartial manner.
5. Legislation includes clear, understandable and foreseeable rules without room for doubt and public authorities implement these rules with due regard for the principle of legal security.
6. There can be no interference with the freedom of contract which violates the principle of legal security and the protection of acquired rights.
7. The state protects and fosters freedom of enterprise and the right to work in accordance with competitive free-market principles and the social state principle.
8. The state adopts an approach that protects, safeguards and enforces the principle of the presumption of innocence, the right not to be labelled as a criminal (prior to conviction) and individual criminal liability in judicial and administrative affairs.
9. No one may be deprived of their personal liberties because of their criticisms or expressing their personal opinions.
10. The rule of law prevails in all state affairs in order to protect rights and liberties as well as to secure justice.
11. Anyone whose rights are alleged to have been violated shall have unfettered access to effective legal remedies; access to justice is the basis for respecting rights and freedoms.

Source: Ministry of Justice

Aims, Targets and Activities

	Aims	Targets	Activities
1	A Stronger System for the Protection of Human Rights	Strengthening the Conception of the Rule of Law based on Human Rights	5
		Improving the Effectiveness of Human Rights Institutions	11
		Protecting the Rights of Victims	5
2	Strengthening Judicial Independence and the Right to a Fair Trial	Strengthening the Independence and Impartiality of the Judiciary	10
		Strengthening the Right to a Reasoned Decision	4
		Strengthening Standards with Regards to the Application of the Presumption of Innocence	3
		Strengthening the Right to a Trial within a Reasonable Time Frame	12
		Strengthening Legal Defence and Increasing the Quality of Legal Services	7
		Improving Standards concerning the Principle of Equality of Allegation and Defence	10
		Strengthening Access to Justice	9
3	Legal Foreseeability and Transparency	Strengthening Legal Foreseeability and Transparency in the Acts and Procedures of the Administration	12
		Strengthening Legal Foreseeability and Transparency in Judicial Processes	10
		Improving the Effectiveness and Quality of the Judiciary	17
		Strengthening Specialised Courts	7
		Improving the Effectiveness and Expanding the Use of Alternative Dispute Resolution	9
		Improving the Quality of the Expert Witness System and Ensuring Foreseeability	13
4	Protection and Promotion of Freedom of Expression, Association and Religion	Increasing Standards concerning Freedom of Expression and the Press	11
		Strengthening the Right to Assembly and Association	5
		Ensuring the Protection of Freedom of Religion and Conscience to the Widest Extent Possible	6
		Improving the Effectiveness of the Fight against Hate Speech and Discrimination	9
5	Strengthening Personal Liberty and Security	Raising the Standards Regarding Personal Liberty and Security	10
		Raising the Standards Regarding the Application of Judicial Supervision Measures	3
		Preventing the Restriction of Personal Liberty due to Practice-related Setbacks	5
6	Safeguarding Physical and Moral Integrity and the Private Life of the Individual	Continuing the Diligent Application of the Policy of Zero Tolerance for Torture and Ill-treatment	13
		Ensuring the Effective Conduct of Investigations	13
		Improving the Effectiveness of the Fight against Domestic Violence and Violence against Women	9
		Protecting the Honour and Dignity and the Private Lives of Individuals in Judicial Acts and Processes	5
		Protecting the Honour and Dignity and the Private Lives of Individuals in the Execution of Sentences	15
		Taking the Measures Necessary for the Protection of Human Life	6
		Protecting Privacy in the Processing of Personal Data	4
7	A More Effective Protection of the Right to Property	Preventing Violations of the Right to Property Caused by Expropriation Practices	6
		Preventing Violations of the Right to Property Caused by Enforcement Proceedings and Judicial Processes	10
		Preventing Violations of the Right to Property Caused by Zoning Practices	4
		Preventing Violations of the Right to Property Caused by Administrative Practices	5
8	Protecting Vulnerable Groups and Strengthening Social Welfare	Supporting the Physical and Mental Development of Children	10
		Developing Sentence Execution Practices that are Sensitive to the Juvenile Justice System	8
		Protecting and Promoting the Rights of Youth	10
		Facilitating Access for the Elderly and People with Disabilities to Public Services	9
		Improving the Conditions of Foreigners under International Protection or Temporary Protection and Strengthening their Access to Justice	6
		Combating Human Trafficking in an Effective Manner	3
		Guaranteeing a Healthy and Liveable Environment	9
		Ensuring Food and Water Security	2
		Protecting Public Health and Facilitating Access to Healthcare Services	4
		Protection of Human Rights in Digital Environments	5
9	High-level Administrative and Social Awareness of Human Rights	Raising the Awareness of Public Officials of Human Rights	9
		Raising the Awareness of Judges, Prosecutors and Lawyers of Human Rights	7
		Raising Public Awareness on Human Rights	7
		Improving Human Rights Education	7
		Improving the Quality of Legal Education	8
		Enhancing Cooperation with International Human Rights Mechanisms	6

Source: Ministry of Justice

Main Aims of the Action Plan

Aim 1: A Stronger System for the Protection of Human Rights

The first aim of the action plan is built upon applying the universal principles of the rule of law grounded in human rights. The activities envisaged for this aim are designed to accelerate the harmonisation process with the European Union acquis, speed up efforts to conclude chapters that are in negotiation with the EU for membership and open new chapters for negotiation. The Action Plan stresses the importance of strengthening institutional mechanisms in order to limit the practitioners and create trust in people. Moreover, the Plan emphasises the existence of independ-

ent oversight and supervision mechanisms in order to increase the effectiveness of human rights at penitentiary institutions and during the execution of a sentence.

The following are some of the activities that will be carried out within the scope of this aim in order to achieve the stated targets of strengthening the rule of law based on human rights, improving the effectiveness of human rights institutions, and protecting the rights of victims.

Activities

- The European Union accession process will be maintained and efforts will be accelerated with regards to the Visa Liberalisation Dialogue.
- Measures will be taken to ensure a fast and effective response to the requests, assessments, and findings sent to institutions by the Human Rights Inquiry Committee of the Grand National Assembly of Turkey.
- Necessary changes will be made to legislation relating to political parties and elections in order to strengthen democratic participation.
- The structure of the Human Rights and Equality Institution of Turkey will be rendered compliant with UN norms.
- The decisions of the Ombudsman Institution and the Human Rights and Equality Institution of Turkey will be opened to public access.
- Damages incurred due to lengthy proceedings will be swiftly remedied by the Human Rights Compensation Commission.
- An independent "Commission for Monitoring Human Rights at Penitentiary Institutions" will be established.
- The "Probation Services Advisory Board" will be restructured.
- The effectiveness of services such as psycho-social support for victims of crime will be improved.
- The number of judicial interview rooms and child monitoring centres will be increased.
- More measures will be taken at courthouses to prevent victims of crime from feeling that they are alone. To this end, the number of Directorates of Judicial Support and Victim Services will be increased.

Source: Ministry of Justice

Aim 2: Strengthening Judicial Independence and the Right to a Fair Trial

The second aim of the Action Plan focuses on strengthening the independent and impartial judiciary, considered a crucial guarantor for the protection of human rights and rule of law. To ensure that the judiciary remains free from influence, the Action Plan stresses the importance of the geographical guarantee, which ensures that judicial decisions will not lead to measures undermining the tenure of the judges and prosecutors. The Plan also emphasises the importance of demonstrating clear reasoning in decisions and maintaining the presumption of innocence. Additionally, for this aim, the Action Plan aims to strengthen the independence of the Justice Academy of Turkey and

ensure the delivery of fair decisions within a reasonable time frame.¹

The following are some of the activities that will be carried out within the scope of this aim in order to achieve the targets of strengthening the independence and impartiality of the judiciary, the right to a reasoned decision, the presumption of innocence, the right to a trial within a reasonable time frame, the principle of equality of allegation and defence, access to justice and increasing the quality of legal services of lawyers.

Activities

- Judges and prosecutors will be provided with a "geographical guarantee"² and the tenure of judges will be strengthened.
- The fundamental principles of the individuality of criminal responsibility and punishment and the presumption of innocence will be effectively implemented in judicial and administrative affairs.
- New measures will be implemented in order to ameliorate the practice of "Targeted Time-limits in the Judiciary".
- In administrative justice, it will be laid down by the law that the reasoned decision will be written within thirty days.
- Indictments will be drafted comprehensively within a reasonable time and communicated to both victims and plaintiffs.
- The legal authority granted to lawyers to obtain information and documents will be expanded.
- Performance criteria will be set by the Union of Turkish Bar Associations for lawyers who provide legal aid services.
- Rules of procedures and personnel benefits for lawyers employed at public institutions will be improved.
- The use of "e-hearings" will be expanded, and facilities will be provided so that the hearings held before all civil courts can be attended virtually.
- "Public Relations Bureaus" will be established and the number of front desks and help desks will be increased at courthouses in order to promote citizen-friendly courthouses.

Source: Ministry of Justice

¹ The right to a trial within a reasonable time, which is guaranteed in the Constitution and European Convention on Human Rights, is considered one of the most important components of the right to a fair trial.

² Geographical guarantee refers to the principal that judicial decisions will not lead to measures undermining the tenure of the judges and prosecutors.

Aim 3: Legal Foreseeability and Transparency

The third aim of the Action Plan aims to strengthen foreseeability and transparency in order to prevent arbitrary practices. The principle of foreseeability envisages that the legal consequences of actions are known in advance.³ The Action Plan aims to adopt a comprehensive approach towards legal certainty covering a wide range of issues, including the judiciary, bureaucracy, business, work-life, economy, and social policies. Additionally, the Action Plan intends to strengthen the fight against corruption. The Action Plan also identifies that an effective judiciary and an improved quality of judicial services are key components of the realisation of this aim.

The following are some of the activities that will be carried out within the scope of this aim in order to achieve the targets of strengthening legal foreseeability and transparency in the acts and procedures of administration and judicial processes, improving the effectiveness and quality of the judiciary, strengthening specialised courts, improving the effectiveness of alternative dispute resolution, and quality of the expert witness system, which is resorted to by the court in case expert opinion on a given subject is required to better understand a case.

Activities

- The time frame for the public administration to respond to applications will be reduced from 60 to 30 days.
- International investors and foreign individuals will be given access to written and visual materials, prepared in their respective languages, which explain their rights within the Turkish legal system.
- The Strategy Paper on increasing transparency and reinforcing the fight against corruption will be updated and its implementation will be actively pursued.
- All judicial decisions/judgments will be made accessible to the public, including the name(s) of the deciding judge or committee, while protecting personal data.
- The scope of alternative sanctions to short-term imprisonment will be expanded.
- Eligibility to be selected as a member of the Court of Cassation or the Council of State will require a certain degree of seniority in addition to a minimum age of 45 and first-class status.⁴
- Positions of assistant judge and assistant prosecutor will be introduced to prepare judges and prosecutors for professional service and enhance their professional experience.
- Specialised courts will be designated for certain fields such as finance, trade unions, zoning and expropriation, as well as tax and cyber-crime.
- Alternative dispute resolution mechanisms within the Ministry of Justice will be strengthened.
- Regional expert witness committees will be restructured and their effectiveness will be increased.

Source: Ministry of Justice

³ The principle of legal foreseeability requires that individuals should be in a position to know or anticipate in advance which concrete actions ensue by which legal sanctions or consequences and what sort of power of intervention is warranted to the public authority.

⁴ Judge and prosecutor classes are split into four levels: third class, second class, candidate for first class and first class in accordance with their time in office and achievements. The levels are important for the appointment to certain positions.

Aim 4: Protection and Promotion of Freedom of Expression, Association and Religion

The fourth aim of the Action Plan pertains to raising the standards of freedom of expression, association and religion. The Action Plan underlines the significance of freedom of expression for a democratic society and aims to raise freedom of expression protections in the country to the international human rights standards after reviewing the relevant legislation. It also stresses that the right to hold meetings and demonstration marches are guaranteed in the constitution and will be strengthened with the implementation of the planned activities listed below. In addition to the activities related to the improvement of freedom

of religion and conscience, the Plan underlines the need to enhance the fight against hate speech in order to improve diversity and pluralism.

The following are some of the activities that will be carried out within the scope of this aim in order to achieve the targets of increasing the standards concerning freedom of expression and the press, strengthening the right to assembly and association, ensuring enjoyment of the freedom of religion and conscience, improving the effectiveness of the fight against hate speech and discrimination.

Activities

- The relevant legislation will be reviewed in accordance with international human rights standards in order to ensure the full guarantee of freedom of expression.
- With regards to restrictions on websites, necessary measures will be taken to address the problems stemming from practices in restricting relevant content, rather than entire websites.
- Measures will be taken to render the "safety of journalists" as an overarching principle and to facilitate their professional activities.
- Arrangements will be made to ensure that workers who are subject to the Press Labour Law can enjoy their full rights prescribed by the relevant legislation.
- Secondary legislation regarding the authority to intervene in unlawful demonstrations will be reviewed in accordance with international standards.
- Periodic meetings will be held with individuals and non-governmental organisations that aim at improving human rights and support will be provided for their activities.
- Regardless of religion, public and private sector employees and students will be granted a leave of absence during their respective religious holidays.
- To ensure that followers of different religions can fulfil their religious obligations depending on need and demand, suitable conditions will be set up in public buildings and spaces.
- An effective fight will be mounted against hate speech and discrimination based on language, religion, race, colour, sex, political views, philosophical beliefs, sect, or other similar reasons.
- A new provision will be put in place under the Turkish Criminal Code concerning discrimination and hate crimes.

Source: Ministry of Justice

Aim 5: Strengthening Personal Liberty and Security

The fifth aim of the Action Plan has to do with the strengthening of personal liberty and security. The Action Plan intends to ensure that detention functions as an exceptional preventive measure by strengthening the rights of objections and the defence. It also aims to introduce a vertical objection process to the magistrate judge's decisions for detention.⁵ Additionally, the Action Plan seeks to develop alternative punitive measures that can be used in place of detention, including judicial supervision and house arrest. Moreover, the Plan emphasizes the elimination of practice-

es-based problems concerning compensation procedures to the person who suffered from an unfair application of preventive measures.

The following are some of the activities that will be carried out within the scope of this aim in order to achieve the targets of raising the standards relating to personal liberty and security, the application of judicial supervision measures, and preventing the restriction of personal liberty due to practice-related setbacks.

Activities

- A vertical objection procedure will be introduced to facilitate challenging magistrate judges' orders for detention and other preventive measures.
- A minimum seniority requirement will be introduced for magistrate judge assignments.
- The scope of catalogue offences⁶ will be narrowed down in line with the principle of "proportionality in detention".
- The "requirement to rely on concrete evidence" will also be applicable to catalogue crimes in order to strengthen the principle that detention is an exceptional measure.
- The judicial supervision measure will be reviewed at certain intervals and new reforms will be introduced.
- Regular training will be offered to magistrate judges and prosecutors concerning detention and judicial supervision measures.
- Time spent under house arrest as part of judicial supervision measures can be deducted from the execution of the resulting sentence.
- In case of unfair or erroneous application of judicial supervision or other preventive measures, compensation will be made to the victim.
- To eliminate grievances stemming from the execution of arrest warrants thanks to the inability to take statements outside normal working hours, it will be ensured that statement taking procedures are performed on a 24/7 basis at courthouses.
- Measures will be taken to prevent the arrest of an individual who fails to appear in court despite a summons before it is established that the notification process has indeed been completed.

Source: Ministry of Justice

⁵ The introduction of a vertical objection process will provide a formal mechanism allowing for a magistrate judge's decision for detention or other preventive measures to be appealed to a high court, which is presently not the case.

⁶ Catalogue Offences" refers to a set of a limited number of crimes identified in the Criminal Procedure Law to which preventive measures, including arrest warrants, can be applied.

Aim 6: Safeguarding the Physical and Moral Integrity and Private Life of Individuals

The sixth aim of the Action plan concerns the physical and moral integrity of the individual. The Action Plan stresses that torture and ill-treatment are the most serious attacks on the integrity and dignity of a human. In line with the “zero tolerance for torture” policy, the Plan aims to improve standards to prohibit these acts. Combating domestic violence and violence against women are considered key aspects of the efforts to safeguard the physical and moral integrity of a person. The Plan intends to increase the number of support houses for women and special investigation bureaus to address violence against women. Additionally, the Plan aims to improve the conditions of convicts and detainees and their right to health.

The following are some of the activities that will be carried out within the scope of this aim in order to achieve the targets of continuing the diligent application of the policy of zero tolerance for torture and ill-treatment, ensuring the effective conducting of investigations, improving the effectiveness of the fight against domestic violence and violence against women, protecting the honour and dignity and the private lives of individuals in judicial acts, processes, and execution of sentences, taking measures necessary for the protection of human life, and protecting privacy in the processing of personal data.

Activities

- In accordance with the zero tolerance for torture, statutory limitation periods will be eliminated for disciplinary actions, as was done with respect to criminal offences.⁷
- Efforts will continue to raise the standards of conditions in penitentiary institutions.
- Crime scene investigation, judicial search, and physical seizure procedures will be mandatorily recorded on a camera.
- The act of repeated stalking will be defined as a separate criminal offence, thereby reinforcing protection provided to victims.
- The number of special centres/women support units in hospitals meant to prevent the re-traumatisation of women who are victims of sexual assault will be increased.
- The aggravating circumstance stipulated in the law concerning offences committed against spouses will be expanded to include the divorced spouse.
- All necessary measures will be taken to ensure that any private information that is not related to a crime or case is not made public or reflected in rulings.
- It will be ensured, in so far as possible, that convicts serve their prison sentences at a location that is easily accessible to their families, thereby facilitating the preservation of family ties.
- To prevent any damage to human life as a result of imprudent and careless behaviour, public institutions and organisations will diligently take and monitor the implementation of all necessary measures in their capacities as either regulatory and supervisory or executive authorities.
- The Law on Protection of Personal Data will be harmonised with European Union standards.

Source: Ministry of Justice

⁷ Statutory limitation refers to the maximum period within which a legal proceeding can be filed.

Aim 7: A More Effective Protection of the Right to Property

The seventh aim of the Action Plan focuses on the protection of the right to property, regarded as a precondition for the economic and social prosperity of society. The Plan notes that the state is not only obliged to protect this right but is also compelled to implement certain measures that ensure that citizens fully enjoy their fundamental right to property. The Action Plan intends to resolve practical problems experienced during acts of expropriation.⁸ Additionally, the Plan aims to maintain a balance between the debtor and creditor in their enjoyment of the right to property.

The following are some of the activities that will be carried out within the scope of this aim in order to achieve the targets of preventing violations of the right to property caused by expropriation practices, enforcement proceedings, judicial processes, zoning practices, and administrative practices.

Activities

- It will be ensured that changes to the consumer price index will be taken into account in the calculation of the default interest to apply in case of a delay in the payment of the expropriation price.
- Measures will be taken to ensure that the decision of expropriation taken for the "public interest" is delivered in a clear, foreseeable, and understandable manner.
- The rarity and artistic value of immovable cultural assets will also be taken into account while determining the price of expropriation.
- The fine to be imposed upon denial of the request for annulment of the tender will be reviewed on the basis of the principle of proportionality.
- Matters of administrative justice that affect the right to property will be resolved speedily via a summary procedure.
- A "pilot case" procedure will be introduced in disputes of the same nature to which a public administration is a party and it will be ensured that such a case is handled speedily and that the ruling delivered therein will be binding in respect of other disputes concerning the same matter.
- A system will be put in place to monitor and supervise zoning plans, ensuring that the grievances faced by citizens due to the application of Article 18 of the Zoning Act with regard to parcelling are eliminated.
- The grievances originating from de jure confiscation and limitations placed on the right to property for the purpose of assignment for public service in zoning plans will be eliminated.
- Property owners and persons concerned will be provided access to information via electronic medium about the public restrictions imposed by administrations on the land registry records.
- Certain practice-related setbacks will be eliminated to ensure that collection procedures resulting from groundless/undue payments made by the public institutions are conducted on a foreseeable and equitable basis.

Source: Ministry of Justice

⁸ Expropriation refers to government action to seize property from its owner in order to use it for public benefit.

Aim 8: Protecting Vulnerable Groups and Strengthening Social Welfare

The eighth aim of the Action Plan concentrates on the protection of the rights of vulnerable groups, with particular attention paid to children. The Plan emphasises the improvement of practices of juvenile justice by remedying concern for the physical and mental development of children through a holistic approach. Additionally, the Plan intends to strengthen the rights of youth in order to ensure that they have the opportunity to voice their concerns and participate in decision-making processes through political participation rights. Moreover, the plan stresses the importance of strengthening the rights of the elderly and people with disabilities. Foreigners who have fled humanitarian crises are also included as a 'vulnerable group' and activities concerning the improvement of their rights are outlined.

The following are some of the activities that will be carried out within the scope of this aim in order to achieve the targets of supporting the physical and mental development of children, developing sentence execution practices that are sensitive to the juvenile justice system, protecting and promoting the rights of youth, facilitating access to public services for the elderly and people with disabilities, improving the conditions of foreigners under international protection or temporary protection and strengthening of their access to justice, combating human trafficking, guaranteeing a healthy and liveable environment, ensuring food and water security, protecting public health and facilitating access to health care services, and protecting human rights in digital environments.

Activities

- Efforts to protect children from digital risks, cyberbullying, internet addiction, and visual and written media deemed harmful will be increased.
- The active participation of youth in the labour market will be supported through incentivising internship and applied training opportunities, and a national strategy paper on youth employment will be prepared.
- The employment of people with disabilities in high-level positions in public administration and public sector posts matching their professions will be encouraged.
- Relevant legislation will be reviewed in order to secure the full participation of people with disabilities and the elderly in voting processes.
- Regarding foreigners under international protection or temporary protection, an effective mechanism will be introduced to examine complaints concerning the conditions of removal centres.
- Necessary measures will be taken for the protection of victims and witnesses of human trafficking.
- The effects of climate change on fundamental human rights will be analysed and the results will be taken into consideration in shaping public policies.
- An independent mechanism will be established, with the participation of representatives from consumer organisations, in order to be able to secure a reliable food supply through risk assessments and inform the public timely and accurately.
- Rehabilitation practices for those convicted of drug-related offences will be carried out in cooperation with nongovernmental organisations.
- To protect personal rights, the fight against cybercrime and cyberbullying will be rendered more effective and opportunities for international cooperation will be developed.

Source: Ministry of Justice

Aim 9: High-Level Administrative and Social Awareness on Human Rights

The ninth aim of the Action Plan emphasises the importance of raising awareness of human rights across all levels of society. To this end, the Plan underlines that adopting a human-rights based approach during the exercise of state power both by the government and judiciary is imperative for the resolution of practical problems related to human rights. Additionally, it is noted that increased public awareness about human rights is critical for the establishment of a strong democracy and the scrutiny of practices relating to human rights in general. Hence, the Plan envisages several activities including human rights education starting at the primary school-level to increasing the quality of le-

gal education at universities and providing human rights training to public officers.

The following are some of the activities that will be carried out within the scope of this aim in order to achieve the targets of raising the awareness of public officials, judges, prosecutors, and lawyers on human rights, raising public awareness on human rights, improving and spreading education on human rights, improving the quality of legal education, and enhancing cooperation with international human rights mechanisms.

Activities

- Fundamental human rights issues will be included in the pre-service and in-service training programmes offered to all public officials, in particular those who work at the information enquiry units of public institutions and organisations.
- Religious officers will be given training on fundamental human rights to raise public awareness of human rights in society.
- Necessary measures will be taken in the public sector and private sector establishments will be encouraged to increase women's employment and their participation in work-life under fair conditions.
- Within the scope of pre-service and in-service training, judges, prosecutors, and lawyers will be offered regular training on human rights, with the inclusion of the case-law of the Constitutional Court and the European Court of Human Rights (ECtHR).
- "Turkey's Human Rights Report" will be prepared annually and shared with the public.
- Human rights education programmes will be developed for primary and secondary education in order to develop human rights awareness from an early age.
- Human rights courses will be compulsory at faculties of law and will be included in the course catalogues of other related faculties.
- The number of human rights departments and human rights research centres will be increased within universities.
- Student quotas at faculties of law will be limited at a certain level in order to allow for a higher quality of education.
- The number of qualified experts equipped with the necessary skills for assignment at international human rights bodies will be increased.

Source: Ministry of Justice

Quick Takeaways

- Comprehensive work on political parties and election legislation will be carried out to strengthen democratic participation.
- Harmonisation with the European Union acquis will be accelerated.
- Legislative changes will be made to raise the standards of rights and freedoms.
- An application can be submitted to the Human Rights Compensation Commission without the need to make an individual application to the Constitutional Court.
- A Human Rights Monitoring Commission for penal institutions will be established.
- A vertical appeal procedure will be introduced for the decisions of magistrate judges.
- Arrest and detention procedures will be revised. The scope of catalogue crimes will be narrowed.
- Judicial control measures will be revised under a rights and freedom-based approach.
- Legislation on personal freedom and security will be reviewed within the framework of the principle of proportionality.
- A high level of protection will be provided to the reputation of individuals and their private lives in judicial processes.
- Cybercrime and cyberbullying will be tackled more effectively.
- The practise of detaining individuals for the sole purpose of taking statements will be ended.
- An administrative settlement procedure will be introduced to resolve disputes between the state and real and legal persons swiftly and in the most cost-efficient manner.
- The time limit for responding to applications addressed to the administration of a public institution will be reduced from 60 to 30 days.
- The time limits to apply for legal remedies such as objections, appeal, and cassation in the judicial and administrative justice system will be harmonised.
- In disputes to which the administration is a party, the 'pilot case' procedure will be introduced.⁹
- Property rights will be protected more effectively.
- In the administrative justice system, the reasoned judgments will be given within 30 days after the judgement is delivered.
- An age requirement will be imposed for high judicial membership.
- Seniority will be a condition for certain positions in the judiciary.
- Internship opportunities for members of the judiciary at the ECtHR will be increased.
- A system of assistant judges and prosecutors will be introduced.
- Human Rights Research Scholarships will be awarded.
- The right to defence will be strengthened.
- Employee benefits of lawyers in the public sector will be revised.
- The scope of aggravating circumstances for crimes against women will be expanded to include the divorced spouse.
- Lawyers will be appointed to support women who are victims of violence.
- Real estate sale contracts will be able to be prepared by notaries.
- Convicts' ties with their families will be strengthened.
- The 'e-hearing' practice will be extended.

Source: Utku Uçrak / Anadolu Agency

⁹ A "pilot case" procedure will allow a ruling delivered in a dispute to which a public administration is a party to be binding in respect of other disputes concerning the same matter.

What's next?

Turkey's Human Rights Action Plan was announced by President Erdogan on March 2, 2021. The implementation of the Plan is envisaged to be carried out over the course of two years. To evaluate and monitor the implementation of the Plan, a transparent monitoring mechanism will be established. The "Monitoring and Evaluation Board", which is made up of representatives from relevant ministries and committees will be responsible for tracking the implementation of the Plan. Every four months, ministries will prepare their implementation reports in their respective areas while an "Annual Implementation Plan" will be prepared by the Ministry of Justice. They will be submitted to the board for approval and announced to the public by the Presidency of Turkey.

President Erdogan has stated that the ultimate goal of the Action Plan is to draft a new constitution. The Plan stresses that human rights and freedoms are best protected and enjoyed by the safeguard of a constitution. Despite the several amendments made to the existing constitution, which was adopted in 1982 after a military coup, it still carries exceptions and reminders of military tutelage. Based on this reality, the Plan underscores that a new constitution based on freedom and protection of human rights is imperative for democracy and the rule of law. The Plan identifies making a new constitution that provides safeguards for human rights and freedoms a historic duty and stresses that one function of the Plan is to serve as a starting point for the drafting of a new constitution.



(Mustafa Kamacı - Anadolu Agency)

