



ACTION PLAN ON HUMAN RIGHTS

Free Individual, Strong Society;
More Democratic TURKEY

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INTRODUCTION

Humanity, over the ages, has developed a rich systematic of rights and freedoms. With the accumulation of theoretical and practical knowledge inherited from various civilisations, the concept of human rights has reached its current form. The history of humanity is also the history of the human endeavour to exist and protect his rights and freedoms. The history of law and politics, which is shaped by this endeavour, has bestowed upon the modern societies the concept of human rights.

By their widely-known definition, human rights are the rights that belong to any human for simply existing as a human being. This definition both scales up human rights to a universal level and makes it into a basic foundation of the law. Therefore, the legal orders of today must be in a position of not granting human rights but creating a system of rules based on human rights. Rights and freedoms are not born of favour or grace, nor may they be protected as favour or grace.

The rights that are inherently owned for existing as a human being are the *raison d'être* of a state governed by the rule of law. The moral essence and legitimacy of the rule of law lies with universal values and the perspective of rights and freedoms. It is this essence that gives a state with a constitution its constitutional state feature and

turns the rule by law (Etat légal) into the rule of law (Etat de droit). It is, once again, the understanding of rights and freedoms which transforms supremacy of laws into the rule of law and gives a state governed by the rule of law its distinct feature.

In this framework, the rule of law, by virtue of its nature and definition, places human rights at its foundation. In all public activities rising on top of this foundation, the human dignity will be primary instrument in measuring whether the state administration is right and provisions of law are just. Human dignity is the motivation which lies behind legislative efforts, the truth which mirrors executive conduct, and the touchstone which ensures confidence in judiciary. Any view, policy or system that fails to put the human, the human dignity and the innate rights of humans at its core will be incomplete and impaired.

Principles such as social consensus built on a platform of differences, respect for the rights of others, equality before law are universal values which humanity has brought in the modern legal orders by paying heavy prices. Another function of these values is filling in the democracy and establishing a threshold to stop anyone from having the power to abolish human rights or the right to eliminate freedoms.

Without a doubt, the questions of how a person believes, thinks, wears, looks, in short how he/she lives is a choice that is exclusively for that person to make. Contrary to anti-democratic states which shape the society around a set of commands developed by "the elites", a democratic state governed by the rule of law relies on the rejection of the idea of a single truth. A state governed by the rule of law and based on a pluralist approach saves the law from being a tool that simply grants privilege to only a certain group but rather offers it to everyone equally and fairly.

In this context, with its administrative approach that conforms to its characteristics indicated in the Constitution, Turkey is preparing for welcoming the 100th anniversary of the declaration of the Republic. The state policy that blends universal values with social demands and expectations realises the concept of human rights on the basis of a democratic legitimacy.

Thus, every freedom that becomes clear as a right in humans returns to the state as requirement of democracy. The State's duty is to protect and

promote rights and freedoms and strengthen the democratic system on the axis of human rights. Law is the compass for the freedoms objective and the guarantee of equality.

It is also the law that guarantees the provision of public services without any discrimination based on sex, race, colour, language, religion, sect, political view, philosophical belief, wealth or any other status. Being the concrete manifestation of people's will to live together in a country, the state is under an obligation to preserve and develop this law. For this reason, no public duty may be performed by neglecting or violating human rights. Therefore, the idea of human rights must be dominant in legislation and practice and the judicial process must be operated with this understanding at all stages.

As the guarantee of the protection and promotion of human rights, the judiciary can only satisfy the sense of justice in the society to the extent that it can deliver a fair judgment within a reasonable time. The right to a fair trial is an indispensable principle not only for the satisfaction of the parties at the courtroom but also for the establishment of the society's confidence in the judiciary.

The reality that our legal order is reminded of by the ancient principle expressed in the Ottoman Civil Code (Mecelle) as "Procedure comes before substance", is that the right judgment can only be reached with the right procedure. Our legislation, which sets up and sets forth the trial procedure, has to contain the procedural guarantees that will secure a fair trial and improve them with the changing circumstances.

Today, the human rights acquis concretised by the Universal Declaration, conventions and the Constitution contains responsibilities in addition to rights and freedoms¹. In accordance with this approach, the person who is the holder of rights and freedoms also has responsibilities that widens at every turn starting from the first addressee. Therefore, it is observed that the freedoms which are considered to be acquired as of birth are also limited by the obligation "not to harm others".

1 This matter is addressed by Article 29 of the UN Universal Declaration on Human Rights which mentions everyone's "duties to the community" and Article 12 of the Constitution which provides that "the fundamental rights and freedoms also comprise the duties and responsibilities of the individual to the society, his/her family, and other individuals".

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The Plan's point of origin is the state's obligation to protect, in all of its affairs and acts and with all of the state institutions and organisations, the physical and moral integrity and the honour and dignity of individuals.

Having found its manifestation in the motto “Let people live so the state will live!”, this obligation reaffirms and reiterates once again the state's reason for existence. ”

The Action Plan on Human Rights sets certain aims, goals and activities in accordance with this background and framework. The Plan's point of origin is the state's obligation to protect, in all of its affairs and acts and with all of the state institutions and organisations, the physical and moral integrity and the honour and dignity of individuals.

Having found its manifestation in the motto "Let people live so the state will live!", this obligation reaffirms and reiterates once again the state's reason for existence. The protection of everyone's rights as equal, honourable and dignified persons before law is the primary indicator of a democratic state. The Action Plan aims to strengthen the principle of rule of law via activities capable of accentuating this indicator.

The reformatory spirit that has been maintained since 2002 without interruption has been tangibly set forth through the legislative amendments in the field of human rights. Throughout this process the presumption of innocence, one of the universal principles of law, has been established as an essential value to be borne in mind by judicial authorities at all stages. In this scope, certain amendments have been passed, especially recently, oriented at protecting personal data and guaranteeing the right of individuals not to have their honour and reputation tarnished (lekelenme hakki) as a criminal.

Moreover, significant reforms, particularly in the field of criminal justice, have been put into effect within the scope of the Judicial Reform Strategy Paper. Through these amendments the freedom of expression has been strengthened, legal remedies have been expanded, the length of pre-trial detention at the investigation stage has been limited, and new, simpler and speedier procedures such as the expeditious trial procedure, the simplified trial procedure and the e-hearing method have been introduced.

The Action Plan relies on the desire for reform and progress underlying the judicial reform and its scope encompasses all judicial and administrative affairs. The Plan envisages to create a high level of awareness and a strong system of protection oriented at resolving the problems in practice.

Furthermore, in addition to amendments that expand the scope of rights and freedoms through a detailed screening over the legislation, another goal is to be able to offer public services in an accessible, accountable, equal, transparent and fair manner. Thus, the standards on human rights

and freedoms will be raised higher, as a natural result of which a new momentum will be gained in the process of strengthening democracy with a focus on citizen satisfaction.

Similarly, while the public sector's digital transformation will continue to be implemented with greater success via the e-government project on the one hand, the opportunities for political participation will be promoted in conjunction with this transformation, on the other. In this scope, digital negotiation methods will be developed with the use of new information and communication technologies.

The universal standards of human rights law become more apparent when the background of the Plan is viewed through the framework established with these features. The European Convention on Human Rights (ECHR), the case-law of the European Court of Human Rights (ECtHR), and the *acquis* of the European Union are also among the international instruments at a regional level, which continuously raise the aforementioned standards on human rights law.

The Republic of Turkey has set its sights towards the ideal of a powerful country and advanced democracy and it has built its legal system on the basis of this ideal. In this context, thanks to the amendment passed in 2004 to Article 90 of the Constitution, the international conventions on fundamental rights and freedoms are recognised as part of the domestic law. Further, as a result of the referendum held on 12 September 2010, the Constitutional Court has been rendered responsible for the supervision and protection of fundamental rights and freedoms at the national level through the individual application mechanism.

Moreover, the "Action Plan on Prevention of Violations of the European Convention on Human Rights" of 24 February 2014 led to important steps, as a reflection of the reformative spirit, in terms of substantial legislative amendments, institutional capacity-building, and training activities. Similarly, as a reflection of the sustainable human rights policy, the commitments regarding the preparation of a new action plan on human rights have been expressed in principal policy papers such as the Judicial Reform Strategy Paper² which was made public by the President of the Republic on 30 May 2019 and the 11th Development Plan (2019-2023)³.

2 Access the Judicial Reform Strategy Paper at <http://www.sgb.adalet.gov.tr>

3 Access the 11th Development Plan at <https://www.sbb.gov.tr/wp-content/uploads/2019/07/OnbirinciKalkinmaPlani.pdf>

The perspective of rights and freedoms set forth by the practices of protection mechanisms of international conventions has been amplified by the Action Plan thanks to such a wide systematic of guarantees that goes beyond the boundaries of the normative catalogue of rights and freedoms. Taking note of the dynamics of the current era and the needs and expectations of the society, the Action Plan propounds a much larger vision that surpasses the limited framework of the classical rights doctrine. This perspective, which considers the basic rights catalogue as a dynamic field, also bears in mind the case-law of the ECtHR where, in particular, the rights have been evolutionarily interpreted.

Relying on such a background, the Action Plan has been drafted with an understanding that regards the development of all human rights guarantees and protection mechanisms as a matter concerning the entire society. Going beyond the boundaries of the European Convention on Human Rights, which developed a safeguard and protection mechanism largely related to civil and political rights, the Action Plan's preparation process has advanced with such a participatory approach that reflects this view. In this framework, the opinions and recommendations of all stakeholders have been taken into consideration with respect to each and every category of goals and activities in the Plan. Thereby, the preparation process was planned and conducted on the basis of the principles of sensitivity to social demands and active participation.

The accumulation of legislation that needed observing with a focus on human rights has been the first to be included in the Plan's frame of reference at the national scale. Also, in this connection, the rulings of the Constitutional Court and other higher courts have been taken into account. In terms of institutional recommendations and decisions, regard has been paid within the Action Plan to the reports issued by the Ombudsman Institution, the Personal Data Protection Authority and the Human Rights and Equality Institution of Turkey.

In the preparation process of the Plan, the challenges faced in practice and the ideas for the prevention thereof have been identified thanks to the meetings and workshops held with the representatives of the higher courts, in particular the Constitutional Court, and other bodies of the judiciary.

Deans of faculties of law, presidents of bar associations, representatives of non-governmental organisations, members of the judiciary, and representatives of public institutions and organisations similarly came together within this process. The six working groups⁴ which were formed in this scope have identified, through shared wisdom, the problems and potential solutions stemming from the legislation and the practice.

A particular importance has been attached to the non-governmental organisations' participation in the process; indeed, the opinions and recommendations of human rights organisations have been reflected in the Plan. In this scope, meetings were held with and opinions, recommendations and expectations were heard from all spheres of the society, including journalists, writers and academics, representatives of the world of business and labour, trade unions, representatives of non-Muslim communities and foundations.

During this process, meetings were held with the Human Rights Inquiry Committee and the Justice Committee of the Grand National Assembly of Turkey; and by means of exchanges with all ministries and public institutions and organisations, potential solutions have been developed with regard to the criticisms, opinions and recommendations that were voiced during those exchanges.

Containing foreseeable and measurable substantial guarantees and protection mechanisms at the national level with regard to human rights, the Action Plan takes account of the *acquis* on international human rights law and the global political dynamic, as well. In this context, in addition to the judgments of the European Court of Human Rights, the international resources which have fed the Plan include the reports and recommendations of the relevant bodies and committees of the Council of Europe, the European Union, the United Nations (UN), and the Organization for Security and Co-operation in Europe⁵. In particular,

4 1-Right to Life, Ill-treatment and Effective Investigation 2-Right to Liberty and Security 3-Fair Trial 4-Private Life, Freedoms of Expression, Religion and Conscience 5-Right to Property 6-Labour and Unionisation.

5 The said resources were accessed through the following outcomes: Judgments of the ECtHR; decisions of the Committee of Ministers of the Council of Europe; EU Progress/Country Reports; EU Action Plan on Human Rights and Democracy (2020-2024); Opinions of the Venice Commission; GREVIO Report; GRETA Reports; Reports of the European Commission against Racism and Intolerance (ECRI); UN Horizon 2030 Agenda; Recommendations and Decisions of the UN Human Rights Mechanisms; Reports of the Commissioner for Human Rights of the Council of Europe; reports of the OSCE Office for Democratic Institutions and Human Rights (ODIHR); CEDAW Convention; and the examples of other countries' human rights action plans.

meetings were held and opinions were received from representatives of the Council of Europe and the European Union in this regard. Moreover, exchanges were held with representatives of relevant countries in order to benefit from the experience accumulated by other countries in their processes of preparing human rights action plans.

The Action Plan, as it may be seen, has been drafted with a participatory and transparent method. The points that are widely agreed-upon among different ideas and different suggestions have been integrated into the Plan. This wide groundwork of consultation and pluralist approach will be the foremost guarantee for the achievement of the reformative spirit that lies at the core of the Action Plan.

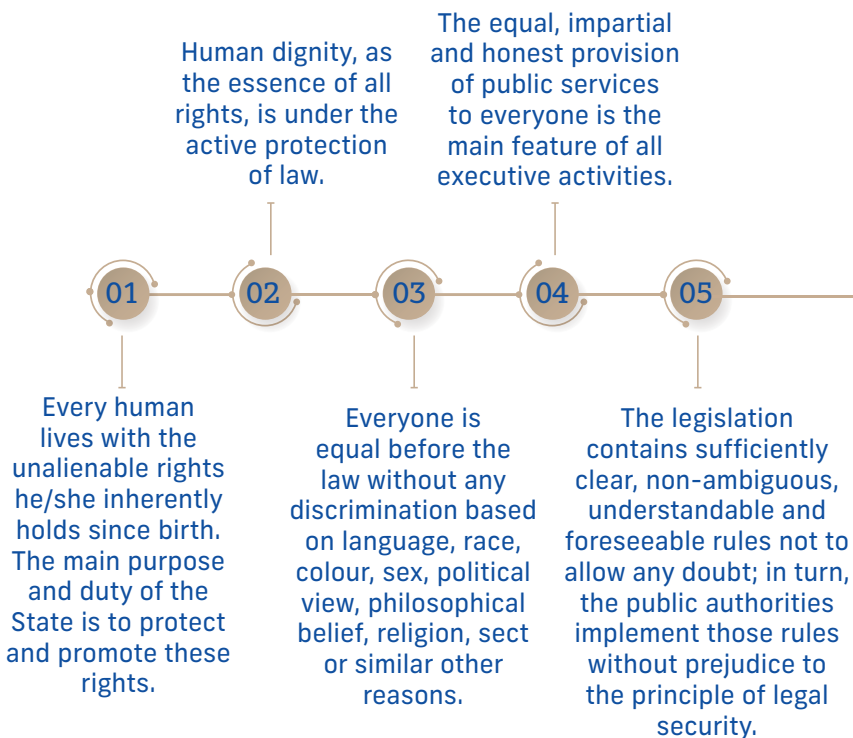
Around the 11 main principles which make up the backbone of the Plan, a total of 9 aims, 50 goals and 393 activities are set herein. The activities envisioned within the framework of each goal under the relevant aims are organised as tangibly “measurable and monitorable” actions.

In the construction of the framework of the aims, goals and activities under the Plan, the social demands and needs have played a decisive role. The activity strategy concerns three separate areas: awareness, administrative activity, and legislation. The activities envisaged for awareness-raising purposes focus on the elimination of problems related to practice, as such. Administrative activities aim to develop and render effective the institutional mechanisms which protect rights and freedoms. As regards issues that touch upon the legislation, amendments focused on the society’s needs and the citizens’ satisfaction are envisaged.

The Action Plan serves at the same time as a roadmap, a guide for the practitioners. However powerful legislative amendments may be in the area of rights and freedoms, the good and proper implementation and practice is, without a doubt, the decisive element for the success of reforms. Thus, it is of vital importance that the principles and approaches laid down in the Action Plan on Human Rights be adopted by the practitioners. Setting out from this reality, the Plan gives an extensive coverage to training and awareness activities for the amelioration of the practice.

I. MAIN PRINCIPLES

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 a party.



No interference incompatible with the principle of legal security or the principle of protection of acquired rights may be performed in any way on the freedom of contract.

Judicial and administrative operations adopt at their core an approach that protects, upholds and strengthens the principles of presumption of innocence, right of individuals not to have their honour and reputation tarnished, and individuality of criminal liability.

The rule of law shall be fortified at every area as a safeguard for rights and freedoms as well as justice.

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The State protects and promotes the freedom of enterprise and labour within the framework of the rules of competitive free market and the principle of social state.

No one may be deprived of liberty due to criticism or expression of thought.

Anyone who claims to be the victim of a violation of their rights should be able to access effective legal remedies effortlessly. Access to justice is at the core of the respect for rights and freedoms.

II. AIMS

01

A Stronger System for Protection of Human Rights

02

Strengthening Judicial Independence and the Right to a Fair Trial

03

Legal Foreseeability and Transparency

04

Protection and Promotion of the Freedoms of Expression, Association and Religion

05

Strengthening Personal Liberty and Security

06

Safeguarding
Physical and
Moral Integrity
and the Private
Life of the
Individual

07

A More
Effective
Protection of
the Right to
Property

08

Protecting
Vulnerable
Groups and
Strengthening
Social Wealth

09

High-level
Administrative
and Social
Awareness on
Human Rights

**III.
AIMS,
GOALS AND
ACTIVITIES**

AIM 1:
**A STRONGER SYSTEM
FOR PROTECTION OF
HUMAN RIGHTS**

A state governed by the rule of law, which applies the universal principles of law and restrains itself with these principles is the utmost guarantee of human rights and freedoms. For this reason, the first aim of the Action Plan is set as achieving a stronger system for protection of human rights and the first goal thereunder is to strengthen the conception of the rule of law based on human rights.

The objective of the activities planned under this aim is to carry our country's standards of law and human rights forwards through an uninterrupted willpower for reform. In this scope, the Plan aims to give momentum to the efforts towards harmonisation with the European Union acquis, make progress in all negotiation chapters, and rapidly open the remaining chapters once the political obstructions are removed. The clear statement of the intention to accelerate the efforts with regard to the issues which are expected to be satisfied within the Visa Liberalisation Dialogue, in particular, is an indication of this aim.

The Action Plan seeks to ensure the installation of a strong and accessible human rights protection system that is capable of producing results with a view to ensuring the stability of the rule of law with all of its components.

As is known, as a result of the strong political will displayed towards empowering rights and freedoms in accordance with

democracy and rule of law, the negotiations for accession to the EU officially started in 2005. On the basis of reciprocal rights and obligations, when fulfilling the requirements of the accession process to the European Union, Turkey also took as an important reference the Copenhagen Political Criteria in order to meet its own social demands and dynamics.

The aforementioned accession policy, which coincided with the reformative vision, led the way to legislative amendments, structural transformation and institutional capacity building in

a wide array of areas. For this reason, despite the double standards displayed by certain countries in the Union, the Action Plan on Human Rights demonstrates once again Turkey's determination to raise the standards related to rights and freedoms in harmony with the EU acquis.

The Action Plan also seeks to ensure the installation of a strong and accessible human rights protection system that is capable of producing results with a view to ensuring the stability of the rule of law with all of its components. It should be acknowledged that a human rights system which does not envisage a nationally and internationally active institutional structure cannot go further than being a mere declaration of wish and intention. This fact necessitates the creation of national and international bodies of protection. In fact, creating an institutional structure is not sufficient in and of itself, either, as these have to be capable of drawing limits for the practitioners and instilling trust in people.

So far, many legislative amendments and structural transformations have been achieved for the purpose of enhancing the effectiveness of human rights institutions. The introduction of the right of individual application to the Constitutional Court is the most fundamental and effective arrangement to that end. Judgments delivered on individual applications not only eliminate individual grievances but also enable the conception of human rights to take root throughout the public as a whole. Increasing the effectiveness of this system will be an activity that contributes to this outcome.

Similarly, the human rights institutions and organisations⁶ that are active in the public sphere play important roles in ensuring that public services are operated on the basis of human rights. Each of these institutions that have been integrated into our system via constitutional and legislative amendments has also brought about a new possibility of application and a safeguard for individuals.

Furthermore, increasing the effectiveness of human rights inspections at penitentiary institutions is also regarded in the Plan as one of the key components of a strong protection system. The execution system constitutes the final stage of the criminal justice system. The human

6 The Ombudsman Institution, the Personal Data Protection Authority, the Human Rights and Equality Institution of Turkey, the Board of Review for Access to Information, the Department of Human Rights of the Ministry of Justice, the Human Rights Compensation Commission, the Law Enforcement Monitoring Commission, and the Provincial and District Human Rights Boards.

rights track record at this stage becomes the most genuine evaluation tool that gives an idea about the system as a whole. Therefore, it is of great importance that the acts and practices of execution are effectively opened to the oversight and supervision of human rights institutions.

The existence of independent supervisory institutions for an execution system that will secure the full protection of human rights is a serious guarantee for the administration, the convicts and their relatives. With this understanding, it is aimed to introduce a new and civil supervision system for the sentence execution system over the course of implementation of the Plan. The participation of the representatives from bar associations, non-governmental organisations and universities will be secured in the “Commission for Monitoring Human Rights at Penitentiary Institutions”, which will be established on the basis of independence.

Another matter of significance in this context will be increasing the effectiveness of the mechanism of lodging applications or complaints with the relevant human rights institutions. Enabling public access to the decisions, reports and opinions of such institutions, while protecting personal data, will also enable an increase in the institutional effectiveness and awareness.

Another aspect of the Action Plan demonstrating that it acknowledges human rights as a social concept is that it addresses victims’ rights within the human rights protection system. In accordance with the move from the punitive justice approach to the restorative justice approach in contemporary criminal law systems, more weight is being given to policies that help the victim be better protected by the society and law. As a reflection of these policies, a specific importance is attached to the social dimension of criminal law, thereby a child-appropriate trial system and a judicial process support model have been developed. The Plan contains such activities that will take this victim-focused justice approach even further.

The Action Plan sets the following goals and activities under the aim of “A Stronger System for Protection of Human Rights” in a bid to maintain the effectiveness of the human rights protection system, ensure the functionality of the institutions, and solidify the rule of law:

AIM 1: A STRONGER SYSTEM FOR PROTECTION OF HUMAN RIGHTS



Strengthening the Conception of the Rule of Law based on Human Rights

Activities

a.

The legislation and the practice will be reviewed on a regular basis and the necessary measures will be taken in order to strengthen the rule of law and the rights and freedoms.

b.

The process for accession to the European Union will be resumed resolutely within a framework of reciprocal rights and obligations and in further view of the partnership law's need for rejuvenescence; in particular, the efforts will be accelerated with regard to the issues which are expected to be satisfied within the Visa Liberalisation Dialogue.

c.

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.

d.

The nine years of practice in the individual application system will be evaluated and the system will be rendered more effective.

e.

Necessary changes will be made to the legislation on political parties and elections with a view to empowering democratic participation.



Improving the Effectiveness of Human Rights Institutions

Activities

- a. The structure of the Human Rights and Equality Institution of Turkey will be rendered compliant with the UN Principles relating to the Status of National Institutions and its accreditation by the Global Alliance of National Human Rights Institutions will be secured.
- b. The decisions of the Ombudsman Institution and the Human Rights and Equality Institution of Turkey will be opened to public access while ensuring protection of personal data.
- c. The effectiveness of the Personal Data Protection Authority and the Right to Information Assessment Board will be improved.
- d. The effectiveness of the Law Enforcement Monitoring Commission will be enhanced with a view to ensuring the effective, speedy and transparent functioning of the complaint system regarding the actions of officers of the law enforcement.
- e. The damages incurred due to lengthy proceedings will be remedied quickly by the Human Rights Compensation Commission without a need to lodge an application with the Constitutional Court.
- f. The structure of provincial and district human rights boards will be strengthened to improve their effectiveness.
- g. The human rights institutions will convene at least twice a year in order to closely follow national and international developments and ensure an increased exchange of knowledge and documentation; also, they will be granted more enhanced facilities to collaborate with high courts.
- h. An independent "Commission for Monitoring Human Rights at Penitentiary Institutions" will be established with the participation of representatives from bar associations, non-governmental organisations and universities with a view to ensuring a more effective supervision and follow-up on penitentiary institutions on the basis of international standards.

- i. In order to improve the effectiveness of the Monitoring Boards of Penitentiary Institutions and Detention Centres, their structure will be reviewed in further consideration of women's participation and these boards will be empowered with the authority to inspect places and conditions of detention that are outside the institution, such as courthouses, transfer vehicles and hospitals.
- j. The periodic reports prepared by the Monitoring Boards of Penitentiary Institutions and Detention Centres will also be sent to the Ombudsman Institution, the Human Rights and Equality Institution of Turkey, and the execution judgeship concerned.
- k. The "Probation Services Advisory Board" will be restructured to create policies aimed at developing and conducting probation services based on a foundation of human rights through inter-institutional cooperation and ensuring a more effective integration of probationers into the society.



Protecting the Rights of the Victim

Activities

- a. The effectiveness of services such as psycho-social support and information towards victims of crime, particularly children, women, people with disabilities and the elderly, will be improved.
- b. The number of judicial interview rooms and child monitoring centres that have been established with a view to preventing re-traumatisation of children and victims of crime in the judicial process will be increased across the country and legislative amendments will be made to improve their effectiveness.
- c. More measures will be taken at courthouses to prevent victims of crime from feeling alone. In this scope, the number of Directorates of Judicial Support and Victim Services, which are set up with a view to providing assistance during judicial processes to these individuals, particularly children, women, people with disabilities and the elderly, will be increased.
- d. Cooperation and coordination between relevant institutions will be strengthened in order to ensure an effective provision of support services towards victims of crime.
- e. Guidance specialists will be assigned at courthouses to assist in the actions and procedures of and to offer psycho-social support to vulnerable groups who are reckoned to be more affected psychologically by judicial processes.

**AIM 2:
STRENGTHENING
JUDICIAL
INDEPENDENCE
AND THE RIGHT TO
A FAIR TRIAL**

The most powerful guarantee of a democratic state governed by the rule of law is an independent and impartial judiciary. Thus, establishing the justice depends on the independent and impartial characteristic of the courts which wield the judicial power on behalf of the nation. All of these also act as a guarantee for the rights and freedoms of individuals.

The prior condition of the principle of rule of law is to formulate the legislation with an approach that is based upon human rights and freedoms. At this point, while the principal responsibility falls upon the legislative and executive branches, the fact that members of the judiciary employ practices that are sensitive to rights and freedoms is imperative for the rule of law to be fully established.

The most basic feature of a fair trial is the reasoning of a decision. It is an indispensable principle for a person to know and understand which decision they are subjected to and for what reason.

The concept of independence of the judiciary in legal systems emerged as a requirement of the idea of a State governed by the rule of law so that judges can deliver their decisions free from any influence. In addition to all the institutions, the

society also has a responsibility in this regard. It should not be forgotten that comments or assessments which may affect ongoing investigations or proceedings might also undermine the confidence in justice over time. Avoiding this outcome is the responsibility of not only all the institutions but also the society.

In judicial proceedings, the decision delivered at a certain stage of instance is subject to legal review at the following stage. Sufficient mechanisms to correct potential errors are laid down in procedural laws. Everyone has to respect this legal procedure and do what is required thereby.

To ensure the effectiveness of the activities conducted by judicial bodies on an independent and impartial basis, in turn, depends on

the legislative and executive branches to take the measures and create the facilities necessary. Thus, the system can operate rationally and fulfil its function in compliance with the supremacy of law.

With the understanding that the existence of an independent and impartial judiciary is necessary for a strong democracy, Turkey has actualised a number of reforms in this field. First, the abolishment of State Security Courts, then the abolishment the military justice system; followed by the restructuring of the Council of Judges and Prosecutors according to principles of democratic representation and granting it a secretariat that is independent from the Ministry of Justice, and finally adding the principle of “impartiality” to the independence of the judiciary via the constitutional amendment referendum held on 16 April 2017 are only a few of the steps taken to this end.

Judicial independence requires that judges and prosecutors not be subjected to any measure capable of undermining their security of tenure due to their judicial acts or decisions. Thus, both the Judicial Reform Strategy Paper and the hereby Action Plan envision a reinforced set of guarantees for judges. The geographical guarantee is the most important part of this guarantee.

The most basic feature of a fair trial is the reasoning of a decision. It is an indispensable principle for a person to know and understand which decision they are subjected to and for what reason. Therefore, the Plan places emphasis on the matter of reasoned decisions under a separate goal of its own. The same emphasis has also been adopted in respect of the presumption of innocence. In this regard, this Plan continues to build upon the high level of awareness regarding right of individuals not to have their honour and reputation tarnished, which was reinforced by the amendment made to the Code of Criminal Procedure in 2017.

The right of defence is one of the preconditions required for the complete embodiment of the principle of rule of law. The right of defence bears great significance in view of the fact that it restores the other rights and freedoms for the individual. In view of the powerful function of the right of defence in terms of human rights, the Plan contains crucial goals and activities.

The fact that trial is a collective activity comprised of allegation, defence and judgment led to the emergence of the principle of equality of allegation and defence. There is a visible search in the Action Plan for a balance between the rights of the victim and of the

accused in accordance with this principle. As is known, in this scope, in 2008 the possibility for assignment of a lawyer on behalf of victims was introduced if the victim is not represented by an attorney at the investigation and prosecution stages in cases concerning the offence of sexual assault and offences punishable by a minimum of 5 years in prison; and on behalf of a suspect or an accused person who states that he or she is not able to appoint a defence counsel of their choosing. Also, in 2013 certain new facilities such as the possibility of presenting a defence in a different language were granted; and the use of audio-visual communication systems at hearings was launched. The activities envisaged by the Plan have the capacity to further advance the said standards.

The provision of justice services with a citizen-oriented, effective, speedy manner and with less paperwork is also an approach featured in the recent era. The realisation of these concepts will also serve the purpose of strengthening the right of access to justice. Setting off from this line of thought, the creation of public relations bureaus in line with the goal of “citizen-friendly courthouses” is going to be a significant development in favour of our citizens.

The Action Plan also seeks to introduce considerable improvements under a range of heads such as further strengthening the independence of the Justice Academy of Turkey, ensuring the delivery of a fair decision within a reasonable time, and making amendments to the procedural codes that will serve to secure the right to a trial within a reasonable time.

To resume the reformative steps that have been taken so far and to further advance the standards, the Action Plan envisions the following goals and activities under the aim of “Strengthening Judicial Independence and the Right to a Fair Trial”:

AIM 2: STRENGTHENING JUDICIAL INDEPENDENCE AND THE RIGHT TO A FAIR TRIAL



Strengthening the Independence and Impartiality of the Judiciary

Activities

- a. The region-based appointment system of judges will be revised with a view to preventing frequent change of judges during judicial processes.
- b. Judges and prosecutors serving at regional courts of appeal or regional administrative courts will be guaranteed not to be appointed to first-instance courts for a certain amount of time in the absence of their requests or of any disciplinary investigation in their respect.
- c. The provision allowing the Minister of Justice to temporarily assign judges to a different jurisdictional zone will be repealed.
- d. Geographical guarantee will be provided for judges and prosecutors and the security of tenure of judgeship will be strengthened.
- e. The disciplinary infringements and sanctions applicable to judges and prosecutors will be reviewed in consideration of the principles of objectivity, foreseeability and proportionality.
- f. The judges' and prosecutors' access to the legal assistance of an attorney during disciplinary investigations will be clearly prescribed and the procedural guarantees will be reinforced with regard to defence and statutory limitation periods.
- g. The promotion system of judges and prosecutors will be restructured on the basis of an objective set of performance criteria, such as compliance with the target time-limit, sufficiency of the reasoning in their decisions, accuracy rates in decisions, and sensitivity to human rights.

GOALS
2.1**Strengthening the Independence and Impartiality of the Judiciary****Activities**

- h.** In order to ensure that judges and prosecutors better perform their functions and that judicial impartiality prevail, the effectiveness of the inspection system will be increased on the basis of objective criteria.
- i.** The Justice Academy of Turkey will be restructured on the basis of pluralist, participatory and transparent norms, and its independence will be strengthened.
- j.** The structure and functioning of sports arbitration boards will be revised in consideration of, inter alia, judgments of the ECtHR.

GOALS
2.2**Strengthening the Right to a Reasoned Decision****Activities**

- a.** Pre-service and in-service trainings will be organised to ensure that the decisions issued by courts and public prosecutors are sufficient, convincing and comprehensible in a manner that also satisfies the standards laid down by the judgments of the Constitutional Court and the ECtHR.
- b.** The in-service training programmes for judges and prosecutors will be planned according to the results of a performance-based needs analysis.
- c.** Steps will be taken to ensure that the findings made by the regional and high courts regarding undue delays in the proceedings or lack of reasoning, will be submitted to the Council of Judges and Prosecutors for consideration in promotion and discipline reviews.
- d.** The criminal chambers of the regional courts of appeal will be afforded further powers to quash first-instance judgments due to manifest lack of reasoning or restriction of the right of defence.



Strengthening the Standards as Regards the Application of the Presumption of Innocence

Activities

a.

The fundamental principles as regards the individuality of criminal responsibility and punishment and the presumption of innocence will be effectively implemented in judicial and administrative affairs and acts.

b.

The scope of the right of individuals not to have their honour and reputation tarnished will be broadened and the amendment will be implemented effectively.

c.

Awareness-raising activities will be conducted for public officers and media workers in order to ensure that the public is informed of investigations and proceedings with utmost respect for the presumption of innocence.



Strengthening the Right to a Trial within a Reasonable Time

Activities

- a. New steps will be taken towards further improving the practice of “Targeted Time-limits in the Judiciary” according to the results of detailed courthouse- and case-based analyses in a way that will ensure the completion of trials within a reasonable time.
- b. In an aim to ensure speedy resolution of proceedings and prevent grievances of citizens, the implementation of the targeted time-limits will be extended to cover proceedings before the regional courts, as well as the Forensic Medicine Institute procedures.
- c. Necessary measures will be taken to ensure the speedy resolution of jurisdictional disputes which emerge at the investigation stage, particularly in cases concerning cyber-crime and fraud.
- d. Problems related to the jurisdictional disputes between courts will be eliminated in order to secure the right to a trial within a reasonable time.
- e. Attorneys of the parties will be informed if the trial judge is unable to participate in the on-site inspections or hearings due to an excuse and a time-limit will be set for the determination of the new hearing date.
- f. In order to prevent the delays caused by the non-binding effect of decisions of the Court of Jurisdictional Disputes on similar cases, a legislative amendment will be passed to ensure that the decisions of the said Court carry a binding effect on other cases.
- g. It will be laid down as a rule that the reasoned judgment must be written within thirty days in the administrative justice.

- h.** In a bid to complete judicial proceedings within a reasonable time and facilitate the affairs of citizens, the use of electronic notification practice will be extended, rendering it also applicable to citizens residing abroad, and the postal service (PTT) staff will be given regular trainings to ensure the fulfilment of notification services in due form.
- i.** The applicable scope of criminal-law procedures such as the expeditious trial procedure (seri muhakeme) and the simplified trial procedure (basit yargılama) will be expanded, thereby securing the faster and more effective completion of judicial processes.
- j.** Arrangements will be made to ensure that institutions and organisations respond as soon as possible to the requests for provision of documents and information during judicial processes.
- k.** In an aim to achieve speedier resolution of labour proceedings, the judge will be given access through the informatics system to all records of the Social Security Institution in so far as relevant to the subject matter of the case.
- l.** The cases in which a quashing decision was delivered higher courts will be handled as a priority and in a speedy manner.



Improving the Standards with Regard to the Principle of Equality of Allegation and Defence

Activities

- a. Indictments will be drafted in a complete manner within a reasonable time and communicated to victims and complainants as well.
- b. The practice-related problems with regard the conduct of procedures of identification and reconstruction of events by the suspect or the accused in the presence of a mandatorily-appointed defence counsel will be eliminated.
- c. Necessary modifications will be made to the seating order in order to ensure that the accused enjoy a more effective access to the legal assistance of the lawyer during the hearing.
- d. Measures will be taken to avoid any practices that might render ineffective the final defence of the accused.
- e. In the administrative cases, it will be rendered mandatory to communicate to the parties any information or documents that have subsequently been included in case-file.
- f. In order to prevent any potential loss of rights in the administrative proceedings, the practice-related setbacks with regard to the notice of the proceedings to the persons concerned will be eliminated and the persons who have intervened in the proceedings will be allowed to apply for legal remedies on their own.
- g. The practice-related problems regarding the transfer to the National Judicial Network (UYAP) system of all documents added into the case-file during the investigation and trial stages will be eliminated.



Strengthening the Defence and Increasing the Quality of Legal Services of Lawyers

Activities

- a. Lawyers' legal authority to obtain information and documents will be expanded; also, measures will be taken to ensure that the requests sent by lawyers over UYAP to courts and enforcement offices be decided upon within a reasonable time.
- b. Measures will be taken to ensure that a document, which is certified as a "true copy" by lawyers in compliance with the legislation and in the context of the proceedings where they represent a party, will be taken as basis for the relevant affairs by judicial and administrative authorities.
- c. A maximum time-limit will be set for the length of the restriction of the defence counsel's access to the case file, which may be imposed in respect of certain offences, and procedures and principles will be established with regard to the defence counsel's or the attorney's examination of the case file.
- d. Lawyers will be provided with facilities for lodging individual applications with the Constitutional Court electronically.
- e. Performance criteria will be set by the Union of Turkish Bar Associations for the lawyers who provide legal aid services.
- f. The procedures and principles regarding the fulfilment of mandatorily-appointed defence counsel and attorney services will be determined and in this framework, the lists of defence counsels and attorneys will be updated annually.
- g. As a requirement of the social state principle in the context of judiciary, a revision will be made to the tax rate which applies to the lawyers' income originating from the legal aid services they offer to persons with financial difficulties.
- h. The attorney's fees paid to mandatorily-appointed defence counsels will be increased and the documentation in the digital environment will be ensured for the timely payment of these fees.
- i. Improvements will be made to the working principles and personnel benefits of lawyers at public institutions.
- j. Trainee lawyers will be allowed to complete their traineeship while practising another profession at the same time.



Strengthening the Access to Justice

Activities

- a. Court, enforcement and notary public fees and costs will be reviewed and simplified, and facilities will be established to enable the collection thereof via electronic payment methods, as well.
- b. The use of the “e-hearing” method will be expanded, and facilities will be provided so that the hearings held before all civil courts can be attended through this method.
- c. Standard application forms will be prepared and applications through the e-Government gateway will be enabled in order to facilitate the procedure of application for legal aid for persons with financial difficulties.
- d. In cases which the Council of State handles in its capacity as a first-instance court, facilities will be established to enable the use of UYAP to file actions and to submit petitions and documents.
- e. The 24/7 courthouse practice which has been launched at the Istanbul Airport for the purpose of facilitating access to justice services will be expanded to other airports with a busy air and passenger traffic.
- f. Facilities will be established to enable the conduct of judicial processes concerning persons with disabilities, the elderly or patients confined to bed at their current location directly or through the use of video communication technologies, without requiring them to come to the courthouse.
- g. Effective legal support and guidance services will continue to be offered to our citizens residing abroad.
- h. “Public Relations Bureaus” will be established and the number of front desks and help desks will be increased at courthouses in a bid to promote the idea of citizen-friendly courthouses.
- i. Standards will be set for witness fees and on how to approach witnesses; also, in this scope, a comprehensive witnesses’ guide will be prepared.

AIM 3:
**LEGAL
FORESEEABILITY
AND TRANSPARENCY**

One of the fundamental principles of a state governed by the rule of law is the principle of legal security. Accordingly, rules of law must be sufficiently clear, foreseeable, understandable and applicable not to allow any hesitation or doubt on the part of either the administration or individuals and they must include a set of safeguards against arbitrary practices of public authorities.

The foreseeability principle directly linked to the principle of legal security. Individuals should be in a position to know, in

When an application is submitted with an administration against one of its acts, it has to provide the individuals with a speedy and satisfactory reply; the bureaucratic red tape needs to be shortened and the cost of an act that is unlawful due to reasons originating from the part of the administration should not be placed on the individuals.

advance, which particular actions and facts entail which legal sanction or consequence and which powers of interference they accord to the public authority. A system where legal foreseeability is fully established also gives individuals the assurance that rules of law will definitely be implemented. Law gives confidence as long as it meets the reasonable and justified expectations of persons with foreseeable rules.

The last 20 years, in which the most powerful democratisation and civilianisation steps of the history of our Republic have been

taken, witnessed both reforms in the field of fundamental rights and freedoms and many novelties that facilitate the daily lives of individuals in every aspect and reinforce the sense of confidence in the State. In this process of administration based on transparency and accountability, the Right to Information was bound with a constitutional guarantee; equal opportunities

in education and labour were secured in every sense; and significant reforms were introduced in numerous fields including health, agriculture, social security, energy and informatics. Thanks to these reforms, not only have administrative affairs reached the level of dynamism suitable for today's needs but also procedures have become more transparent and foreseeable from the standpoint of our citizens.

To further strengthen this viewpoint, the Plan does not confine itself to regard legal foreseeability as simply a concept within the responsibility of the judiciary but rather addresses it from a wider scope, ranging from bureaucracy to business and work life and from economy to social policies. Indeed, the Action Plan sees legal security as one of the primary conditions for a democracy. Legal security requires that individuals can have confidence in the State in all of its acts and procedures and that, in return, the State refrains from employing methods which might undermine this sense of confidence in legislative arrangements.

Achieving a better protection and promotion of the rights and freedoms guaranteed by our Constitution is indispensable for our democracy. This matter also rests at a critical spot within the interaction between the rule of law and the economic life. For the supremacy of law and the principle of a state governed by the rule of law to fully prevail, foreseeability of law and transparency of the administration are just as essential as the speedy, fair and effective functioning of the judiciary.

In this regard, fundamental principles such as equal treatment, certainty, respect for acquired rights and resolution within a reasonable time in the legislative efforts and practices concerning social and economic life play a vital role.

Moreover, the Plan envisions activities oriented at an approach of practice that regards rules of law as an assurance for the social and economic life. It emphasises our legal order to continue materialising the principle of legal security at the highest universal standards, thereby conveying a strong message to the effect that the legitimate expectations of individuals are under the protection of law. The goals laid down under this aim primarily target administrative procedures and bureaucratic processes. In this scope, when an application is submitted with an administration against one of its acts it has to provide the individuals with a speedy and satisfactory reply; the bureaucratic red tape needs to be shortened and the cost of an act that is unlawful due to reasons originating from the part of the administration should not be placed on the individuals.

Similarly, for the purpose of increasing transparency and accountability in the public administration, the Plan undertakes to update the Strategy Paper on further strengthening the fight against corruption and to actively follow up its implementation.

Moreover, improving the effectiveness of the judiciary and the quality of justice services has been identified to be another area of activity in pursuit of foreseeability and transparency. In particular, increasing the number and variety of specialised courts, expediting legal remedy processes against judicial decisions, diversifying avenues of legal remedy and developing alternative dispute resolution methods are going to be significant tools in service of this aim. Further, it is highly important to adopt a supervision and performance-focused solution with regard to the legislation- and practice-based problems of the deployment of experts who are resorted to in subjects that require expertise.

For these reasons, the Action Plan sets the following goals and activities with regard to the aim of “Legal Foreseeability and Transparency”:

AIM 3: LEGAL FORESEEABILITY AND TRANSPARENCY



Strengthening Legal Foreseeability and Transparency in the Acts and Procedures of the Administration

Activities

- a. The Regulation on Procedures and Principles concerning the Drafting of Legislation will be revised in order to ensure that legislative provisions be drafted with a transparent and participatory approach and by means of obtaining the opinions of stakeholders. Quality and timely formulation of secondary regulations will be secured.
- b. The time-limit afforded to the administration to reply to applications submitted therewith will be reduced from 60 days to 30 days.
- c. A legislative amendment will be introduced with regard to the procedures and principles to be observed in the provision of public services.
- d. The Public Procurement Legislation will be reviewed with a view to ensuring competition and increasing transparency in public tenders.
- e. Legislative arrangements will be made in harmony with the European Union Regulation (2019/452) establishing a framework for the screening of foreign direct investments and the Industrialisation Executive Committee will fulfil its function in accordance therewith.
- f. The legislation and practice concerning the freedom of contract and enterprise will be reviewed on the basis of the principles of foreseeability, protection of acquired rights and transparency and any provisions found to be in contravention of these principles will be repealed.
- g. The Strategy Paper on increasing transparency and further reinforcing the fight against corruption will be updated and its implementation will be actively pursued.



Strengthening Legal Foreseeability and Transparency in the Acts and Procedures of the Administration

Activities

- h.** The provisions of the Turkish Commercial Code on liquidation will be reviewed, and the liquidation methods to be employed once a commercial company takes a decision to liquidate will be simplified.
- i.** Provisions and amendments will be enacted to regulate and protect all aspects of trade secrets.
- j.** International investors and foreign individuals will be given access to written and visual materials, prepared in their respective languages, which explain their rights and the Turkish legal system.
- k.** Digital transformation in public notary services will be accelerated in order to prevent loss of time and effort; also, an Electronic Authentication System will be put in place to completely eliminate forgery in these procedures.
- l.** Efforts will be continued to eliminate the practice-based problems with regard to the enjoyment of public services such as, among others, education, health care and justice by the blue card-holders and citizens who reside abroad.



Strengthening Legal Foreseeability and Transparency in Judicial Processes

Activities

- a. The time-limits prescribed for pursuing legal remedies in ordinary (civil and criminal) and administrative justice, particularly the remedies of objection, appeal before the regional courts (istinaf) and high courts (temyiz), will be re-framed in a uniform structure, thereby enhancing certainty in the pursuit of legal remedies.

A legislative effort will be carried out aimed at ensuring that the time-limits for submitting an appeal before the regional courts and high courts start running upon the notification of the reasoned judgment instead of from the verbal pronouncement of the judgment.
- b. Regular meetings will be held with the participation of also relevant chambers of high courts in order to eliminate differences of judgments of the regional courts in identical matters.
- c. All judicial decisions/judgments will be opened to public access, while protecting personal data, along with the name(s) of the judge or the members on the bench who delivered it.
- d. The scope of alternative sanctions to short-term prison sentence will be expanded.
- e. The provisions concerning administrative fines will be reviewed in so far as relevant to the aspect of the competent court.
- f. The effectiveness of the remedies of application and objection prescribed under the Misdemeanours Act with regard to administrative fines will be increased, thereby improving the available legal remedies in this respect.
- g. Tax crime, instead of being considered as separate offences for each year, will be considered as a single offence and subjected to the provisions on successive offence.
- h. Provisions on effective remorse will also be rendered applicable to tax offences.
- i. The timely payment of compensation amounts and other debts, which public institutions and organisations are ordered to pay, will be ensured.
- j.



Improving the Effectiveness and Quality of the Judiciary

Activities

- a. Legislation- or practice-related problems emerging at investigation, trial and execution stages will be constantly monitored in consideration of opinions of the Scientific Commission on Criminal Law and the measures necessary will be taken for the better functioning of the criminal justice system.
- b. Taking note of the 4+ years of practice of the regional courts of appeal, an analysis will be conducted in regard to the efficiency and quality of the judiciary and the appropriate measures will be taken to ensure a better functioning of the system.
- c. The provisions on the suspension of pronouncement of judgment and the suspension of sentences will be addressed as a whole and revised for the purpose of improving the criminal justice system.
- d. 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.
- e. In the first-instance and regional courts, a minimum professional seniority requirement will be introduced for eligibility to be appointed to positions such as chief public prosecutor, head of the justice commission, presiding judge at assize, commercial and administrative courts.
- f. In order to keep the professional knowledge of members of the judiciary up to date and to ensure their professional progress, a continuing and mandatory education model will be adopted.
- g. Regular evaluation meetings will be organised regarding certain topics in an aim to increase cooperation and interaction among members of the high courts, academics and practitioners.

- h.** In an aim to achieve better quality in justice services, the efforts will continue to ensure that the number of judges, prosecutors and judicial staff are proportional to the workload in consideration of the reports of the European Commission for the Efficiency of Justice (CEPEJ).
- i.** To ensure a more effective oversight on execution services, the powers of public prosecutors will be reviewed and a new practice will be set up for them to fulfil their functions, along with execution judges, inside penitentiary institution complexes.
- j.** Positions of assistant judge and assistant prosecutor will be introduced in an aim to create a more active process of preparing judges and prosecutors for professional service and enhance their professional experience.
- k.** Preparations will be completed for the effective implementation of the examination for admission to legal professions, i.e. the minimum qualification test for entry into judge, prosecutor, attorney and notary public positions.
- l.** The courthouse traineeship of candidate judges and prosecutors will be conducted at the courthouses designated as "Traineeship Centres".
- m.** Capabilities related to communication skills and stress management will also be taken into account in the admission processes of candidate judges and prosecutors into the profession.
- n.** The number of enforcement procedures made in the electronic medium will be increased and, through extending this practice to all procedures in time, the enforcement offices will be turned into paperless offices.
- o.** Notaries public will be authorised to execute immovable property sales contracts, as well.
- p.** Facilities will be granted to enable that certain non-contentious judicial affairs and discovery of evidence can be carried out by a notary public, as well.
- r.** The business days and hours of notary public offices will be modified to respond to the needs of the citizens.



Strengthening Specialised Courts

Activities

- a. Specialised courts will be designated in respect of certain areas such as finance, trade unions, zoning and expropriation, as well as tax and cyber-crime.
- b. Steps will be taken to ensure that judges maintain and specialise in their functions either as civil or criminal court judges in ordinary justice, and administrative or tax court judges in the administrative justice.
- c. Efforts will be initiated to employ “court specialists” to support judges in matters that require expertise, special or technical knowledge.
- d. Trainings will be organised on the relevant field of specialisation to judges who are appointed for the first time to a specialised court before they take up their function.
- e. The duration of a judge’s service at specialised courts, particularly cadastral courts, will be determined in consideration of the state of completion of proceedings and the new location of appointment will be decided according to the case closure and accuracy rates.
- f. In order to ensure that disputes that require expertise are resolved by specialised judges and in a speedy manner, such cases will be handled before the specialised courts located in the centre of the province concerned.
- g. Commercial courts and courts of intellectual and industrial property rights will be set up in provinces and districts with high commercial activity.



Improving the Effectiveness and Expanding the Use of Alternative Dispute Resolution

Activities

a.

An administrative settlement procedure will be introduced in order to settle disputes between natural persons or legal entities and the State in the fastest and the most cost-effective manner, thereby introducing yet another method of alternative dispute resolution to justice services.

b.

In order to eliminate the disputes between the administration and investors, a new institutional structure will be established to examine impartially and independently the disputes within the framework of basic principles and take speedy decisions; in this connection, a new legislative regulation will be enacted for the protection of private sector investments.

c.

The further use of arbitration in commercial disputes will be encouraged and the structure of the Istanbul Arbitration Centre will be strengthened.

d.

The institutional structure within the Ministry of Justice will be strengthened in regard to alternative dispute resolution methods.

e.

A faculty of law degree will be required for eligibility to become a conciliator in criminal proceedings, while reserving the vested rights of the existing conciliators.

f.

The applicable scope of the mediation procedure in civil disputes will be expanded and mediators will be directed to specialise in different fields.

g.

In a bid to improve the effectiveness of the system in the light of the eight years of practice in the mediation procedure, a review will be conducted on the Law on Mediation in Civil Disputes.

h.

The legal status of mediation centres will be codified and standards will be laid down with regard to the establishment and supervision of such centres.

i.

A court-based family mediation system will be created, in consideration of the standards enshrined in international conventions, with a view to preventing in particular the traumatising of women and children over the course of the divorce process.



Improving the Quality of the Experts System and Ensuring Foreseeability

Activities

- a. A points-based expert performance system will be introduced, according to which those who display over a certain degree of performance by means of contributing to the outcome and pace of the proceedings with their reports will be able to maintain their place in the registry and the lists.
- b. Any insufficient or erroneous expert reports detected at the stage of appellate review will be noted in the relevant expert's record in the registry of experts, which will be taken as basis for performance evaluation and, if the issue becomes repetitive, to strike the expert out of the list of experts.
- c. Regional expert committees will be restructured to be rendered more effective.
- d. Registered experts who avoid rendering expert services without a valid reason or act in contravention of ethical principles will be struck out of the registry and list of experts.
- e. Measures necessary will be taken to secure the effective application of the quota system which determines the maximum number of cases to be handled by an expert.
- f. Cases will be distributed automatically to the next expert in line.
- g. The institution of expert(hakem-bilirkişilik) will be introduced in an aim to resolve private law disputes, including those involving a foreign element, in a shorter amount of time.
- h. An expert who has failed to submit its report by the deadline will not be assigned a new case file.
- i. The basic training offered to experts regarding the information which needs to be included in the expert report and the performance of expertise activities will be strengthened.

- j.** An Expert Appointment Guide will be prepared and integrated in the UYAP system in order to concretise the service expected of the expert.
- k.** The practice of enabling private-law legal entities to carry out expertise services, primarily in the fields of immovable property and motor vehicle appraisal and accounting, will be enhanced.
- l.** The sensitivity adopted towards the criteria set by law in respect of expert appointment will particularly be taken into account in the promotion and inspection of judges and prosecutors; also, a practical guide will be prepared in this regard.
- m.** Persons with the title of “professor” or “associate professor” will be exempt from the basic expert training in order to encourage them to offer expertise services.

**AIM 4:
PROTECTION AND
PROMOTION OF
THE FREEDOMS
OF EXPRESSION,
ASSOCIATION AND
RELIGION**

As the most solid reflection of a democratic society, the freedom of expression is at the centre of the human rights law. This freedom serves on the one hand to protect the human dignity and on the other to ensure personal and social development. In today's world where information and communication technologies are a part of the daily life, the freedom of expression has become one of the most important individual freedoms.

While the freedom of expression has recently been taking its shape within the case-law of the ECtHR, the provisions of national

laws have carried a great weight in the actualisation of this freedom. Especially the suspension of proceedings and execution of sentences regarding crimes committed via the press and the abolishment of the penalty of publication ban with future effect in respect of periodical publications via the reform packages passed in 2012 and 2013 are the most crucial examples that can be named in this scope.

The Action Plan further resumes the determination to preserve and improve the diversity and pluralism originating from the common history, culture and civilisation of our nation.

The will to enhance the guarantees regarding the freedom of expression

continued to be manifested in the Judicial Reform Strategy. The freedom of expression has been solidified thanks to the amendments which were enacted via the First Judicial Package⁷ of 2019; accordingly, the freedom of expression has gained a further guarantee following the amendment decriminalising any expression of thought that does not exceed the limits of imparting information or is made for the purpose of criticism. Moreover, the possibility of a further review by the Court of Cassation has

⁷ Law no. 7188 which took effect on 24 October 2019

been enabled, in addition to the review of regional courts of justice, on judgments concerning the freedom of expression. Also in this scope, it has been ensured that an order for restriction of access does not apply to the whole website but only to the publication, section or part that is in breach of law.

The Plan seeks to further raise the standards aimed at reinforcing the freedom of expression. The activities foreseen to that end have been developed with concrete contents and a solution-oriented approach.

Another one of the important dynamics of democratic systems is comprised of the civil society. Civil society initiatives play a balancing and supervising role over the system on the basis of democracy. The freedom of association in the sphere of civil society also encompasses the trade union rights, which fall under the category of social and economic rights.

In our country, the right to hold meetings and demonstration marches is safeguarded by the Constitution. In compliance with the Constitution and the case-law of the ECtHR, our legislation prescribes simply an obligation limited to giving prior notice, rather than a permission procedure, with a view to maintaining public order and protecting the safety of life and property of individuals. In accordance with this understanding, the freedom to establish associations and foundations was further expanded in the previous years; in this scope, amendments were made to the Associations Act (Law no. 5253), the Foundations Act (Law no. 5737), and the Meetings and Demonstrations Act (Law no. 2911) in conformity with the changing circumstances. In this scope, thanks to the democratisation package of 2014, the opinions of the representatives of relevant local administrations, political parties, professional organisations and trade unions are collected in the determination of the location and route to be used for the exercise of the right to hold assemblies and demonstration marches.

Moreover, the Plan also envisions under this aim more guarantees with regard to the freedom of conscience and religion. In this context, Turkey has abolished certain restrictive and outworn provisions on the basis of the freedom of religion, such as the headscarf ban in public spaces. Furthermore, the 2014 amendment to the Turkish Criminal Code led to the criminalisation of interferences with persons' lifestyles based on their beliefs, thoughts and convictions.

Moreover, a set of significant steps has been taken in regard to the property rights of foundations of non-Muslim communities. In this framework, the property issues affecting such foundations were mostly resolved thanks to the substantial legislative amendments of 2002, 2003 and 2008 and the changes necessary were made to the zoning legislation with respect to places of worship.

As it can be seen, Turkey has addressed this matter through a human-focused administrative approach, where it regards everyone equally valuable and important in terms of enjoyment of rights and freedoms. As a requirement of this approach, our citizens' demands for freedom and democracy have been addressed with diligence. In this scope, many deep-rooted and chronic problems were, again, resolved during the terms of the post-2002 governments.

The Action Plan further resumes the determination to preserve and improve the diversity and pluralism originating from the common history, culture and civilisation of our nation. One of the concrete indicators of this willpower is the fact that the fight against hate speech is set as a separate goal of its own. In this framework, a commitment is expressed to separately criminalise acts of hate crime which target the human dignity and the peaceful coexistence of different groups and to take all the measures necessary to fight against these criminal offences effectively.

In sum, within the scope of the most important areas of freedom of democratic political systems, the Action Plan envisages the following goals and activities under the aim of "Protection and Promotion of the Freedoms of Expression, Association and Religion":

AIM 4: PROTECTION AND PROMOTION OF THE FREEDOMS OF EXPRESSION, ASSOCIATION AND RELIGION



Increasing the Standards of the Freedoms of Expression and of the Press

Activities

- a. The relevant legislation will be reviewed in the light of international human rights standards in order to safeguard the freedom of expression at the widest extent.
- b. Regular trainings will be organised for judges, prosecutors and law enforcement officers with a view to ensuring that an expression of thought not be subject to investigation if it does not exceed the limits of imparting information or is made for the purpose of criticism.
- c. The time-limits prescribed for initiating proceedings in relation to offences committed via the press and media will be reconsidered in a bid to strengthen legal foreseeability and the freedom of expression.
- d. Measures necessary will be taken to eliminate the practice-related problems with regard to the limitation of a restriction of access only to the content concerned instead of blocking access to the whole of a website.
- e. Measures will be taken to lay down the “safety of journalists”, which is a crucial part of the freedom of expression and the press, as an overarching principle and to facilitate the professional activities of journalists.
- f. The practice-related regulatory framework that concerns the publication bans ordered by virtue of the Press Law will be reviewed in a manner that will strengthen the freedom of the press.
- g. Awareness-raising activities will be conducted in an aim to promote and raise the standards of the freedom of the press.



Increasing the Standards of the Freedoms of Expression and of the Press

- h.** Legal remedies will be rendered available for against rulings which become final once they are delivered in respect of offences committed via an expression of thought.
- i.** Arrangements will be introduced to ensure that workers who are subject to the Press Labour Law can enjoy in full the rights prescribed by the labour legislation.
- j.** Practice-related problems will be eliminated with regard to convicts' and detainees' personal letters and correspondence with their lawyers, along with their access to periodical and non-periodical publications.
- k.** To facilitate the access of convicts and detainees to periodical and non-periodical publications, complex libraries will be established at penitentiary institutions and facilities will be set up to enable selecting and requesting titles over the digital medium.



Strengthening the Right to Assembly and Association

Activities

- a. The relevant legislation and the practice will be reviewed in the light of international standards in order to strengthen the right to hold assemblies and demonstration marches.
- b. The secondary legislation concerning interventions in unlawful meetings or demonstration marches will be reviewed in consideration of international standards.
- c. Awareness-raising activities will be organised for provincial and district governors and law enforcement officers in the light of international standards with regard to the practices of banning or intervening in the exercise of the right to hold meetings and demonstration marches.
- d. Periodical meetings will be held with and all facilities will be provided to the individuals and non-governmental organisations that aim to promote human rights and work towards that goal.
- e. Awareness-raising activities will be offered to administrators to ensure the effective enjoyment of trade union rights.



Ensuring Enjoyment of the Freedom of Religion and Conscience at the Widest Extent

Activities

- a. A review will be made on the relevant legislation and practice in line with international human rights standards in order to guarantee the enjoyment of the freedom of religion and conscience at the widest extent.
- b. Regardless of their religion, public and private sector employees and students will be granted leave of absence on the holydays of their respective religions.
- c. Convicts and detainees being accommodated in penitentiary institutions will be offered additional chances of having contact visits and video calls on their respective holydays.
- d. Depending on the need and the demand, suitable environments will be set up in the buildings and spaces allocated for public use so that the believers of different religions can fulfil their religious obligations.
- e. Regular meetings will be held with representatives of non-Muslim communities in order to identify problems and develop solutions.
- f. The Regulation on Foundations will be amended in so far as relevant to the issue of the composition of and the elections for executive boards of non-Muslim community foundations.



Improving the Effectiveness of the Fight against Hate Speech and Discrimination

Activities

- a. An effective fight will be put up against hate speech and discrimination based on language, religion, race, colour, sex, political view, philosophical belief, sect, or similar other reasons.
- b. The effectiveness of policies concerning prevention of discrimination in the work life will be increased.
- c. The national and international developments will be tracked and periodical reports will be prepared on instances which constitute discrimination or hate speech/crime such as Islamophobia, xenophobia, migrant-phobia and racism.
- d. Investigation guides will be prepared with a view to effectively combating discrimination and hate crime.
- e. A new provision will be put in place under the Turkish Criminal Code with regard to discrimination and hate crime.
- f. Psycho-social and legal support will be offered to the victims who are deemed to be most affected by discrimination and hate crime.
- g. Educational materials will continue to be prepared on the basis of the principles of objectivity, impartiality and pluralism and in a manner that is inclusive of all parts of the society.
- h. A database will be created and a proper collection of statistics will be secured with regard to criminal offences and misdemeanours involving hate and discrimination; to this end, the law enforcement and prosecution staff will be offered trainings.
- i. The awareness on hate speech and discrimination will be raised by means of trainings and preparing handbooks for media workers.

AIM 5:
**STRENGTHENING
PERSONAL LIBERTY
AND SECURITY**

“Personal liberty and security” emerges from the need to safeguard the liberty and security of individuals by the legal order. The paramount value that this category of rights aims to preserve is outright the moral existence of the person. The ECHR clearly lays down the limiting framework oriented at preventing arbitrary restrictions on personal liberty.

Turkey has so far achieved several improvements and reforms in legislation and practice within the framework of this fundamental right. For instance, the third and fourth judicial packages of 2012 and 2013 introduced revolutionary changes to the Prevention of

The Action Plan envisages certain activities aimed at ensuring application of detention as an exceptional preventative measure. In this connection, it primarily seeks to strengthen the rights of objection and defence in case of detention.

Terrorism Act and the Code of Criminal Procedure. The new provisions regarding preventive measures, especially in respect of detention, helped create a legislation that, from the standpoint of comparative law, is highly liberalistic and respectful of individual security. This process continued with the First Judicial Package which was passed within the scope of the Judicial Reform Strategy and, thanks to these amendments, a much wider extent of protection has been put in place with regard to the right to liberty

and security. These recent amendments have adopted as a guiding principle the fact that detention is not a punitive tool. In our legislation, detention is an exceptional measure and if the conditions therefor have been met, the first issue to consider is whether a judicial supervision is sufficient.

At this point, the Action Plan envisages certain activities aimed at ensuring application of detention as an exceptional preventative measure. In this connection, it primarily seeks to strengthen the

rights of objection and defence in case of detention. Introducing a vertical objection procedure against the magistrate judges' decisions will mean a significant system change. The grounds for both initial detention and continued detention orders are also matters of importance. It is one of the basic requirements of the criminal procedure that the grounds for detention be laid down in convincing manner through "relevant" and "sufficient" explanations which justify the decision reached.

Narrowing down the scope of catalogue offences in detention, making changes to strengthen the principle that detention is an exceptional preventive measure, and introducing a minimum threshold of seniority requirement for magistrate judgeship are going to be some of the important steps to be taken in this context.

Moreover, the Plan includes activities aimed at further developing other preventive measures that are alternative to detention. The judicial supervision measure is being applied at an increasing rate as an alternative to detention. Ensuring regular review of the judicial supervision measure during investigation or trial proceedings and setting a maximum length of time for such measures are some of the steps that will be taken in this scope.

Enabling fulfilment of the signature duty imposed as a judicial supervision measure by using technological means and ensuring the deduction of the time spent in the judicial supervision measure of "home detention" (house arrest) from the final sentence will facilitate the lives of the individuals concerned and serve the purpose of proper administration of criminal justice.

Furthermore, eliminating the practice-based problems related to awarding compensation to the persons victimised by the erroneous or unjust imposition of preventive measures and eliminating the grievances arising from the execution of arrest warrants or orders to bring by force out of business hours are going to be some of the crucial activities envisaged in the Plan.

In accordance with the principal decisiveness of the balance of liberty and security, which is the fundamental criterion in terms of human rights policies and practices, the Action Plan sets the following goals and activities under the aim of "Strengthening Personal Liberty and Security":

AIM 5: STRENGTHENING PERSONAL LIBERTY AND SECURITY



Raising the Standards Regarding Personal Liberty and Security

Activities

- a. A vertical objection procedure will be introduced against the magistrate judges' orders for detention and other preventive measures.
- b. A minimum threshold of seniority requirement will be introduced for assignment as a magistrate judge.
- c. Specialisation of magistrate judges will be ensured in applications submitted against decisions on administrative sanctions.
- d. The legislation related to personal liberty and security will be reviewed within the framework of the principle of proportionality and an analysis report will be prepared in this regard.
- e. The scope of catalogue offences will be narrowed down in accordance with the principle of "proportionality in detention".
- f. The "requirement to rely on concrete evidence" will also be rendered applicable in respect of catalogue offences prescribed as grounds for detention, thereby strengthening the principle that detention is an exceptional measure.
- g. The provisions of law that restrict the right to meet with the defence counsel will be reviewed.
- h. Regular trainings will be offered to magistrate judges and prosecutors with regard to detention and judicial supervision measures.

- i. Practice-related grievances and uncertainties in cases of decision of non-jurisdiction (subject-matter or territorial) or during process of determination of the competent authority stemming from the examinations of objections against detention and review of detention will be eliminated.
- j. A speedy compensation will be provided, via a new administrative remedy to be established, for the damages incurred due to unjust application of detention or certain other preventive measures.



Raising the Standards Regarding the Application of Judicial Supervision Measures

Activities

- a. The judicial supervision measure will be reviewed at certain intervals and new reforms will be put in place such as setting a maximum length of time for the measures and enabling fulfilment of the signature duty by using technological means.
- b. The deduction of the time spent in the judicial supervision measure of "home detention" (house arrest) from the final sentence will be made possible.
- c. It will be ensured that compensation to the persons victimised by the erroneous or unjust imposition of a judicial supervision measure or certain other preventive measure be awarded.



Preventing the Restriction of Personal Liberty due to Practice-related Setbacks

Activities

- a. Steps will be taken to ensure that an individual, who has been arrested outside the business hours on the basis of an arrest warrant for the purpose of taking a statement and releasing thereafter, may be released on the condition that they agree to present themselves to the judicial authorities within a reasonable time.
- b. Within the context of the execution of arrest warrants, in order to eliminate the grievances caused by the inability of taking statement out of business hours, it will be ensured that these procedures are performed on a 24/7 basis at courthouses.
- c. The bill of indictment and any orders to forcibly bring witnesses or complainants before the court will be notified the persons concerned via text message sent to their telephones.
- d. A legislative work will be conducted to enable discontinuation of criminal proceedings if the complainant fails to appear at the hearing without an excuse despite the notification of a plenary summons inviting them to testify in cases concerning offences prosecuted upon complaint.
- e. Measures will be taken to prevent arresting or forcibly bringing an individual, who fails to appear despite a summons, before it is established that the notification process has indeed been completed in due form.

**AIM 6:
SAFEGUARDING
THE PHYSICAL AND
MORAL INTEGRITY
AND THE PRIVATE
LIFE OF THE
INDIVIDUAL**

The right to life is the most basic right of any human, who is the innate holder of all rights and freedoms. Being the reason for existence of all other rights, the right to life is guaranteed by Article 17 of the Constitution titled the “personal inviolability, physical and moral integrity of the individual”, Article 3 of the Universal Declaration on Human Rights, and Article 2 of the ECHR.

Protecting the honour and dignity of individuals with their physical and moral integrity and enabling them to live as respectable citizens in the society, are the most important reason for the existence of the State. There is no doubt that the gravest attack on

Protecting the honour and dignity of individuals as their physical and moral integrity and enabling them to live as respectable citizens in the society, are the most important reasons for the existence of the State.

both the physical and moral integrity and the honour and dignity of a person is an act of torture or ill-treatment. Democratic states governed by the rule of law undertake to provide an absolute protection in this regard that cannot be suspended under any circumstances, including states of emergency.

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Turkey is a party, requires each State Party to take all measures effectively

to prevent torture and ill-treatment, without allowing for any exceptions⁸.

Turkey has succeeded in introducing pivotal reforms within the scope of prevention of torture and ill-treatment. Stricter and

8 Also, relevant international principles and standards have been adopted, including in particular the recommendations of the UN Committee Against Torture (CAT), the Subcommittee on Prevention of Torture (SPT), and the European Committee for the Prevention of Torture (CPT).

harsher sanctions have been prescribed against acts of torture in accordance with the policy of “zero tolerance for torture”. Turkey has been one of the few countries around the world to have abolished the application of statutory limitation period to acts of torture.

In our country, regular inspections can be held on the conditions of custody centres and interrogation rooms as well as persons in custody by chief public prosecutor’s offices and administrative institutions. The Human Rights Inquiry Committee of the Grand National Assembly of Turkey, the Ombudsman Institution and the Human Rights and Equality Institution of Turkey each have the authority to examine, inquire and inspect these places. Further, in addition to other legal remedies, the remedy of individual application to the Constitutional Court is also available for allegations of torture and ill-treatment.

In order to provide an absolute guarantee of the prohibition of torture and ill-treatment, conducting investigations into such acts effectively is of vital importance. Investigations and trials must be conducted in an “independent, impartial, thorough and speedy” manner. In our legal system, such acts are investigated either directly by the chief public prosecutors or a public prosecutor they assign⁹.

Under this aim, the Action Plan includes combating domestic violence and violence against women and lays down the importance it attaches to this issue. There have been critical amendments passed so far with regard to combating violence against women.

In this scope, the Law no. 6284 on Protection of Family and Prevention of Violence against Women came into force in 2012. In this context, the restructuring of women’s guesthouses and the establishment of centres for prevention and monitoring of violence is being carried out within the scope of a specific Plan by the relevant Ministries and institutions under the coordination of the Ministry of Family, Labour and Social Services¹⁰.

The activities for the purpose of creating a more effective system that will be carried out in 2020-2021 have been identified under the title of “Urgent Activity Plan” through the joint efforts of the Ministries of Justice, Interior, National Education, and Health under the coordination

9 Circular no. 158 of the Ministry of Justice

10 In this connection, the “Action Plans on Combating Violence against Women (2007-2010, 2012-2015, 2016-2020)” and the “Strategy Paper and Action Plan on Empowering Women (2018-2023)” are in force.

of the Ministry of Family, Labour and Social Services. In order to ensure specialisation in the interim measures ordered by family courts to prevent violence against women, the “Interim Measure Courts” were put into service on 20 March 2020.

The Action Plan envisages certain activities that will increase the effectiveness of this endeavour. Currently, the aggravating circumstances prescribed by law concerning certain offences committed against the spouse are not applicable to a divorced spouse. Also, acts of repeated stalking are such acts that restrict the liberty of women and create fear and panic at individual and societal levels. By aiming to both render aggravating circumstances applicable to a divorced spouse and define acts of repeated stalking as a separate criminal offence, the Plan aims to put in place the protection necessary for victims.

Furthermore, increasing the number of Support Units for Women that are set up within hospitals, expanding across the country the special investigation bureaus that are set up within public prosecutor’s offices specifically to target acts of violence against women, and assigning lawyers to represent women who are victims of violence are some of the other actions that are planned hereunder.

The Action Plan does not make any distinction in its goals and activities towards the protection of human dignity, the honour and essential existence of the person; everyone has the right to live with dignity. It is also out of question to make a distinction on this matter between persons who are in penitentiary institutions and those who are not. With this understanding, the Plan envisages effective activities aimed at achieving higher standards in terms of the accommodation conditions of convicts and detainees, strengthening their right to health, and increasing the rehabilitative features of the sentence execution system.

Another right which has human dignity at its core is the right to privacy of private life. The private spheres of individuals are protected with human rights instruments and extensive regulations provided by constitutions¹¹.

11 This right is enshrined in Article 12 of the Universal Declaration on Human Rights, Article 17 of the International Covenant on Civil and Political Rights, Article 8 concerning the “Right to Respect for Private and Family Life” of the European Convention on Human Rights, and Articles 20, 21 and 22 of the Constitution.

The Constitution guarantees this right under three separate heads, namely "Privacy of Private Life", "Inviolability of the Domicile", and "Freedom of Communication". There have been some significant amendments recently within our legal system in this regard. Protection of personal data has been introduced as a constitutional right for the first time by the constitutional amendment of 2010. The Law on Protection of Personal Data (Law no. 6698) placed under protection in the context of the processing of personal data the fundamental rights and freedoms of individuals, in particular the right to privacy of private life.

In order to enhance the effectiveness of all of the aforementioned reforms and to make new additions to the practices that are centred around human life and dignity, the Action Plan sets the following goals and activities under the aim of "Safeguarding the Physical and Moral Integrity and the Private Life of the Individual":

AIM 6: SAFEGUARDING THE 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

Activities

- a. An analysis will be carried out, in consideration of international standards, on the practice of use of force and weapons, especially in the provisions of the Law on Duties and Powers of the Police.
- b. Guides will be prepared in order to ensure that the legislation on the use of force and weapons be applied in compliance with international standards.
- c. Regular trainings will be offered to the law enforcement officers and neighbourhood guards on the use of force and weapons and situations and behaviour which might amount to ill-treatment.
- d. In the light of the recommendations of the European Committee for the Prevention of Torture and the UN Committee against Torture, the standards, including the physical capacities, of custody centres and removal centres will be maintained and regularly reviewed.
- e. A database will be created concerning investigations and prosecutions into allegations of torture and ill-treatment.
- f. In the context of zero tolerance for torture, the statutory limitation periods will be abolished in respect of disciplinary infringements, as it was done in respect of criminal offences.
- g. The awareness of law enforcement officers will be raised with a view to ensuring that the arrest and custody practices are conducted without prejudice to the human dignity.

- h.** The number of units and physical facilities in hospitals specifically dedicated to judicial/forensic medical examination will be increased.
- i.** Studies will be conducted on the standardisation of the medical reports issued at the time of admission into penitentiary institutions.
- j.** Efforts will continue regarding the further improvements to the standards of accommodation in penitentiary institutions.
- k.** The access of convicts and detainees to healthcare services will be enhanced in cooperation with the relevant institutions.
- l.** The “rehabilitative-type penitentiary institutions” that are designed for convicts and detainees who are in need of special care and rehabilitation will be rendered more widespread.
- m.** The capacity of high security forensic psychiatric hospitals will be strengthened and their number will be increased.



Ensuring the Effective Conduct of Investigations

Activities

- a. In order to ensure that an effective administrative investigation is carried out into the violations of rights originating from the acts of law enforcement officers and public officials, the practice will be reviewed in consideration of international standards.
- b. The recourse and disciplinary procedures against the public officers who, by acting in contravention of their responsibilities, caused rights violations will be conducted effectively.
- c. The public prosecutor who prepared the indictment will be informed of the outcome of the proceedings in an aim to ameliorate the accuracy rates of indictments.
- d. Forensic medicine experts and doctors will be offered trainings in order to ensure compliance with the Istanbul Protocol¹² and international standards in forensic/judicial medical examination and reporting procedures.
- e. A relative-term practice will be put into effect in the execution of sentences through probation to strengthen fairness in criminal justice.
- f. Problems arising from the judicial law- enforcement practice will be analysed by the Scientific Commission on Criminal Law and recommendations will be developed according to analysis results.
- g. The Regulation on Judicial Law Enforcement will be reviewed to enhance effectiveness of investigations; it will be ensured that judicial law enforcement officers will not be assigned to other units unless absolutely necessary.

12 Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

- h.** Crime scene investigation, judicial search and physical seizure procedures will be mandatorily recorded on a camera.
- i.** A guide will be prepared on judicial law enforcement with a view to conducting judicial law enforcement processes effectively and ensuring a uniform practice.
- j.** It will be ensured that persons with faculty of law degrees will be employed in the judicial law enforcement for the purpose of effective investigation.
- k.** A Forensic Medicine Institute group presidency will be established in every location where there is a regional court of appeal; also, the field of forensic science, in which the Forensic Medicine Institute provides services, will be expanded.
- l.** The Forensic Medicine Institute experts will have access to the past medical records of the persons concerned, while ensuring protection of personal data, to ensure better assessment of evidence and uncover the material fact.
- m.** The standards will be developed regarding the establishment of forensic medicine and forensic science institutes and new programmes in universities in cooperation with the Forensic Medicine Institute.



Improving the Effectiveness of the Fight against Domestic Violence and Violence against Women

Activities

- a. The aggravating circumstances that are prescribed by law concerning offences committed against the spouse will also be rendered applicable to the divorced spouse.
- b. The act of repeated stalking will be defined as a separate criminal offence, thereby reinforcing the protection provided to the victims.
- c. The number of special centres/women support units that are set up at hospitals in an aim to prevent the re-traumatisation of women who are victims of sexual assault will be increased.
- d. The number of special investigation bureaus set up for the purpose of ensuring that offences stemming from domestic violence and violence against women are effectively investigated will be increased across the country.
- e. Appointment of an attorney by virtue of Article 234 of the Code of Criminal Procedure will be enabled in respect of women who are victims of violence so that they can effectively avail themselves of legal remedies; also, they will be granted facilities in terms of conditions for benefiting from legal aid services.
- f. Regular trainings will be offered to the public prosecutors assigned to domestic violence bureaus and the judges assigned to handle the interim measures in order to maintain uniformity in practice.
- g. The preventive and protective capacity will be enhanced for a more effective protection of women under threat and technological opportunities will be used to the largest extent in this regard.

h.

Persons who perpetrate domestic violence or violence against women, mainly those who are imposed a restraining order, will be rehabilitated; to this end, effective programmes such as anger management and stress management will be developed.

i.

To minimise the potential negative effects of divorce processes on the parties and the children, and especially to ensure the healthy functioning of personal relationship with the child, the parties and the children will be informed about the process and those who need will be offered psycho-social support.



Protecting the Honour and Dignity and the Private Lives of Individuals in Judicial Acts and Processes

Activities

a.

All measures necessary will be taken to ensure that any private information which is not pertinent to the crime or the case giving rise to the proceedings is not reflected in the judicial decisions and acts or disclosed to the public.

b.

Records that are obtained through the preventive measure of surveillance of communications and wire-tapping will be destroyed upon acquittal of the person concerned.

c.

Measures will be taken to ensure the effective investigation of acts committed against the honour and dignity or the privacy of a person, as well as offences of slander and fabricated accusations.

d.

The commitment to ensuring that frisk and body searches are performed without prejudicing the human dignity will be maintained and the regular trainings will continue to be offered to law enforcement officers and penitentiary institution staff.

e.

Amendments will be made with a view to eliminating the grievances caused by the length of divorce proceedings.



Protecting the Honour and Dignity and the Private Lives of Individuals in the Execution of Sentences

Activities

- a. It will be ensured, in so far as possible, that convicts serve their prison sentences at a location that is easily accessible by their families, thereby preserving their family ties.
- b. Convicts who document that they suffer from financial difficulties will be provided with facilities with regard to the payment of costs and expenses related to optional transfers.
- c. Convicts and detainees will be allowed to make changes in the list of persons who can visit them.
- d. The length of contact visits will be prolonged for convicts and detainees.
- e. In consideration of the disabilities of convicts, detainees or their visitors, which are established with a medical board report, facilities will be granted for the visitation to be conducted in the presence of an accompanying person or in the form of a contact visit.
- f. In consideration of the educational status of children, a legislative amendment will be made in order to enable visitation on weekends at penitentiary institutions.
- g. The scope of the compassionate leaves granted to convicts and detainees in cases of illness or death of a relative or natural disasters will be expanded.
- h. Digital transformation will be achieved at penitentiary institutions; in this scope, facilities through the use of technology will be made available in the conduct of certain activities such as enabling convicts and detainees to have video calls with their relatives, send and receive letters, submit petitions and have their medical conditions monitored.
- i. The psycho-social support programmes offered to convicts and detainees will be diversified and moral/spiritual guidance services will be developed.

- j.** The number of Vocational Training Centres, established in order to help convicts and detainees acquire professional skills, will be expanded, and the number and diversity of the training programmes will be increased.
- k.** The number of the workshops that operate with a view to helping convicts and detainees acquire professional skills for the life after release, along with their diversity of lines of work available, will be increased and their capacity will be improved.
- l.** Employers who contribute to the participation of released convicts in business and labour will be incentivised with a view to assisting their reintegration into the society.
- m.** In order to help persons on probation acquire professional skills, programmes will be organised in cooperation with public adult education centres, Turkish Employment Agency (İŞKUR), local administrations and the private sector; such persons will be enabled to fulfil their community service obligations in these courses.
- n.** Measures will be taken to encourage specialist personnel such as physicians, pedagogues, psychologists, sociologists and social worker to work at penitentiary institutions, and their number will be increased.
- o.** The legislation concerning the discipline of convicts and detainees will be reviewed; an effective, foreseeable and proportionate rewards/sanction system will be developed.



Taking the Measures Necessary for the Protection of Human Life

Activities

- a. 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 any and every measure necessary in their capacities as either regulatory and supervisory or executive authorities.
- b. A review will be held on the regulatory framework concerning the environmental safety and supervision of construction sites, disaster-prone buildings and derelict buildings.
- c. Measures necessary will be taken to minimise the risk of death or injury in traffic accidents.
- d. Measures necessary will be taken in an effective manner in order to reduce the infant and child mortality rates.
- e. In the determination of fitness for military service, the medical history of the candidate will be evaluated in detail, while ensuring protection personal data, and the medical staff will be offered regular trainings to ensure standardisation in medical examinations and reports.
- f. Persons who are at risk of harming themselves or others or being harmed by others during the military service will be identified effectively and their access to weapons will be denied.



Protecting the Private Life in the Processing of Personal Data

Activities

a.

The Law on Protection of Personal Data will be harmonized with the European Union standards.

b.

The application to the administrative justice, instead of the magistrate judgeships, to challenge administrative fines imposed by the Personal Data Protection Board will be introduced.

c.

In order to prevent the grievances and losses of rights of individuals, the practice-based problems regarding the deletion of criminal records will be eliminated; also, the length of time required for deletion of "archive records" will be shortened.

d.

The provisions concerning restitution of the rights which were forfeited as a result of a criminal conviction will be reviewed in a way that will not prevent the exercise of rights and freedoms.

AIM 7:
**A MORE EFFECTIVE
PROTECTION OF
THE RIGHT TO
PROPERTY**

The right to property is a fundamental right that guarantees the social and economic development of the society. Being enshrined in the Universal Declaration on Human Rights, the ECHR, and the Constitution, this fundamental right is considered to be affiliated with the principle of innatism in the modern human rights doctrine and it is under the protection of the State. Apart from its obligation to protect, the State is also required to take the measures capable of securing the full enjoyment of the right to property within the framework of its “obligation to implement”.

In the recent years, important novelties have been put into practice as regards the state’s obligation to protect and implement the right to property. For example, the amendments made to the Expropriation Act (Law no. 2942) led to the adoption of the principle of “equitable redress” through the compensation of “real value” in order to protect citizens from incurring damages due to non-payment or late payment of the expropriation price for their immovable properties. Also, for the same purpose, a remedy of compensation for restrictions on property was introduced. Damage Assessment Commissions were established with a view to offering reparation in a speedy, effective, fair

and amicable manner for damages suffered by individuals due to terrorism and counter-terrorism activities, without a need for applying to national or international judicial bodies to obtain relief.

The Action Plan addresses the inviolability of the right to property in a tone that also reminds the administration of this fact. Having the support of the political will for strengthening the right to property, the Plan also proposes solutions to the problems stemming from the practice.

In addition to acknowledging the individuals' right to property, the Constitution explicitly states that persons have the freedom to work and execute contracts in the field of their choice and to establish private enterprises freely. These constitutional provisions demonstrate that our legal system adopts as a fundamental principle that persons have freedom of will. In an economic order that relies on such principles, it is clear that contracts are one of the most important tools for individuals to protect and improve their material and non-material possessions.

The way in which the freedom of will manifests itself in the field of the law of obligations is the freedom of contract. Thanks to the freedom of contract, persons can freely arrange their affairs related to debt, receivables (credits) and property through contracts which they can make within the legal order. For this reason, the Plan regards the law of contract and the right to property in conjunction with and as complementary to each other. In this respect, it lays down certain measures aimed at strengthening this freedom in social and economic life.

The Action Plan addresses the inviolability of the right to property in a tone that also reminds the administration of this fact. Having the support of the political will for strengthening the right to property, the Plan also proposes solutions to the problems stemming from the practice.

The first goal under this aim is to solve the problems faced in acts of expropriation. A sequences of activities are planned in order to protect and strengthen the individual right at issue, with particular regard to amending the legislation and preventing breaches of property stemming from de facto expropriation.

Similarly, maintaining a balance between the creditor and the debtor in terms of the right to property is also considered as a matter of significance. Introducing the opportunity to conduct debt enforcement sales over the electronic medium so as to maximise the selling price of attached properties and enabling the debtor to sell an attached property, as well as ensuring the speedy handling of cases concerning the right to property are among the issues on which the Plan acutely dwells.

One of the reformative changes to be made in the system is going to be introducing a "pilot case" procedure in disputes of the same nature to which a public administration is party, thereby ensuring that the ruling delivered therein will be binding in respect of other disputes concerning the same matter.

Being aware of the legislation- or practice-related problems regarding the seizure and confiscation procedures in criminal proceedings, the Action Plan recommends several amendments that prioritise the personal right in this context.

Furthermore, activities are envisaged in order to offer a more effective protection of the right to property during zoning practices and parcelling procedures and it aimed to ensure a uniform practice within the framework of the principles of transparency, accountability and objectivity.

Seeking not only to protect and promote the aforementioned fundamental rights but also to prevent the violations affecting this field of rights, the Plan envisages the following goals and activities under the aim of "A More Effective Protection of the Right to Property":

AIM 7: A MORE EFFECTIVE PROTECTION OF THE RIGHT TO PROPERTY



Preventing Violations of the Right to Property Caused by Expropriation Practices

Activities

- a. For the effective protection of the right to property, a review will be conducted on the Expropriation Act and other relevant legislation, including the provisions related to the urgent expropriation procedure.
- b. It will be ensured that the changes in the consumer price index 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.
- c. Measures will be taken to ensure that the “public interest” decision within the context of expropriation is delivered in a clear, foreseeable and understandable manner.
- d. An administrative remedy of application will be introduced under the auspices of governor’s offices against legislation- or practice-based interferences with the right to property, such as acts of de facto expropriation, and administrative sanctions will be imposed on the public officials who are found to be at fault.
- e. It will be ensured that the cases stemming from acts of de facto expropriation be handled as a priority and that the damages incurred by the owner be compensated as quickly as possible and without delay; and regulations will be introduced enabling that the court fees and expenses and the counsel’s fee pertaining to these cases be borne by the administration concerned.
- f. The rarity and artistic value of immovable cultural assets will also be taken into account while determining the price of the expropriation.



Preventing Violations of the Right to Property Caused by Enforcement Proceedings and Judicial Processes

Activities

- a. The Enforcement and Bankruptcy Act and the Regulation thereunder will be reviewed in a manner capable of ensuring protection of the right to property at the widest extent.
- b. All stages of debt enforcement sales will be conducted over the electronic medium in order to maximise the sales price of attached properties, thus ensuring that the creditor recover their receivable and the debtor be cleared of their outstanding debt.
- c. While looking out for the creditors' interests, the debtor will be enabled to sell the properties that have been attached.
- d. In an aim to reduce the costs faced by the parties during enforcement proceedings, reductions will be made in the percentage of tender security deposit, safe custody charges and other expenses.
- e. Measures necessary will be taken to abolish the practices that enable the filing of actions for annulment of tender in an organised and malicious manner, which victimise the parties to the proceedings and the winner of the tender.
- f. The fine to be imposed upon denial of the request for annulment of tender will be reviewed on the basis of the principle of proportionality.
- g. The matters of administrative justice that affect the right to property will be resolved in a speedy manner via a summary procedure.
- h. A "pilot case" procedure will be introduced in disputes of the same nature to which a public administration is 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.

- i. The procedural guarantees will be strengthened against the problems stemming from the legislation or the practice in relation to confiscation in criminal proceedings.
- j. Necessary arrangements will be made to prevent the depreciation in value of the assets which are seized over the course of criminal proceedings.



Preventing Violations of the Right to Property Caused by Zoning Practices

Activities

- a. A uniform practice in line with the principles of transparency, accountability and objectivity will be ensured in terms of the practices of contribution to planning costs and renouncement without compensation.
- b. A system will be put in place to monitor and supervise zoning plans, thus it will be ensured that the grievances faced by citizens due to the application of Article 18 of the Zoning Act with regard to parcelling be eliminated.
- c. In order to strengthen the legal foreseeability and certainty, measures necessary will be taken to eliminate the grievances faced in practice due to modifications to zoning plans.
- d. 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.



Preventing Violations of the Right to Property Caused by Administrative Practices

Activities

- a. The well-established judicial case-law that are in favour of individuals will be regularly tracked by the administration, and the administrations will be given wider powers in matters such as accepting the applications submitted therewith or relinquishing their claims.
- b. Property owners and persons concerned will be provided access to information over the electronic medium about the public restrictions imposed by administrations on the land registry records.
- c. It will be ensured that the security deposit collected when signing service subscription contracts be determined on unit basis according to the nature of the service and be refunded in a way that preserves the value it had at the date of collection.
- d. The measures necessary will be taken, including awareness-raising activities for the personnel concerned, to ensure that the case-laws of the Constitutional Court and the ECtHR concerning the right to property are effectively taken into consideration in land registry and cadastre affairs.
- e. Certain practice-related setbacks will be eliminated with a view to ensuring that the collection procedures resulting from groundless/undue payments made by the public institutions are conducted on a foreseeable and equitable basis.

AIM 8:
**PROTECTING
VULNERABLE
GROUPS AND
STRENGTHENING
SOCIAL WEALTH**

The Action Plan begins its goals under this aim with the rights of the child. Rights of the child has always been a human rights discipline which is given priority and continuously improved via progressive policies by all democratic systems. This concept is rooted in an understanding that aims to provide a rights-based protection for all children without any discrimination against any child. In this framework, the

United Nations Convention on the Rights of the Child (1989) was drafted by the international community.

Another concept that continuously develops within the human rights discipline is the rights of the youth. In addition, it is aimed to protect and strengthen human rights with regard to areas such as healthy and liveable environment, public health, and informatics.

In recent years, Turkey has made considerable progress in terms of rights of the child. For instance, in 2010, “Children’s Rights” was added to Article 41 of the Constitution titled “Protection of the Family” under the chapter concerning “Social and Economic Rights and Duties”, thus the principle of best interest of the child was granted a constitutional guarantee¹³. Moreover, the rights of the child are addressed in several laws, most notable ones being the

Law on Protection of the Child (Law no. 5395, in force since 2005), Law on Civil Aspect and Scope of International Child Abduction (Law no. 5717, in force since 2007), and the Law on Protection of the Family and Prevention of Violence against Women (Law no. 6284, in force since 2012).

13 Article 41 §§ 3 and 4 of the Constitution: “Every child has the right to protection and care and the right to have and maintain a personal and direct relation with his/her mother and father unless it is contrary to his/her high interests.

The State shall take measures for the protection of the children against all kinds of abuse and violence.”

Practices of juvenile justice have a significant place within the Plan's objective to put the physical and mental development of children first. It adopts a holistic approach towards juvenile justice, without discriminating between children who are victims and those pushed to delinquency, in terms of supporting and protecting children. In this connection, reviewing the provisions regarding the handing over of the child through the intermediary of enforcement offices and establishing a personal relationship with the child in consideration of the best interest of the child, enabling the execution of sentences in respect of mothers who are accompanied by children aged 0-6 in mother-child units which are specifically designed for this purpose, granting wider opportunities for mothers to benefit from probation, and ensuring that all visitation to children held in closed penitentiary institutions be conducted in the form of a "contact visit" are among the humanistic practices to be employed.

Another concept that continuously develops within the human rights discipline is the rights of the youth. This right guarantees the youth the right to have a voice in the society and to participate in the decision-making processes, as well as protecting them from discrimination. The right of participation is the most concrete expression of the fact that the youth are also free individuals. The right of participation refers to the youth's active and effective existence in various social areas. In this context, in line with the will to ensure the political participation of the youth at the widest extent, the minimum age required to stand for elections was initially reduced from thirty to twenty-five by the amendment of 2006 and subsequently to eighteen by the amendment of 2017.

By putting emphasis on the importance of the aforementioned issues, the Council of Europe¹⁴ and the United Nations both invite member states to make legislative amendments in this regard. In this scope, the Directorate General for Youth Services -established under the Ministry of Youth and Sports- conducts various activities to ensure that young people can spend their free time with social, cultural and sportive activities and participate actively in life, as well as social activities.

The rights of the elderly and people with disabilities is another area where the State needs to take affirmative action and develop special policies. The improvements launched via legal amendments in our

14 <https://rm.coe.int/168070237c>, Accessed on 05.02.2021

country in this regard have gained a significant momentum particularly since 2003. In this connection, the United Nations Convention on the Rights of Persons with Disabilities was signed in 2007 and entered into force in 2009 after its ratification by the Grand National Assembly of Turkey. Social protection practices were further strengthened; in particular, the Home Health Care Service was launched for the first time in 2010. With the measure taken, the principle of “social state” in the Constitution has been turned into a fundamental norm to be applied as regards individuals with disabilities and the elderly. This norm has made itself strongly felt within sentence execution policies in the recent years.

As a continuation of this strategy, the Action Plan envisages a range of activities oriented at further expanding the rights of convicts and detainees, developing special execution procedures, and being mindful of the vulnerable groups in penitentiary institutions. Increasing the possibilities for the seriously-ill, elderly, pregnant convicts or those with disabilities to serve their sentences at home, expanding the scope of alternative sanctions to short-term prison sentence, and expanding the scope of release on parole for the elderly convicts and those with disabilities are some of the activities planned in this respect.

One of the vulnerable groups in the society is the foreigners who were forced to leave their country in despair after being subjected to grave human tragedies such as civil war, ethnic cleansing and poverty. Turkey has developed, in the recent years, certain practices based on policies that set an example for the world in this regard. In 2013, the Law no. 6458 on Foreigners and International Protection, oriented at foreigners who sought protection, was put into force. The Plan includes activities that reflect the will to continue this approach stronger.

The aim in question also encompasses goals to protect and strengthen human rights with regard to areas such as healthy and liveable environment, public health, and informatics. The right to health, which is under the category of social rights, is a type of right directly linked to the right to life.

Another manifestation of the right to social wealth is the right to a healthy and liveable environment. In order to mitigate the climatic and environmental damage caused by dense urbanisation, Turkey not only became party to international conventions but also put into practice a set of legislative regulations. In this context, Turkey signed the UN Framework Convention on Climate Change in 2004 and the Kyoto Protocol in 2009.

Today, the digital environment has become a part of daily life as well as the physical environment. Technological innovations are being addressed by international organisations in terms of ethics and from the standpoint of human rights and freedoms. Because any technological field may lead to violations of rights, limitations on freedoms, new types of crime and breaches of ethics.

Moreover, within the scope of protecting animals and enabling them to live in their natural habitats, raising the society's awareness about the fact that animals are not goods but rather lives and, if necessary, making legislative regulations are among the important activities under the Action Plan.

In the face of all of these developments, in order to reinforce the human rights safeguard mechanisms and to adapt to the current needs, the Action Plan envisages the following goals and activities under the aim of "Protecting Vulnerable Groups and Strengthening Social Wealth":

AIM 8: PROTECTING VULNERABLE GROUPS AND STRENGTHENING SOCIAL WEALTH



Supporting the Physical and Mental Development of Children

Activities

- a. Efforts to protect children from digital risks, cyberbullying, internet addiction, and the harmful effects of written and visual media will be increased.
- b. A more effective fight will be put up against acts of online child abuse and the measures necessary will be taken to eliminate any grievances emerging as a result thereof.
- c. A system of legal entity guardianship will be put in place in order to secure a more effective care and custody for unaccompanied children who are under international protection or temporary protection.
- d. The provisions regarding the handing over of the child and establishing a personal relationship with the child will be reviewed in consideration of the psychology and the best interest of the child.
- e. The physical examination of children during the judicial/ forensic processes will be performed in consideration of “the Council of Europe Guidelines on Child-friendly Justice”, in the presence of an accompanying person per the child’s request or an expert opinion.
- f. A new model of courthouse architecture will be developed, which will host family and juvenile courts within a separated campus, with a view to offering a better protection for the family privacy and the best interest of the child.

- g.** The courtrooms in juvenile courts will be designed to be child-friendly; judges, prosecutors and lawyers will be allowed to attend the hearing without wearing robes.
- h.** With the exception of certain serious offences, protection mechanisms specific to children will be developed so that the acts committed by children under the age of 15 for the first time are not subject to investigation.
- i.** The cases and reviews performed by regional courts or the high courts concerning children will be handled as a priority.
- j.** Psycho-social support services will be offered to children who are under judicial supervision.



Developing Execution Practices that are Sensitive to the Juvenile Justice System

Activities

- a. It will be ensured that children who are held in penitentiary institutions as convicts or detainees benefit more from physical activities such as games, sports and youth camps.
- b. The sentences in respect of mothers who are accompanied by children aged 0-6 will be executed in mother-child units which are specifically designed for this purpose.
- c. Wider opportunities will be granted for mothers who are accompanied by children aged 0-6 to benefit from probation.
- d. The handing over of children aged 0-6 who live with their mothers in penitentiary institutions to their relatives outside or from their relatives to their mothers will be carried out in the form of a contact visit, thereby preventing the exhaustion of children.
- e. All visits to children held in closed penitentiary institutions will be conducted in the form of a "contact visit".
- f. Juvenile convicts and detainees will be given the opportunity to have a "family meeting" with the participation of their family members.
- g. Unaccompanied children who are released will be notified to the relevant Provincial Directorate of Family, Labour and Social Services and the protective measures necessary will be taken in respect of such children.
- h. Child bureaus will be set up within probation offices and the children who are pushed to crime will be monitored by these bureaus at all stages of the judicial process.



Protecting and Promoting the Rights of the Youth

Activities

a.

“Volunteering Activities” will be included in the curriculum of secondary education and its offering as an elective course will be spread in universities; also, such activities will be taken into account in the assessment of the students’ success.

b.

A more effective representation of the youth will be secured in decision-making processes; activities will be carried out to help them benefit more from social, cultural, artistic and sports opportunities.

c.

The youth will be encouraged to have an active role in the software industry and have a say in the digital world; to this end, they will be granted more facilities to benefit from certificate programmes with international recognition.

d.

The scope of marriage assistance for young people will be expanded.

e.

The active participation of the 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.

f.

More opportunities will be made available for the fulfilment of the mandatory internships required during the university education abroad in Turkey.

g.

Facilities will be granted to enable the youth living abroad to benefit from the Overseas Graduate Studies Scholarship Programmes of the Ministry of National Education, on the condition that they fulfil their compulsory service in Turkey.

h.

In an aim to further contribute to the effective implementation of the United Nations Youth Strategy “Youth2030”, efforts will be accelerated for the establishment of a United Nations Youth Centre in İstanbul.



Protecting and Promoting the Rights of the Youth

Activities

- i.** The youth will continue to be supported through quality and accessible youth work, including in particular youth centres, youth camps and non-formal education programmes.
- j.** Mass housing projects will continue to be developed; effective measures regarding the right to acquire housing of people in need, including the youth, will continue to be taken.



Facilitating the Access of the Elderly and People with Disabilities to Public Services

Activities

- a.** The employment of people with disabilities at high-level positions in public administration and public sector posts matching their professions will be encouraged.
- b.** A standard will be established with regard to the criteria concerning the state and rate of disability indicated on medical reports, which are required in order to be able to benefit from the rights granted to the people with disabilities; the grievances of the citizens with disabilities will be eliminated by means of reviewing the multiple rating scheme.
- c.** The buildings allocated for public use, including courthouses, as well as public spaces and means of transport will be made accessible and friendly for people with disabilities and the elderly. Also, smart applications that facilitate the lives of people with disabilities and the elderly will be rendered widespread.

- d.** It will be encouraged to broadcast television programmes with sign language interpretation or subtitles for people with disabilities. In addition, the number of qualified public officers, particularly sign language interpreters for people with hearing impairment, employed for services for people with disabilities will be increased.
- e.** The relevant legislation will be reviewed in order to secure the full participation of people with disabilities and the elderly in voting processes and measures will be taken to facilitate for their voting.
- f.** Alternative measures to guardianship will be developed on the basis of persons' state of criminal conviction, disability or degree of senility.
- g.** Students with a certain degree of disability will be accommodated free of charge in the dormitories of the Ministry of Youth and Sports.
- h.** The scope of special execution procedures will be expanded and wider facilities will be granted to enable the gravely-ill or elderly convicts or those with disabilities to serve their sentences at home.
- i.** The scope of the execution of sentences in the form of probation will be extended in respect of convicts who are unable to live on their own in the penitentiary institution due to disability, illness or senility; in this context, regulations will be made to ensure that a report obtained from a public hospital be recognised as sufficient for this regard.



The Rehabilitation of Foreigners under International Protection or Temporary Protection and Strengthening of Their Access to Justice

Activities

- a. Strategies will be developed towards meeting the basic needs, such as health, accommodation and education, of foreigners under international protection or temporary protection and victims of human trafficking; in this scope, joint efforts will be conducted with non-governmental organisation in order to facilitate their social adaptation.
- b. An effective remedy of application will be introduced to examine complaints concerning the conditions of accommodation at removal centres.
- c. Secondary legislation work concerning alternative measures to “administrative detention” will be conducted and these measures will be implemented effectively.
- d. Measures necessary will be taken in order to facilitate the practical access of the foreigners, who are within the scope of the Law on Foreigners and International Protection, to an attorney and to ensure completion of proceedings within a reasonable time.
- e. The forms concerning the rights of suspects, accused persons and victims that are prepared for foreigners will be translated into widely-spoken languages and provided to the persons concerned.
- f. A database of offences committed against foreigners under international protection or temporary protection will be created.



Combating Human Trafficking in an Effective Manner

Activities

a.

The criminal provisions and penalties related to human trafficking will be reviewed in accordance with the Council of Europe Convention on Action against Trafficking in Human Beings and the recommendations of GRETA.

b.

Regular trainings will be offered to the judges, prosecutors and law enforcement officers assigned with offences related to human trafficking and a set of guiding principles will be drafted in regard to such offences.

c.

Measures necessary will be taken effectively for the protection of victims of human trafficking and witnesses thereto; the effectiveness of the inspections against unregistered employment will be increased in order to prevent people from becoming victims to human trafficking.



Guaranteeing a Healthy and Liveable Environment

Activities

- a. The effects of climate change on fundamental human rights will be analysed and the results will be taken into consideration in shaping public policies.
- b. Communication campaigns will be organised in order to raise public awareness about the preservation of forests and a healthy and liveable environment.
- c. Production of hazardous chemicals and waste will be minimised, the rates of waste recycling and use of renewable energy sources will be increased.
- d. A social consciousness will be developed about energy efficiency and public awareness will be raised to achieve a behavioural change in the society.
- e. Steps will be taken towards protecting animals and enabling them to live in their natural habitats, sanctions will be imposed on those who fail to fulfil their obligations. Furthermore, awareness-raising activities will be conducted in collaboration with non-governmental organisations about love for animals.
- f. In order to ensure that animals are treated well and protected properly, the legislation will be made with an understanding that regards them as lives rather than goods.
- g. The amount of green space per person will be increased and green spaces will be rendered safe and accessible for women, children, the elderly and people with disabilities.
- h. Public squares and places that are accessible for everyone will be created in all cities.
- i. An effective fight will be put up against offences which disturb the social peace, general safety or traffic safety.



Ensuring Food and Water Security

Activities

- a. Food and water supply security and food safety for all will be ensured.
- b. An independent mechanism will be established, with the participation of representatives from consumer organisations, in order to be able to secure the reliable food supply through risks assessments and inform the public timely and accurately.



Protecting the Public Health and Facilitating Access to Health Care Services

Activities

- a. The number, capacity and effectiveness of ÇEMATEMs (Child and Adolescent Substance Addiction Treatment Centres) and AMATEMs (Adult Alcohol and Substance Addiction Treatment Centres) will be increased with a view to effectively combating narcotics, stimulants and other addictive substances.
- b. The rehabilitation practices for those convicted of drug-related offences will be carried out in cooperation with non-governmental organisations.
- c. A five-year “addiction tracking model” will be developed, through which the treatment and rehabilitation of persons, who are released on parole related to the offence of use of narcotics for the first time, will be monitored through interim checks.
- d. The training support concerning public relations will be increased for the personnel assigned to patient reception and referral services.



Protection of Human Rights in Digital Environment and Against Artificial Intelligence Applications

Activities

- a. Awareness-raising efforts will be conducted about law and social media literacy for people of all ages, in particular the youth.
- b. In an aim to protect personal rights, the fight against cybercrime and cyberbullying will be rendered more effective and the opportunities for international cooperation in this respect will be developed.
- c. An effective fight will be conducted against acts that violate the personal rights of individuals over the social media, in a way that will also protect the freedom of expression.
- d. The legislative framework and ethical principles concerning the field of artificial intelligence will be established in consideration of international principles, and measures will be taken regarding the protection of human rights from this aspect.
- e. Artificial intelligence applications will be used in the judiciary in conformity with the principles and recommendations of the Council of Europe and without prejudice to the principle of protection of legal guarantees.

AIM 9:
**HIGH-LEVEL
ADMINISTRATIVE
AND SOCIAL
AWARENESS ON
HUMAN RIGHTS**

The fact that the ninth, and last, aim of the Plan is set as achieving a “High-level Administrative and Social Awareness on Human Rights” emphasises that all of the activities envisaged so far can only be sustainable if there is a high level of human rights awareness. By keeping the awareness on human rights at a high level, the Action Plan aims to not only strengthen but also perpetuate the sensitivity at administrative and societal spheres towards rights and freedoms.

In particular, developing human-oriented and human rights-sensitive relations in social, political and cultural fields and, as

By keeping the awareness on human rights at a high level, it is aimed to not only strengthen but also perpetuate the sensitivity at administrative and societal spheres towards rights and freedoms.

a result, creating a public awareness on fundamental rights is of great importance. In this context, not departing from the understanding of a state based on human rights in the exercise of judicial acts and executive power is crucial for the elimination of the problems related to practice. Likewise, the legislation must be prepared with an understanding focused on human rights and in judicial and administrative activities the expanding interpretation of rights and freedoms should be taken into account.

In the process of justice and development in every area which Turkey has been going through since 2002, a particular weight has been given to pre-service and in-service trainings oriented at raising the awareness of public officers about human rights, especially judges, public prosecutors and members of the law enforcement. In fact, in order to eliminate the problems stemming from the practice, the compliance of judicial authorities with case-laws of the Constitutional Court and the ECtHR in their rulings has been set as a criterion in terms of the promotion and appointment processes of members of the judiciary. To that end,

the Turkish interface of HUDOC, the database which hosts the ECtHR's rulings, has been made available and opened to the access of those concerned. Facilities have been provided to members of the judiciary to be more aware of international bodies of law and justice; to see on site and receive first-hand information about the practices of, most notably, the ECtHR along with institutions such as the International Court of Justice, the International Criminal Court, and the Office of the OSCE Representative on Freedom of the Media.

On the other hand, another important dimension of this subject is raising the awareness of the public with regard to human rights. It is the individuals forming the society who will implement and maintain the principles and rules written down in the legislation. The level of social awareness on human rights is directly decisive for a strong democracy. It is of great importance to develop human-focused and human rights-sensitive approaches in social, political and cultural spheres.

Therefore, the supervision of human rights by the public will only be possible with a better social awareness; and the supervisory responsibility stemming from the understanding of equality before law can thus be developed. Making sure that the commitments to human rights are transparently open to supervision will be the strongest step that strengthens the sense of social justice.

The Action Plan has been prepared with the awareness of the fact that the human factor lies at the basis of any progress. The Plan, therefore, does not simply discuss human rights awareness with an abstract and theoretical approach but rather aims to uphold these rights in any environment where human relations are in effect and to inspect and eliminate any practices to the contrary.

In line with this understanding, it is undisputable need that the normative content of human rights should be included with the curriculum at every level from primary to higher education. It is clear that education and training processes will not be sufficient if they are limited to merely conveying the knowledge of human rights unidimensionally. Thus, the activities related to experiencing the human rights practice gain a particular meaning.

There is no doubt that the most tangible outputs of human rights education in our legal system is observed at the end of legal education at universities. By increasing the quality of legal education, the system's human rights vision will be built upon a solid foundation. For this

purpose, the Plan envisages very powerful activities, such as increasing the term of education in faculties of law to five years; enriching the curriculum with courses such as methodology of law, legal reasoning and juristic psychology; raising the minimum threshold of success ranking required for admission to faculties of law and re-determining their student quotas.

Moreover, providing graduate and doctorate study opportunities abroad with a human rights research scholarship by the Ministry of Justice and the establishment of a legal research institute will be important steps to be taken in this regard.

Also, it is absolutely necessary to offer a technical infrastructure to the judiciary as a whole for enabling them to track the current developments in the field of human rights law. In order to ensure that academics, public administrators and other target audiences can keep up with these developments, an easier access to the decisions and reports of international human rights bodies needs to be offered. In this context, establishing further cooperation with international human rights mechanisms, notably the ECtHR and the UN Human Rights Council, will be a significant activity.

For these reasons, the Action Plan envisages the following goals and activities under the aim of “High-level Administrative and Social Awareness on Human Rights”:

AIM 9: HIGH-LEVEL ADMINISTRATIVE AND SOCIAL AWARENESS ON HUMAN RIGHTS



Raising the Awareness of Public Officials on Human Rights

Activities

a.

Human rights-oriented administration and good practices will be encouraged; in this sense, the procedures and principles will be established for rewarding public officials who are more diligent than their peers with their sensitivity towards human rights in their work.

b.

Activities will be conducted to raise the awareness of civil provincial and district governors and high-level public executives on human rights.

c.

Fundamental human rights topics will be extensively included in the programs of pre-service and in-service trainings offered to members of the law enforcement.

d.

Fundamental human rights topics will be included in the pre-service and in-service trainings programs offered to all public officials, in particular those who work at the information enquiry units of public institutions and organisations.

e.

Religious officers will be given training on fundamental human rights with a view to raising public awareness on human rights in the society.

f.

Activities on developments in the field of human rights will be organised for the members and specialists of human rights institutions and human rights boards at provincial and district levels.

g.

Penitentiary institution and probation office staff will be given regular trainings on human rights, which will also include the recommendations of the Council of Europe and the United Nations.



Raising the Awareness of Public Officials on Human Rights

Activities

h.

Measures necessary will be taken within the public sector, and the private sector establishments will be encouraged to increase women's employment and their participation in the work life under fair conditions.

i.

Training and awareness-raising activities will be organised in order to further enhance the communication of public officers with the beneficiaries of any public service and the society in general within the framework of respect for personal rights.



Raising the Awareness of Judges, Prosecutors and Lawyers on Human Rights

Activities

- a. Within the scope of pre-service and in-service trainings, judges, prosecutors and lawyers will be offered regular trainings on human rights, with the inclusion of the case-laws of the Constitutional Court and the ECtHR.
- b. Judgments and decisions of the Constitutional Court and the ECtHR will be accessible through the National Judicial Network System (UYAP) and they will be communicated to the judges and prosecutors involved in the ruling and the appellate review which gave rise to the application.
- c. The opportunities provided to judges, prosecutors and lawyers to attend traineeships and study visits at the ECtHR, the Council of Europe and other international human rights mechanisms will be further expanded.
- d. The “Human Rights Education for Legal Professionals” (HELP) training modules will be promoted via their translation into Turkish and all legal professionals will be encouraged to benefit from these trainings.
- e. Social media ethics for judges, prosecutors and public officials will be determined on the basis of the principle of “impartiality”.
- f. Regular training activities will be organised for members of the judiciary in order to fully secure the enjoyment of the legal right to be heard and to maintain a respectful and polite form of communication with citizens throughout judicial proceedings.
- g. Trainee judges, prosecutors and lawyers will be provided with the opportunity of traineeship at the Constitutional Court.



Raising Public Awareness on Human Rights

Activities

- a. "Turkey's Human Rights Report" will be prepared annually and shared with the public.
- b. Taking into consideration the UN Guiding Principles on Business and Human Rights, a national set of guiding principles with regard to business and work life will be prepared and awareness-raising activities will be conducted.
- c. Courthouse spokespersons will inform the public quickly and accurately of judicial processes through verbal and written statements.
- d. The recognition and visibility of the Declaration of Ethics for the Turkish Judiciary, the judiciary's promise to our nation, will be increased in courthouses.
- e. Field studies will be conducted in order to measure the perception, needs and demands and the effects of the practice regarding human rights in the public.
- f. A sustainable communication strategy will be developed on human rights and justice. In this scope, cinema, theatre and television productions and short film competitions with the theme of "human rights and justice" will be encouraged and educational and informative broadcasts will be carried out in these fields.
- g. Role models and success stories in the field of human rights will be announced to the public via appropriate means of communication, thereby promoting good practices.



Improving and Spreading the Education on Human Rights

Activities

- a. Course programmes on human rights will be developed for primary and secondary education with a view to instilling human rights awareness into individuals from an early age.
- b. Certificate programmes will be organised for teachers who offer the courses on topics of human rights and justice at primary and secondary education and graduates from faculties of law will also be involved in the teaching of these courses.
- c. The human rights course will be compulsory at faculties of law and will be included in the course catalogues of other related faculties.
- d. Post-graduate study programmes and academic research in the field of human rights will be encouraged and periodical and non-periodical publications will be issued in this area.
- e. The number of human rights departments and human rights research centres will be increased within universities.
- f. Assessment of knowledge of human rights law will be made a part of certain examinations such as Public Personnel Selection Examination, the Examination for Admission to Legal Professions, and the Examination for Selection of Candidate Judges and Prosecutors.
- g. “Human Rights Training” certificate programmes will be organised by the Ministry of Justice, and the expertise of this certificate holders will be benefited in projects and studies related to human rights.



Improving the Quality of Legal Education

Activities

- a. The term of education in faculties of law will be raised to five years and the programmes will be enriched with courses such as methodology of law, legal reasoning and decision drafting, and juristic psychology and the link between formation and practice will be strengthened.
- b. The minimum threshold of ranking (according to the results of the university entrance exam) required for admission to faculties of law will be pulled up from 125,000 to 100,000 in the next year. This threshold will be further raised over time with a particular focus on quality.
- c. The student quotas at faculties of law will be limited at a certain level that will allow for a higher quality of education.
- d. The standards related to the number of lecturers and departments required to be able to admit students to faculties of law will be increased.
- e. Deans of faculties of law will only be selected from among academics who graduated from a faculty of law.
- f. It will be ensured that the vocational schools of justice provide only formal education.
- g. Extensive cooperation mechanisms will be developed between judicial institutions and faculties of law and "legal clinic" practices will be rendered more widespread.
- h. The cooperation between the Ministry of Justice and faculties of law will be strengthened with a view to improving legal education and professional quality.



Enhancing Cooperation with International Human Rights Mechanisms

Activities

- a. A review will be conducted on the signature and ratification processes regarding the international human rights conventions and additional protocols to which Turkey is not a party.
- b. Cooperation with international human rights mechanisms, notably the ECtHR and the UN Human Rights Council, will be enhanced.
- c. A “Legal Research Institute” will be established in order to follow the international developments in the field of human rights law and to develop new policy recommendations in consideration of social demands and needs.
- d. “Human Rights Research Scholarship” will be offered in order to encourage judges, prosecutors, public officials and academics, as well as persons pursuing undergraduate or post-graduate studies, to receive education abroad on various disciplines of law, mainly human rights.
- e. The number of qualified experts equipped with the skills necessary for assignment at international human rights bodies will be increased.
- f. ECtHR’s rulings, international reports, guides and similar documents on human rights will be translated and shared with the relevant institutions.

**A NEW AND
CIVILIAN
CONSTITUTION**

The main approach laid down by the Action Plan on Human Rights is the fact that it accepts protecting and promoting human rights as the principal duty of the State. Therefore, on the one hand it is aimed to preserve the significant progress that has been achieved over the last 18 years, on the other hand, to solve certain problems seen in practice as well as to improve the legislation.

The developments so far achieved in the field of rights and freedoms and the efforts to be made in the upcoming process can only become permanent if the human rights-sensitive approach takes hold as the basic course of conduct in the public administration and the society. With this premise, the Action Plan points at important legislative amendments. In these recommendations the horizon and the framework were determined and the amendments to be made after the preparatory process, which will proceed with a transparent and participatory approach, will be thorough and fit for the purpose.

With the understanding that the state can only live if the people live, making a new constitution that takes it as its duty to guarantee human rights and freedoms should be regarded as a historic responsibility.

There is no doubt that the complete implementation of the rule of law principle in legislation and practice is primarily and essentially a constitutional matter. The Constitution is the most powerful and safeguarded foundation of the political and social willpower that will protect and promote rights and freedoms. In this respect, constitutions, which are qualified as "social contracts", are documents

that determine the relationship between the citizen and the state and lay down fundamental categories of rights.

The amendments to the 1982 Constitution which have been made so far on several dates (1987, 1993, 1995, 1999, 2001, 2002, 2004, 2005, 2006, 2007, 2010 and 2017) served the purpose of democratisation and achieving a stable administration. Despite

the aforementioned amendments that were introduced through the direct or indirect will of the nation, the residues of the spirit which had emerged from the dynamics at play during its drafting are still being felt today. While every amendment aimed at cleansing of such residues has been a new step on the way to a stronger democracy, it has not yet been able to eliminate the Constitution's prevalent tone on freedoms which is irresolute and filled with exceptions. Regardless of how many times it is amended, its name will stay as "the 1982 Constitution" and it will always be a reminder of the coup d'état of 12 September 1980.

From this aspect, for democracy, human rights and the rule of law to take root in Turkey, it is of great importance to draft a new constitution whose basic philosophy will be the freedom and protection of the individual and which will contain the institutional guarantees necessary for strengthening the independence and impartiality of the judiciary.

As is known, the efforts towards meeting the need for a new constitution have constantly been on the agenda throughout the gradual deliverance of the democracy from its chains of tutelage since the 2000s. The recommendations prepared within this scope have also been shared with the public; the objective of drafting a new constitution with the nation and under the leadership of the national will has always been kept alive with a transparent and participatory approach.

A text of social contract to be prepared directly by the nation and with the national will at its core is going to be even more meaningful in the coming period in which our country will be preparing to welcome the 100th anniversary of the Republic. Indeed, having made its last civilian constitution in 1924, the nation will deserve to enter the second century of the Republic with a stronger and completely own Constitution. A new and civilian constitution corresponds to the desire of freedom-devoted nation to build a strong and safe future.

Turkey's history of democracy, that has been interrupted by military interventions, has not made it possible for our nation to have a civilian and democratic constitution which relied on universal values.

Our democracy, which has been struggling to free itself from the tutelary shackles since the beginning of 2000s, has been subjected to attempts of terrorist organisations to ensnare the national will and to the coup attempt and occupation of 15 July, and has reached to the

present day thanks to the political understanding integrated with the tenacity and the determination of the nation. Turkey has gone through this challenging process with the 1982 Constitution. However, it seems difficult to express that a constitutional understanding that will embrace the future, be passed down to tomorrow's generation, and fully reflect the national will can be represented the current constitution. The need for a new, civilian and liberalistic constitution is increasingly felt more and more every day.

Thus, with the understanding that the state can only live if the people live, making a new constitution that takes it as its duty to guarantee human rights and freedoms should be regarded as a historic responsibility. The new Constitution has to be based on the protection of the individual's physical and moral integrity along with honour and dignity under any circumstances and it has to reflect, without exceptions, the fact that the state exists for the humans. The work to be conducted to this end, at the same time, will be in line with the purpose of the Presidential Government System and further strengthen the functioning of the system.

If the Plan is seen as a starting point for the preparation of a new and liberalistic constitution that envisages a state understanding based on human rights, this Plan will have achieved one of its key functions.

In conclusion, the Action Plan on Human Rights is neither the first nor the last step in the reform process. By turning over a new page in the reform agenda, the Plan will become a fundamental policy paper that puts human rights at its core and it will make a strong contribution to our country's march towards an advanced democracy and its endeavour for a new constitution. The Plan's objective is to ensure that each of our citizens feel their physical and moral integrity fully safe in terms of their rights and freedoms; and its purpose is to have the system be placed on basis of rights and freedoms. The Plan is the State's pledge to our nation for a "Free Individual, Strong Society". It is for the nation to follow up, appreciate and evaluate the duties and responsibilities that fall on all of our institutions for the fulfilment of this pledge.

IV. BUDGET

It is envisaged that the budget for the goals and activities under the aims of the Action Plan will be shown in the annual budgets of the relevant and responsible institutions. It is aimed that the total budget used by the relevant ministry or institution for each aim is going to be reported in the “Implementation Report” to be prepared following the Action Plan. In this scope, it is projected that the responsible institutions use the funds appropriated for the goals and activities envisaged in their annual budgets in order to fulfil those goals and activities.

V. MONITORING, REPORTING AND EVALUATION

The implementation period of the Action Plan is envisaged as two years, the aims, goals and activities have been tangibly drawn up.

It is intended to prevent any hesitations which may arise during the implementation of the Plan and to ensure a more effective public review.

The goal is to eliminate the problems which may arise during the implementation of the Plan and to conduct the monitoring thereof in a transparent manner. The monitoring is envisaged to be carried out in an organisational structure in which the efforts of all institutions and organisations can be monitored in an effective manner. In this scope,

- The monitoring and evaluation of the Action Plan will be performed by the “Monitoring and Evaluation Board” comprised of delegates from the responsible ministries and relevant committees under the coordination of the Presidency of the Republic.
- The secretarial services of the Board will be performed by the Department of Human Rights of the Ministry of Justice.

- The ministries and institutions responsible for the activities prescribed by the Action Plan will prepare their implementation reports at intervals of four months and send them to the Department of Human Rights of the Ministry of Justice.
- The Department of Human Rights of the Ministry of Justice will draft the “Annual Implementation Report” on the Action Plan and submit it to the Monitoring and Evaluation Board for approval.
- The Annual Implementation Report will be assessed by the Human Rights and Equality Institution of Turkey and the Ombudsman Institution, of which the results will be submitted to the Presidency of the Republic and the Grand National Assembly of Turkey.
- The Annual Implementation Report will be announced to the public by the Presidency of the Republic.

VI. STAKEHOLDER PARTICIPATION AND PREPARATION INDEX

A. ANALYSES

1. Establishment of Contact Points and Working Groups
2. Analysing the Action Plan on Prevention of Violations of the European Convention on Human Rights
3. Examination of the rulings given by the Constitutional Court
4. Examination of the rulings given by the ECtHR with respect to Turkey and other countries
5. Examination of the rulings given by the high courts
6. Examination of the recommendations and reports concerning Turkey issued by the Council of Europe
7. Examination of the reports concerning Turkey issued by the European Union
8. Examination of the reports and recommendations concerning Turkey issued by the relevant Committees of the United Nations
9. Examination of the relevant acquis of the Organization for Security and Co-operation in Europe
10. Written opinions of all the ministries and public institutions
11. Written opinions of the Council of Europe
12. Written opinions of the European Union
13. Review of the practices in other countries

B. WORKSHOPS

1. Judiciary Workshop with the Constitutional Court, the Court of Cassation, the Council of State, and the Council of Judges and Prosecutors
2. NGO Workshop
3. Academy Workshop
4. Business and Labour World Workshop
5. Meetings of the working groups

C. MEETINGS

1. Meeting with the Legal Policies Board of the Presidency [22 October 2019]
2. Opening Ceremony of the Project on Supporting the Implementation and Reporting of the Action Plan on Human Rights [9 December 2019]
3. Meeting with and reception of opinions of the Council of Europe [17 December 2019]
4. Meeting with Nacho Sanchez AMOR, the European Parliament's Rapporteur on Turkey [17 December 2019]
5. Meeting with and reception of opinions of the European Commission [18 December 2019]
6. Meeting with the Human Rights Inquiry Committee of the Grand National Assembly of Turkey [20 December 2019]
7. Broad-Participation Workshop on the New Action Plan on Human Rights [25 December 2019]
8. Meetings with the relevant ministries and public institutions [8 January 2020 - 14 February 2020]
9. Meeting with non-governmental organisations [10 February 2020]
10. Meetings with journalists, academics and intellectuals [13 February 2020 - 22 February 2020]

11. Drafting of a working paper for the action plan with the working groups [1 March 2020 - 31 June 2020]
12. Review with the Legal Policies Board of the Presidency [19 August 2020]
13. Reception of opinions of other institutions in writing [15-16 September 2020]
14. Consultation meeting with the Ombudsman Institution [18 September 2020]
15. Review with the Legal Policies Board of the Presidency [25 November 2020]
16. Meetings with representatives of the business world (TÜSİAD, MÜSİAD, TOBB) [27-28 November 2020 - 4 December 2020]
17. Meeting with representatives of non-Muslim communities [29 November 2020]
18. Meeting with the Human Rights Inquiry Committee and the Justice Committee of the Grand National Assembly of Turkey [3 December 2020]
19. Consultation meeting with the Union of Turkish Bar Associations [8 December 2020]
20. Meeting with the Directorate General of Foundations [11 December 2020]
21. Meetings with the relevant ministries and institutions to prepare the final draft of the Working Paper for the Action Plan [4 December 2020 - 20 December 2020]
22. Meeting with the Presidency of the Court of Cassation [30 December 2020]
23. Meeting with the Presidency of the Council of State [15 January 2021]
24. Submission to the Presidency of the Republic [20 January 2021]

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