

Situation in the east and south-east

The Government pledged to continue security operations, dismissing any prospect of a resumption of the talks with the PKK, unless the terrorists surrendered arms and pulled the militants out of Turkey's territory. Long-lasting, round-the-clock curfews were imposed in several cities; these severely disrupted citizens' daily lives and impeded access to healthcare and education. Most of these curfews have now been lifted, but they were followed by others. Between July 2015 and September 2016, over 1 500 people – of which 320 civilians, **including 75 children** and over 600 security force members – have been killed and 1 600 were injured in clashes between the security forces and the PKK.

Education and innovation

Although previous reforms and increased spending on education have generated a positive impact on educational attainment and enrolment rates, progress seems to have stalled recently. Significant problems remain over gender equality and the quality of education. **Enrolment rates for pre-schooling (until the age of 6) increased to 55.48 % while they declined to 94.87 % for primary education and 94.39 % for lower secondary education. The reason for the decrease in primary education is that for children at the age of five, parents have a choice between pre-school or primary school.**

For upper secondary education, the enrolment rate is close to 80 %, while for higher education, it is close to 40 %.

ERP policy guidance: Pursue the education agenda and improve the qualifications of low-skilled workers in order to make better use of human capital, in particular of young people.

Primary school results are lagging behind the EU average.

According to the most recent PISA3 study on the educational performance of 15-year-old students, Turkish students improved in all three subjects tested (science, mathematics and reading) between 2009 and 2012. However, the improvement was less pronounced than in the preceding three-year period and Turkey remained 48 points below the OECD average. The measures taken by the Government following the coup attempt of 15 July resulted in considerable staff dismissals and changes in education institutions, posing risks to the stability of Turkey's education sector. Regarding vocational education and training, the share of vocational and technical education in secondary education increased from 35.8 % in 2003 to 51 % in 2013.

Chapter 19: Social policy and employment

Child labour persists, including in its worst forms.

Child workers continued to be victims of fatal accidents.

A recently adopted national strategy and action plan on Roma citizens aim to address the problem of low-skilled and low-status work and **child labour**.

Severe material deprivation persists, especially for Roma children, and it is higher in the eastern regions. **People with disabilities are at high risk of social exclusion and poverty**; measures to increase their employment have been ineffective.

The lack of institutions and services to care for children, the elderly and sick people, including for long-term care, continue to hinder women's employment due to the gender bias for caring responsibilities.

Fundamental rights

Turkey is party to most international human rights instruments. Following the attempted coup of 15 July and the declaration of the state of emergency on 20 July, Turkey announced that it was invoking Article 15 of the ECHR, which gives governments the possibility to derogate in a temporary, limited and supervised manner from their obligation to secure certain rights and freedoms under the Convention in times of emergency.

In the reporting period Turkey ratified protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms, the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and its Additional Protocol, the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children; the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

The Optional Protocol to the Convention on the Rights of the Child and Additional Protocols 4, 12 and 16 to the ECHR are yet to be ratified. In March Turkey signed the three Additional Protocols to the CoE Convention on Extradition, and the 2001 Additional Protocol to the CoE Convention on Mutual Assistance in Criminal Matters. The Protocol to the Convention on the Transfer of Sentenced Persons was adopted and published in the Official Journal in February. The instrument of ratification was deposited to the Secretariat of the CoE in April.

Since September 2015, the European Court of Human Rights (ECtHR) has found one or more violations of the European Convention on Human Rights (ECHR) in 75 cases relating mainly to the right to life, prohibition of torture, right to liberty and security, right to a fair trial, right to respect for private and family life, freedom of thought conscience and religion, freedom of peaceful assembly, prohibition of discrimination and protection of property. A total of 2 075 new applications were allocated to a decision-making body, bringing the number of pending applications to 7 982. The EU has called on Turkey to intensify its efforts to implement all ECtHR judgments. Turkey has 938 cases under the enhanced supervision procedure.

On the promotion and enforcement of human rights, the National Human Rights Institution was replaced by a National Human Rights and Equality Institution established in April 2016. As its board members are not yet elected, cases of alleged violations are currently not being followed up. This vacuum causes particular concern in light of the high number of alleged violations in the aftermath of the attempted coup. While the new human rights institution has the power to launch investigations of its own initiative into potential human rights violations, it can no longer accept applications over human rights violations that are in the remit of the Ombudsman. This has clarified the division of tasks between the two institutions but the continued weakness of the Ombudsman's office and the limited follow-up to its recommendations in this field raise questions about the effectiveness of redress for potential victims of human rights violations. The National Human Rights and Equality Institution is responsible for non-discrimination policy. The new institution's functional, structural and financial independence has not been ensured in line with the Paris Principles and the EU acquis.

The Constitutional Court and other higher courts generally continued to follow ECtHR case-law in their rulings. However, there was limited implementation and no revision of the 2014 action plan on preventing violations of the ECHR. The second implementation report has been prepared but the absence of public reporting undermines the accountability of institutions responsible for implementation. The Venice Commission published three Opinions on Turkish legislation concerning

the criminal code, the internet law and the legal framework governing curfews, which included recommendations for revising legislation.

The conditions for the activities of the human rights defenders have deteriorated throughout the reporting period. They worsened further after the coup attempt and the declaration of the state of emergency. There have been reports on cases of intimidation of individuals who tried to alert on allegations of torture and ill-treatment.

Concerning the right to life, Turkey is a party to Protocol 13 of the ECHR abolishing the death penalty in all circumstances. Public officials' repeated declarations, including by the President, following the attempted coup considering the possibility to reinstate the death penalty raised concern. There is no comprehensive approach over missing persons, exhumation of mass graves and independent investigation of all alleged cases of extrajudicial killing by security and law enforcement officers. The statute of limitations on these cases is an impediment to justice.

There was backsliding on the prevention of torture and ill-treatment, especially in the context of counter-terrorism operations in the south-east. Allegations of torture and ill-treatment are not properly investigated or punished, with few, usually overly lenient, sanctions given. There continues to be a need to ensure prompt impartial and effective investigation of all cases of alleged extrajudicial killings by security and law enforcement officers, including in the context of counter-terrorism operations in the south-east. Impunity remains one of the core problems. Turkey needs to align its legislation on the prevention of torture and ill-treatment with the ECHR and with ECtHR case-law. The National Human Rights and Equality Institution has taken over the role of national preventive mechanism, however, the institution has yet to become operational. Concerns that the institution is not sufficiently independent bring into question its ability to perform this duty effectively in line with requirements under the Optional Protocol to the Convention against Torture. Given that torture is prohibited according to Turkish legislation, it is all the more important that allegations are swiftly investigated and that existing legal structures in Turkey that prohibit torture and ill-treatment are able to perform their mandate. The fact that the existing prison monitoring boards have been disbanded and reappointed during this period increases the risks inherent in this situation. Controversial amendments to the Law on the personnel of the Turkish armed forces were adopted in June. The amendments, which grant judicial privileges to military personnel and expand the armed forces' legal powers in domestic security operations, raise concerns as they may lead to impunity.

In May, the UN Committee against Torture (CAT) found in its fourth periodic review on Turkey that it had not received sufficient information on prosecutions for torture, including in the context of ECtHR decisions and that despite ongoing investigations into torture and excessive use of force by security officials, relatively few cases of sanctions and fines were recorded. The CAT also expressed concerns about numerous credible reports of torture and ill-treatment of detainees in the south-east and demanded prompt, thorough and impartial investigations into all such allegations. Turkey should urgently implement the CAT's recommendations and work constructively with the UN Special Rapporteur on torture.

There were also allegations of widespread cases of torture and ill-treatment in the immediate aftermath of the coup attempt. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out an ad hoc visit to Turkey from 29 August to 6 September 2016. The purpose of the visit was to examine the treatment and conditions of detention of persons who have been detained in connection with the coup attempt. In line with best practices and transparency requirements and in order to build confidence in this sensitive area, the Turkish authorities are encouraged to authorise the publication of such reports shortly after their

inception. Cases of death in detention of arrested persons following the attempted coup need to be thoroughly investigated. The prohibition of torture and ill-treatment and procedural rights of suspected and accused persons need to be fully observed in law and in practice, in line with the country's international obligations, in particular the European Convention of Human Rights.

As regards the prison system, prison staff members continued to receive training on Council of Europe standards and human rights. The shortage of psychologists, social workers and sociologists negatively affects the rehabilitation of inmates. Civil society and professional organisations are not allowed to be involved in rehabilitation and probation. Solitary confinement and arbitrary practices are often used as disciplinary sanctions.

Following the July coup attempt, a large number of suspects were detained in irregular locations without appropriate detention conditions and serious impediments to their procedural rights according to European standards were reported. There was a sharp rise in the prison population and prison overcrowding reached very worrying limits. A Law Decree amending the Law on Enforcement of Sentences in August resulted in the release on probation of around 40 000 inmates in order to create room in prison facilities to deal with detained and sentenced persons suspect of implication in the coup attempt. Following their release, there were 192 181 people for some 180 000 places in the penal institutions, of which 59 819 are detained and 132 362 convicted as of 9 September 2016. The prison population rate has grown to over 200 per 100 000 inhabitants which is a high figure among Council of Europe states.

The data protection law adopted in March is Turkey's first specific piece of legislation in this area. It provides for the establishment of a Data Protection Agency, with a nine-member board. Of its members, five are to be selected by Parliament, two by the President and two by the Council of Ministers. The Personal Data Protection Agency will be affiliated to the office of the Prime Minister. The newly adopted law contains an extensive list of exceptions in particular the exclusion of national defence, national security, public security, public order and economic security as well as processing of personal data by judicial and law enforcement authorities from its scope of application. Further exclusions apply to investigations and prosecutions, as well as criminal and execution proceedings. The law represents progress, compared with the previous situation in which no legislation existed on this matter. However, it is not in line with current EU acquis in particular as the provisions on the composition and the functioning of the authority in charge of supervising the use of personal data do not provide assurances for it to act in a completely independent manner, and because the activities of the law enforcement agencies and judicial authorities are not entirely covered by the obligation to respect the personal data protection rules. Turkey should align the legislation on personal data protection to EU acquis notably to ensure that the data protection authority can act in an independent manner and that the activities of law enforcement agencies fall within the scope of the law. The Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data was ratified in May. Turkey ratified in July the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 181) which concerns supervisory authorities and trans-border data flows.

On freedom of thought, conscience and religion, freedom of worship continued to be generally respected. Insulting religion and blasphemy are criminal offences. In January, the government submitted two action plans to the Council of Europe Committee of Ministers on the implementation of ECtHR decisions on Cem Houses and two decisions on compulsory religion classes. A comprehensive legal framework in line with ECtHR rulings, CoE recommendations and EU standards needs to be put in place and consistently implemented. Particular attention should be given to implementing the ECtHR judgments on the exemption from compulsory religion and ethics classes, indication of religious

affiliation on identity cards and Alevi worship places. Other pending issues are: legal personality of religious bodies and institutions; rules on participation in religious elections, and work and residence permits for foreign clergy. Turkey is the only member of the Council of Europe that does not recognise the right to conscientious objection for conscripts. Outstanding issues concerning the Alevi community need to be tackled, including the implementation of several ECtHR judgments.

The Ecumenical Patriarchate received no indication from the authorities that it may use the 'ecumenical' title freely. Venice Commission recommendations on this issue are yet to be implemented. No steps were taken to open the Halki (Heybeliada) Greek Orthodox Seminary. There were reactions triggered by the controversial use of the Hagia Sophia, which is a museum situated within a listed UNESCO world heritage site, for marking religious celebrations. The Armenian Patriarchate's proposal to open a university department for Armenian language and clergy has been pending for several years. Similar demands have been made by different Christian communities who sought to train clergy. Similar problems exist over the construction of places of worship. Hate speech and hate crimes against Christians and Jews continued to be repeatedly reported (see below — minorities). Inter-religious dialogue remains an important element in this area.

Freedom of expression

There was serious backsliding on the freedom of expression. The authorities took further action to curtail freedom of expression. Measures taken against media representatives, in particular in relation to the coup attempt have increased concerns. In addition, the scope of actions taken by decree-laws under the state of emergency has been broadened to pro-Kurdish and opposition voices.

The high number of arrests of journalists after 15 July is a serious concern. Due process, the right to fair trial and the respect of the principle of the presumption of innocence should be guaranteed. Prior to the 15 July coup attempt, there were 36 journalists in prison, many of whom were charged with crimes under the anti-terrorism law. In the aftermath of the coup attempt, by the end of October, some 90 journalists were arrested bringing the total to more than 130, many of whom face charges under Art. 6 of the anti-terror law. The number of detentions, judicial prosecutions, censorship cases and layoffs soared. Since July 15, more than 2,500 journalists have lost their jobs. The criminal investigation launched in June 2015 against a critical newspaper and its editor-in-chief over publication of documents on arms deliveries allegedly conducted by the National Intelligence Service to Syria resulted in prison sentences of five years (under appeal). The undue pressures and at times openly hostile climate in the area of freedom of expression became evident in the public assassination attempt on the said editor-in-chief during his trial. In October, the new editor in chief and several writers of the same newspaper were also detained for alleged links to terrorist organisations.

Takeovers of media groups by the Government continued. Trustees modified the editorial policy, while numerous journalists were laid off. One such media group was closed down five months after a board of trustees was appointed. In the aftermath of the coup attempt, the government issued decrees-laws ordering the closure of TV channels and radio stations, predominantly for alleged links to the Gülen movement. However the closures and suspensions extended to a number of channels broadcasting in Kurdish language, one Alevi channel and some opposition channels. By the end of October, 46 TV channels and radios stations, five news agencies, 55 papers and 18 magazines were closed, while arrest warrants were issued against some 90 journalists, access to more than 20 news websites was blocked and the licences of 29 publishing houses were revoked. Among these, 23 out of 39 TV channels and radio channels broadcasting in Kurdish language, as well as several newspapers in Kurdish language, have been closed. The proportionality and alignment with international standards of those restrictive measures, including in times of emergency, is questionable.

Politicians continued to publicly condemn and intimidate journalists, editors, academics and human rights defenders for their critical views. The increased use of hate speech by officials including senior representatives of the state is a major concern. Several papers faced repeated refusals of accreditation for government events. There were cases of foreign journalists facing difficulties in exercising their profession in Turkey, such as through deportation, being refused entry and being refused renewal of accreditation.

Requests to the Ministry of Justice for permission to launch investigations over insults to the President under Article 299 of the criminal code increased from 56 cases in 2014 and 1 653 cases in 2015, to 1 867 cases in 2016. As of 1 September 2016, 59 persons were detained on the basis of this article, of which a (17-year-old) juvenile. The exponential increase in this practice has been criticised by international institutions and recommendations have been made to curtail the use of this article in line with the European consensus. As a gesture of goodwill in the aftermath of the coup attempt, both the President and the Prime Minister have dropped a number of compensation civil cases, but not for cases involving HDP politicians.

There was no revision of the provisions in the anti-terror law or the criminal code. Selective and arbitrary application of the law, especially of the provisions on national security and the fight against terrorism, is seriously limiting freedom of expression. Four members of the 'Academics for Peace', who in January 2016 signed a declaration condemning the security operations in the south-east and calling for resumption of the peace talks, while falling short of condemning the terrorist acts from the PKK, were arrested on charges of disseminating terrorist propaganda. Many others have been subjected to both disciplinary and criminal proceedings. The Internet Law and the general legal framework continue to enable the executive to block content without a court order on an unduly wide range of grounds. The internet law as well as the provisions on insulting the President, on defamation and Article 314 of the criminal code on membership of armed organisations should be amended in line with the Venice Commission's recommendations of March 2016. Media blackouts were imposed in several cases. The ECtHR ruled in December 2015 that Turkey violated the ECHR when the Telecommunications Communication Presidency (TIB) banned Twitter and YouTube in 2015 on grounds of terrorist propaganda. In the absence of official statistics, civil society indicated that 110 846 websites had been banned, of which 2.6 % on the basis of a court decision. In August, a decree taken under the state of emergency replaced TIB with a new body, the Information and Communication Technologies Authority (BTK), with wider powers to enforce restrictions on freedom of communications.

The Board of directors of the Turkish Radio and Television Corporation (TRT) is appointed by the government which induces a risk of politicisation. Its independence needs to be protected by law. Even though the Radio and TV Supreme Council (RTÜK) submitted reports on detected violations to the Supreme Board of Elections, no comprehensive reports on its media monitoring findings were published.

RTÜK continued to suspend and fine channels for broadcasting content that is 'contrary to the national and moral values of society, general morality and the principle of family protection' and decided to take a number of channels off the air within the framework of the state of emergency. These measures particularly affected independent channels and channels broadcasting in the Kurdish language.

The state-owned Turkish Satellite Communications Company (TÜRKSAT) excluded more than 30 TV and radio channels for spreading alleged terrorist propaganda. TÜRKSAT's decisions lacked solid legal grounds, with neither a court decision nor a licence cancellation by RTÜK.

There was backsliding on the freedom of assembly and association. While the Constitution provides for freedom of assembly in general terms, other pieces of legislation continue to pose serious limitations on the effective implementation of this right, including provisions under the April 2015 internal security package. A number of demonstrations were seen as security threats, many of which on the Kurdish issue, as well as on environmental protection or which were considered to be critical of government policies. There was widespread use of excessive force by the authorities against peaceful demonstrators in the reporting period. LGBTI marches in Ankara and in Istanbul were again banned in 2016. The relevant ECtHR case-law on the freedom of assembly needs to be implemented and the Law on meetings and demonstrations urgently needs to be revised accordingly.

In the aftermath of the coup attempt, daily peaceful gatherings in support of the government took place with logistical support from the authorities. In August, close to three million citizens, including representatives of major political parties gathered in Yenikapi in a display of unity against the attempted coup, while HDP was excluded. Several demonstrations critical towards the government policy were banned in different provinces in the post-coup period.

The Constitution provides for freedom of association. However, in practice this is restricted. There have been complaints from LGBTI, women's and other rights-based associations that excessive administrative burdens are imposed on them by the authorities. The legislation on the freedom of association for national and foreign organisations and its implementation should be brought in line with European standards. Provisions restricting registrations, procedures for permissions and the functioning of associations need to be revised using clear implementation criteria and applied in a consistent and non-discriminatory manner.

After 15 July, two trade union confederations and their 19 member trade unions, with almost 50 000 workers affiliated, were closed by a decree taken under the state of emergency over alleged links to the Gülen movement. The decree also closed 1 229 foundations and associations.

On property rights, the implementation of the revised Law on Foundations for restitution of properties was finalised. Overall, 1206 property claims were rejected, of which some are pending either before local courts or at the ECtHR. Implementation problems were reported at the offices of title deeds and local registry offices despite appropriate implementation circulars issued by the government. The decisions on restitution of properties of non-Muslim minority foundations taken in previous years were challenged by the Treasury through court cases. The scope of the current legal framework needs to be broadened notably to cover foundations currently managed by the state and properties of foundations transferred to third persons. There were concerns over the government's decision in March on expropriations and the destruction of large parts of the Sur District in Diyarbakır.

Court cases on property restitution continued, including on ownership of the land on which the Syriac Orthodox Mor Gabriel Monastery is built. Syriacs and Yazidis still faced difficulties to register property. Latin Catholic churches still have neither legal personality nor foundation status, making it impossible for them to register property or seek restitution. Problems were reported for Greek nationals in inheriting and registering property, in particular following the Turkish authorities' implementation of the amended land registry law of 2012, which included a measure to limit the acquisition of property by Greek nationals. The 2010 recommendations of the Venice Commission on protecting property rights and education rights still need to be fully implemented. The Council of Europe Resolution 1625 (2008) regarding property rights on the islands of islands of Gökçeada (Imbros) and Bozcaada (Tenedos), needs to be fully implemented.

On non-discrimination, the new Law on the Human Rights and Equality Institution of Turkey contains provisions prohibiting discrimination on a large number of grounds and is a step in the right direction. There is still a need to adopt a fully comprehensive dedicated law on combating discrimination in line with the European Charter of Fundamental Rights, including with regards to sexual orientation. Turkey is encouraged to swiftly ratify Protocol 12 ECHR providing a general prohibition of discrimination. This would strengthen legal certainty. The National Human Rights and Equality Institution needs to be rapidly established and start processing cases of discrimination.

The criminal code is incomplete concerning hate crime and is not fully in line with best practices at international level. Turkey should take account of the recommendations of the European Commission against Racism and Intolerance of the Council of Europe in this field. Moreover, the provisions do not cover hate offences based on ethnic origin or sexual orientation. Non-discrimination is not sufficiently enforced either in law or in practice and the rights of minorities are not sufficiently upheld. Ethnic and religious groups and groups promoting gender diversity continued to report cases of discrimination in society and employment.

The legislative and institutional framework on equality between women and men is in place. Some institutions continued to build up their capacity to combat violence and discrimination against women through training. The private sector also stepped up efforts to address the issue. Tax incentives supporting the creation of private nurseries and day-care establishments were adopted in August. However, discrimination against women and gender-based violence were not sufficiently addressed owing to weak implementation of the legislation, low quality of services available and the weak political commitment to gender equality, exemplified by frequent public statements emphasising gender stereotypes and promoting the traditional role of women. Since Turkey's ratification in 2014 of the Council of Europe Istanbul Convention on preventing and combating violence against women and domestic violence, the country has not taken any concrete steps to harmonise its domestic legislation with the Convention and to raise awareness. Further efforts to implement the existing law and national action plan on the protection of family and prevention of violence against women are needed. Domestic violence led to the death of 413 women in 2015. Female refugees, single women and pregnant women remained vulnerable. **Early and forced marriage continued to be a major concern, including among the Syrian refugee population.** Protection of women from violence and legal redress in cases where victims pursue judicial proceedings remained insufficient. The number of women who seek formal help or report to the justice system is still very low. **Milder sentences for sex crimes are justified by 'consent', 'undue provocation' and 'appearing older'**. No system for collecting comprehensive data on gender-based violence exists. Shelters for victims of domestic violence increased their capacity, but they still need to be developed further. There is very limited administrative follow-up to cases of domestic violence and no link with social services.

There was limited progress in overall policy, legislation, coordination and monitoring on the rights of the child. Due to the introduction of child-specific procedures and outreach efforts, the special Ombudsperson received more complaints directly from children. There was a high-level commitment to education for Syrian refugee children which should be extended to other refugees and vulnerable groups. However, the implementation of the 2013 national children's rights strategy and action plan remained poor. No national strategy is in place to prevent violence against children nor is an effective system of monitoring rehabilitation centres and institutions in place. Research on sexual abuse and ill-treatment of children is insufficient. A parliamentary committee to examine child sexual abuse was established but more efforts are needed to effectively prevent and punish child abuse. In July, the Constitutional Court's ruling to annul a provision that punishes all sexual acts against children under the age of 15 as "sexual abuse", caused outrage from academics and

human rights activists who warned that the decision would lead to cases of child abuse going unpunished. The court set a 6-months deadline for the legislation to be clarified in this regard and the government is advancing preparations.

On juvenile justice, the average duration of trials in the juvenile courts decreased. However, juvenile courts have not been established in all provinces and more than half of juvenile offenders continue to be tried in non-specialised courts. Juveniles continued to face arrest and detention on charges of membership of terrorist organisations. The number of children in pre-trial detention increased. As of 9 September, there were 2 419 juveniles in penal institutions of which 12 were held for terror-related crimes. The quality of legal aid for juveniles and rehabilitation activities is a matter of concern. There were reports of torture, ill-treatment and sexual abuse of juveniles in detention. On occasions juveniles were kept in wards for adult inmates, contravening international standards. Further efforts are needed to ensure that justice for children is effectively implemented and that no derogations from international standards are accepted.

On the rights of persons with disabilities, the new law establishing the Human Rights and Equality Institution confirms the prohibition of direct or indirect discrimination on the basis of disability. However, certain laws in place still work against the principles enshrined in the UN Convention on the rights of persons with disabilities. The number of disabled pupils in primary and secondary education continued to increase but access to higher education remained a problem and ‘lifelong learning’ opportunities were limited. The illiteracy rate among disabled persons is high. Accessibility of public services and buildings for persons with disabilities remained a widespread problem. Existing fines and the 2018 deadline in the transport sector for fulfilling accessibility criteria need to be complemented by public awareness-raising campaigns and appropriate incentives. There is a lack of quantitative and aggregated data on participation by persons with disabilities in economic and social life. Significant shortcomings persist over the integration and empowerment of persons with disabilities with respect to their environment, social attitudes and quality of services. Lack of early and suitable diagnosis limits early access to appropriate services for many **children with disabilities or developmental delays**. Turkey still has no mental health law and no independent body to monitor mental health institutions.

There are serious concerns with regard to fundamental rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. The new Law on the National Human Rights and Equality Institution does not explicitly include sexual identity and sexual orientation among grounds for discrimination. In the military disciplinary system, homosexuality is still defined as a ‘psychosexual disorder’ and in the military’s medical regulation as an illness. An anti-homophobia march was banned in Ankara in May. The June LGBTI movement pride parade in Istanbul was not allowed to go ahead for the second consecutive year. Intimidation and violence against the LGBTI community increased including the killing of at least two persons. LGBTI organisations who came under threat from fundamentalist terrorist groups did not receive protection from the government. Hate crimes, attacks and murders as well as police violence against transgender people and activists are a source of serious concern. There is no specific legislation against these crimes. Some media outlets promote hate speech against LGBTI persons. The law suits filed by LGBTI persons in such cases usually do not result in effective investigations or sanctions by the judiciary. Discrimination over the right to employment on the basis of sexual orientation remains widespread.

Some aspects of procedural rights are guaranteed by law, including legal aid and the right to translation and interpretation in criminal matters, but the legislation needs to be aligned with European standards. Furthermore, these rights have been severely violated in practice, in particular in the context of anti-terrorism operations and in the wake of the attempted coup, when access to a lawyer was in many cases not guaranteed and information on charges not always communicated in

due time. It is a concern that the decrees adopted under the state of emergency provide for important restrictions to the right of defence, such as limitations to confidential communication between pre-trial detainees and lawyers through recording of the meetings, as this presents risks for the right to a fair trial and leaves detainees vulnerable to ill-treatment. There are reports that lawyers are, due to perceived personal risks, refusing to take up or adequately pursue the cases of alleged coup plotters which results in further practical impediments to fair trials. Legal aid is provided by law in listed cases and access to it needs to be broadened. Turkey should consider adopting specific legislation on the victims' rights.

The dialogue between the government and representatives of minorities continued. A positive judgment was issued in a lawsuit against the Grey Wolves Organisation in Kars on charges of hate speech against Armenians. However, hate speech and threats directed against minorities remained a serious problem and long delays in cases where religious representatives or their property were attacked amount to impunity. School textbooks need to be revised to delete remnants of discriminatory rhetoric. There is still no regulation on election procedures for non-Muslim foundations after the previous regulation was annulled in 2013. This continued to prevent minority foundations from electing board members.

The increased representation of smaller ethnic and faith minority groups in Parliament in the June 2015 elections, although still symbolic in numbers, was confirmed at the November 2015 elections. The positive steps of the previous education year regarding teacher recruitment and state subsidies for minority schools were not duly implemented in the reporting period. The second church in Istanbul has not been opened yet despite requests by the Syriac Orthodox community. The main case launched in connection with the assassination of Armenian journalist Hrant Dink in 2007 was combined with new indictments against 27 public officials. Several people including law enforcement officials were also arrested in connection with this case; their indictment is pending. The penal case related to the killings of three Protestants in 2007 has ended in September with life time convictions for the five accused persons pending appeal. The Turkish authorities continued to respond strongly and systematically whenever the 1915 events were recognised as genocide abroad.

In April the government adopted a 2016-2021 national strategy and 2016-2018 action plan for Roma which is a positive step forward. The strategy addresses key obstacles to the social inclusion of Roma and lays down measures in various fields, including housing, education, employment and health. Turkey needs to start implementing the strategy and set up a monitoring and evaluation mechanism. Preliminary work started on a comprehensive survey on the situation of the Roma in Turkey but overall there is a lack of quantitative, qualitative and comparable data on Roma. Turkey appointed its contact point for the Roma Integration 2020 Initiative and needs now to step up its engagement.

Access to health services continued to improve, while medical services were largely accessible for Roma families. Procedures for the Roma to obtain civil documentation are cumbersome and should be made easier. Roma groups continued to face discrimination in social and economic life and in accessing employment and quality education. Absenteeism in school remained high, including in compulsory primary education, and **child labour is a major problem in the Roma community**. Urban development projects continued to disadvantage the Roma by depriving them of traditional job opportunities and solidarity networks. A significant court case was brought over the 2010 campaign to lynch and evict Roma.

On cultural rights, the Government still did not legalise the provision of public services in languages other than Turkish. The teaching of optional courses in Kurdish in public state schools was maintained. University programmes in Kurdish, Arabic, Syriac and Zaza continued. The Mesopotamia Foundation

established in Diyarbakır started preparations to open a Kurdish language university. However, legal restrictions on possibilities for mother tongue education in primary and secondary schools remained in place. Education in mother tongues other than Turkish is not allowed apart from in minority schools recognised under the Lausanne Treaty. Kurdish-teaching schools in Diyarbakır and Nusaybin were closed down as they could not be formally registered. The Turkish authorities' decision to close a number of media outlets publishing or broadcasting in Kurdish language and on Alevi culture is a source of concern.

Legal and irregular migration

Institutional set-up and legal alignment

Following the entry into force in 2013 of the Law on foreigners and international protection, the General Directorate for Migration Management (DGMM) continued to increase its capacity and consolidate further its presence in the provinces of Turkey. Currently, the DGMM has 365 staff centrally and 2 540 in the provinces. In addition, 100 people will be posted overseas. Recruitment and training processes continued throughout the reporting period. In March 2016, the by-law implementing the Law on foreigners and international protection entered into force. The DGMM continued to expand its capacity to accommodate irregular migrants. Currently Turkey has 18 removal centres with a total capacity of 6 670 while the DGMM is planning to construct 12 more removal centres which would increase the existing capacity by 4 820. Another six removal centres are to be constructed with EU funding. DGMM has initiated work on a national monitoring system to ensure regular oversight of conditions and access to protection measures for migrants in the removal centres. Turkey needs to establish sufficient capacity including staff and procedures to identify and treat vulnerable asylum seekers including those with special needs.

The Strategy Document and the National Action Plan on irregular migration approved in March 2015 was launched in November 2015. A bilateral readmission agreement with Pakistan entered into force in April 2016. Bilateral readmission agreements were signed with Nigeria, Bosnia-Herzegovina, Yemen, Montenegro, Kosovo and Norway but entry into force is pending. Negotiations for a readmission agreement are ongoing with Switzerland and Afghanistan.

Implementation and enforcement capacity

Turkey continued to be a major first reception and transit country for irregular migrants from Asia and Africa heading to Europe. Over the reporting period, a large number of refugees and irregular migrants mostly (but not only) fleeing the conflict in Syria have been transiting through Turkey on their way towards the European Union. Illegal border crossings reached unprecedented numbers in 2015. In 2013 and 2014, the numbers of people who arrived in the EU directly from Turkey were 25 121 and 52 994 respectively. In 2015 this number increased to 888 457, an almost 16-fold increase. Around 98 % of irregular entries occurred via the Greek islands from the nearby Turkish Aegean coast, often facilitated by smugglers. The remaining 2 % were people crossing Turkey's land border with Greece and Bulgaria. According to the Turkish authorities, more than 146 485 people were intercepted in 2015 while crossing the border illegally, an increase of 150 % from 2014. At least 806 irregular migrants died or went missing between Greece and Turkey in 2015, according to the International Organization for Migration. This number was 413 in 2016 until the end of September. Human losses at sea decreased sharply from 366 in the three months before the activation of the Statement (January to March) to 47 in the six months following its activation (April to September). Most of those who crossed the borders illegally continued their journey within the EU, eventually applying for asylum in an EU Member State.

Irregular arrivals from Turkey to Greece fell sharply after the activation of the Statement. After an extraordinary increase in 2015 – according to Frontex figures, the number of irregular crossings from Turkey to the EU rose from 52 994 in 2014 to 888 457 in 2015 – the trend was reversed after the activation of the EU-Turkey Statement in March 2016. Of 164 389 irregular crossings in 2016 until the end of September, 141 753 took place in the period preceding the activation of the Statement (January to March), and only 22 636 occurred following the activation of the Statement (April to September). The daily average of irregular crossings fell from 1 794 in the period from January to the activation of the Statement to 116 from its activation to the end of September. The decrease was partly due to the intensified work by Turkey's law enforcement agencies to prevent irregular departures from coastal areas and measures restricting the free movement of people seeking international protection and people under temporary protection to the provinces to which they had been assigned, in combination with the implementation of a return scheme from the Greek islands that contributed to break the business model of smugglers.

Turkey continued to develop its administrative capacity to implement the EU-Turkey readmission agreement, which entered into force in October 2014 for Turkish nationals. Implementation of the agreement for Turkish nationals remained nevertheless unsatisfactory as the provisions of the agreement were not observed in a systematic and coherent manner by all Turkish diplomatic missions in the EU. Turkey ratified the advanced entry into force of the third-country provisions of the EU-Turkey readmission agreement as of 1 June 2016. However, Turkey stated that it will not implement the third-country provisions of the agreement until the EU confirms that the remaining visa liberalisation benchmarks have been fulfilled. The Turkish Council of Ministers decision allowing for the application of the EU-Turkey provisions for third-country nationals is still pending and more than 1 000 readmission applications from Bulgaria, Greece, France and Germany remain unanswered so far. Full and effective implementation of the readmission agreement towards all Member States is crucial and one of the benchmarks in the visa liberalisation roadmap.

The implementation of Turkey's existing bilateral readmission obligations towards Greece improved as the acceptance rate of readmission requests sent by Greece in the framework of its bilateral agreement with Turkey increased substantially during the first half of 2016. However, as of June 2016, Turkey stopped responding to readmission applications for irregular migrants on the Greek mainland. Turkey then responded positively in October to 32 readmission requests submitted by the Greek authorities in the framework of their bilateral agreement, but 96 cases submitted since 1 June remain unanswered.

Since the activation of the EU-Turkey Statement of 18 March, return operations from Greek islands to Turkey are carried out on the basis of commonly agreed readmission lists. Turkey considers these returns to occur strictly under the political commitments of the EU-Turkey Statement and not under its obligations deriving either from the EU or its bilateral readmission agreement with Greece. Cooperation has been smooth, facilitated by liaison officers deployed by each party to their counterpart authority. Following the coup attempt of July, Turkey withdrew its liaison officers from the islands. New liaison officers were appointed in October 2016.

Turkey does not readmit third-country nationals from Bulgaria as, on the one hand, in 2012 Turkey unilaterally stopped implementing its bilateral border agreement of 1967 with Bulgaria, and on the other it is not implementing yet the third-country provisions of the EU-Turkey readmission agreement, pending a decision of the Turkish Council of Ministers. Since June, Bulgaria submitted more than 800 readmission applications for third-country nationals. However, Turkey has not processed these applications under either the bilateral or the EU agreement. Pending the full implementation of the EU-Turkey readmission agreement, Turkey and Bulgaria agreed in September on a practical way to

deal with third-country nationals requests for return to Turkey on the basis of commonly agreed lists; according to this arrangement the deadline for reply is 14 days. Procedures are still ongoing.

Turkey has at the same time become a major destination country for regular migration. At the end of 2015, 422 895 non-Turkish nationals held a temporary residence permit in Turkey, up from 379 804 in 2014. The Law on International Labour Force adopted by the Turkish Parliament in July 2016 introduced simplified procedures for work permits. A new work permit system called 'Turquoise Card' has been introduced aiming to attract qualified labour force into Turkey.

Asylum

Institutional set-up and legal alignment

Under the Law on foreigners and international protection, the DGMM is responsible for all refugee status determination procedures (including registration and documentation) and related decisions. While Turkey retains the geographical limitation to the 1951 Geneva Convention, the DGMM performs its tasks for all asylum applicants, regardless of their country of origin. The DGMM is bound to carry out international protection status determination and administrative procedures within specific timeframes. Its provincial branches started to register asylum seekers and to process their applications. Local branches of the Turkish national police continued to assist the DGMM with the registration. There are currently 62 'satellite' cities in Turkey where asylum seekers, conditional refugees as defined by the Turkish legislation and Syrians under temporary protection are assigned to reside.

In January 2016, Turkey adopted a regulation giving Syrians under temporary protection access to the labour market, although under some conditions and limitations. In particular, the law gives Syrian refugees unrestricted access to seasonal work and jobs in rural areas. The Regulation on temporary protection was amended in April 2016 to ensure that Syrians returned from Greece to Turkey who were not previously registered as beneficiaries of temporary protection or had lost their status due to their irregular departure from Turkey could be granted temporary protection status upon their return from Greece. In April 2016, Turkey issued a regulation expanding access to the labour market to all applicants and beneficiaries of international protection in Turkey. This was confirmed in the Law on International Labour Force adopted by the Parliament in July 2016. Accordingly, all applicants for international protection including applicants for conditional refugee status and persons under temporary protection as well as victims of human trafficking can apply for a work permit. International protection applicants can enrol in the general health insurance scheme, register at public schools and apply for social assistance.

Implementation and enforcement capacity

Turkey is hosting about 3 million refugees, the highest number in the world. Turkey is making commendable efforts to provide massive humanitarian aid and support to an unprecedented and continuously increasing influx of people seeking refuge from Syria and the neighbouring countries. Among the 60 different nationalities which have sought asylum in Turkey over the years, Syrian refugees are by far the most numerous, followed by Iraqis, Afghans, Iranians and Somalis. Around 2.7 million Syrians have been registered and granted temporary protection in line with the regulation on temporary protection. Around 270 000 of them live in 26 camps managed by the Disaster and Emergency Management Agency in ten Turkish provinces, while more than 2.4 million live in host communities across the country. Only a limited number of civil society organisations have access to provide services in the camps. As regards non-Syrians, the latest available figures from UNHCR concerning the registered active caseload (which includes registered refugees and asylum seekers)

indicate that at the end of September 2016, Turkey 'hosted' 113 758 Afghans, 28 534 Iranians, 125 879 Iraqis, 3 905 Somalis and 8 290 classified as 'others'. Out of these, UNHCR specifies that the persons having received the status of conditional refugees in accordance with the Turkish Law on Foreigners and International Protection were as follows: 3 472 Afghans, 5 994 Iranians, 25 295 Iraqis, 2 339 Somalis and 2 201 classified as 'others'. In April, Turkey committed to reduce the backlog of existing asylum applications by about 12 000 per month on average and to process them all by the end of 2016. As of 21 September, Turkey had issued 66 746 positive decisions, 12 418 negative ones while 106 685 cases remained under review. Turkish legislation foresees that all new asylum applications should be processed within six months from the date of registration.

Non-Syrian migrants are subject to a dual asylum system. Newcomers must apply for asylum at a DGMM Provincial Directorate of Migration Management (PDMM). They are also registered by the Association for Solidarity with Asylum Seekers and Migrants on behalf of UNHCR. Subsequently, the migrants are referred to a 'satellite' city and registered at the local PDMM. Once registered, they receive the status of 'international protection applicant' (term used by Turkish law to refer to asylum seekers). PDMMs issue an ID card for each applicant, which legalises the person's stay in Turkey. The ID number printed on the card grants access to a number of rights such as access to a health insurance scheme, public schools and social assistance. In October, **about 630 000 Syrian children aged between six and 17 years remained out of the national education system** despite efforts to counter this phenomenon.

Judicial cooperation in civil and criminal matters

The Law on international judicial cooperation in criminal matters was adopted in April 2016 and entered into force in May 2016. The Law covers mutual legal assistance, extradition, transfer of proceedings, execution of sentences and transfer of sentenced persons, consolidating international laws and regulations. It also sets out the duties and powers of both the national judicial authorities and the Ministry of Justice as the central authority for execution. Between February and April, the Parliament ratified: the second additional protocol to the European Convention on Mutual Assistance in Criminal Matters in April; three additional protocols to the European Convention on Extradition; and the Additional Protocol to the European Convention on Transfer of Sentenced Persons.

In 2015, EU Member States accepted 56 extradition requests from Turkey while Turkey accepted five requests from EU Member States. EU Member States accepted nine transfers of convicts to Turkey and Turkey accepted six transfers to an EU Member State. Turkey participated in regular meetings of Eurojust and shared information and documents. However, the personal data protection law is not yet in line with European standards, which prevented the start of negotiations for a cooperation agreement with Eurojust.

On judicial cooperation in civil matters, Turkey is now party to most international conventions in this area and ratified in October the **1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children and the 2007 Hague Convention on the International Recovery on Child Support and Other Forms of Family Maintenance; both will enter into force in February 2017**. Turkey has not yet ratified the European Convention on the Compensation of Victims.

Fight against organised crime

Institutional set-up and legal alignment

The regulation on prevention, identification, fight, coordination and cooperation against human trafficking entered into force in March 2016. It established an Anti-trafficking Commission with a mandate to: prevent human trafficking; design policies and strategies concerning the fight against this crime; prepare action plans; ensure coordination between public institutions and organisations, international organisations and civil society organisations. However, much remains to be done for full alignment with the acquis. In addition, the newly established **Anti-Trafficking Commission** has not defined yet its priority areas.

Turkey needs to improve its legislation on cybercrime and witness protection. Turkey is party to the main international conventions in the field. Data protection legislation was adopted in March but the legislation is not yet in line with European standards, as there are concerns over the effective independence of the **Personal Data Protection Agency** and because it contains an extensive list of exceptions on particular issues for processing personal data by judicial and law enforcement authorities. As a result, Turkey cannot conclude an operational agreement with Europol. A Turkish liaison officer has been stationed with Europol between May and September 2016 when he was recalled following the coup attempt of 15 July. A new Liaison Officer has been selected and will start in November 2016.

The scope of the witness protection law continued to limit the application of witness protection measures in some types of serious crimes. The respective roles of judicial and law enforcement actors need to be set out more clearly to improve cooperation. Witness protection measures can only be implemented after the witness testimony in the main hearing takes place. Legal amendments need to be made to the law to address these shortcomings.

A new 2016-2021 strategy for combating organised crime and 2016-2018 action plan were adopted in March 2016. The Ministry of the Interior will coordinate implementation of the strategy and action plan.

Implementation and enforcement capacity

Turkey has signed cooperation agreements for the fight against terrorism and crime with most Member States with a view to share information and conduct joint operations.

The substantial number of suspicious transaction reports (STRs) submitted to the Financial Crimes Investigation Board in 2014 doubled in 2015. The number of requests from prosecutors increased from 145 in 2014 to 239 in 2015. Despite the increase in the number of STRs and requests from prosecutors, the number of convictions dropped from 172 in 2014 to 65 convictions for money laundering as a stand-alone crime in 2015. In 2015, Turkish law enforcement authorities detained 108 003 suspects in connection with 73 017 drug-related crimes and courts pronounced 95 505 convictions.

The new 2016-2021 strategy plan for combating organised crime and a 2016-2018 action plan entered into force in March 2016. The Ministry of the Interior will coordinate implementation of the strategy and the action plan.

According to DGMM, 122 victims of human trafficking were detected in 2016 compared with 108 in 2015. The number of victims staying in special shelters went up from nine in 2013 to 107 in September 2016. The 157 helpline for victims of trafficking operates on a 24/7 basis and is available in different languages, including for international calls.

The National Cyber Security Council adopted a 2016-2019 strategy and action plan in February 2016. The Cyber Security Council is composed of undersecretaries from different ministries and other

relevant institutions. In addition, a more specific strategy and action plan are currently being prepared by the Turkish national police and the Ministry of Development. 185 people were enrolled in the witness protection scheme, a stable number since 2015.

Fighting organised crime and corruption remains fundamental to countering the illicit influence of criminal groups on the political, legal and economic systems.

Cooperation in the field of drugs

Turkey lies on the main transit route for drugs between Asia and Europe. Turkish law-enforcement bodies conducted successful operations during the reporting period, which resulted in the seizure of 53 682 kg of cannabis, 556 kg of cocaine, 8 294 kg of heroin, 5 673 901 ecstasy tablets and 15 083 735 captagon tablets. Seven operations were carried out with five countries (United States, Germany, the Netherlands, the United Arab Emirates and Italy). A total of 383 new psychoactive substances were included in the scope of the Law on supervision of drugs as a result of the activities of the early warning system working group. The Turkish national police substantially increased the number of sniffer dogs to 324 from 159 in 2015.

Narco-teams established in December 2014 to support the fight against drugs in high-risk areas such as schools have been set up in 29 provinces (they were 11 in 2015). Turkey aims to have such teams in place in all provinces by the end of 2016. The country reports annually to the European Monitoring Centre for Drugs and Drug Addiction. There were 56 treatment centres in 2015. However, rehabilitation and treatment capacity needs to be further increased. A nationwide survey of the population and schools needs to be carried out and capacity for data collection and analysis needs to be strengthened.

Turkey adopted a new policy framework on drugs. The 2016-2018 national drugs strategy and action plan entered into force in April 2016. Implementation is being coordinated by the Ministry of Health.

Chapter 26: Education and culture

In the area of education, the measures taken by the government following the coup attempt of 15 July resulted in considerable staff dismissals and changes in many education institutions, which will have long-term impacts. Some schools, youth organisations and higher education institutions were officially closed. Turkey is at an advanced stage of implementing the Bologna process, although significant quality differences persist among Turkey's higher education institutions. An independent and fully functioning Quality Assurance and Accreditation Agency remains to be established in conformity with European standards and guidelines. The Turkish Qualifications Framework was adopted in January 2016. Introducing modular curricula and a credited module system, instead of the current class passing system, remains an important issue for vocational education and training.

There has been some progress in the **enrolment rate of children**, particularly on pre-school education, which however still remains well below the EU average. In the 2015/2016 academic year, **the schooling rate of children was 95 % for primary education, 94 % for lower secondary education and 80 % for upper secondary education. Enrolment of girls increased to 80 %**. Turkey needs to develop a system to closely monitor and reduce early school leaving. Progress is still needed to make education more inclusive, especially for **Roma children and children with disabilities**. Education remains a high risk sector for political influence, especially higher education.