# Stockholm Center for Freedom's

## WRITTEN SUBMISSION

132<sup>nd</sup> session of the Human Rights Committee for adoption of the list of issues prior to reporting for the Republic of Turkey (June 28 – July 23, 2021)



A member of the Alliance Against Genocide

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#### 1. Introduction

The Stockholm Center for Freedom (SCF) with the presentation of this report seeks to provide the Human Rights Committee with information on Turkey for its adoption of the list of issues prior to reporting.

SCF is a Swedish-based non-profit advocacy organization that promotes the rule of law, democracy and human rights with a special focus on Turkey. It was set up by a group of journalists who have been forced to live in self-exile in Sweden against the backdrop of a massive crackdown on press freedom in Turkey.

SCF is committed to serving as a reference source by providing a broader picture of rights violations in Turkey, monitoring daily developments, documenting individual cases of the infringement of fundamental rights and publishing comprehensive reports on human rights issues.

In this presentation SCF will focus on what it considers to be the most frequently and seriously violated articles of the International Covenant on Civil and Political Rights (ICCPR).

Turkey has been experiencing a deepening human rights crisis over the past five years. With the aim of consolidating his one-man rule, President Recep Tayyip Erdoğan has been systematically undermining the fundamental pillars of Turkey's already imperfect democracy. These include amendments to the constitution that increased the power of the Turkish presidency, fundamentally eroded checks and balances on the executive as well as the rule of law, and increased executive control over the judiciary.

Political and civil rights in Turkey have deteriorated to such an extent under President Erdoğan that according to <u>Freedom House</u><sup>1</sup> Turkey is no longer a free country and scores the lowest among NATO members. Turkey's country score is in fact lower than such countries as Pakistan, Kyrgyzstan, Bangladesh and Haiti, which are categorized as "partly free."

In its <u>2020 Report on Turkey</u><sup>2</sup> the European Commission, the executive branch of the European Union, said serious backsliding in the respect for democratic standards, the rule of law and fundamental freedoms were continuing in Turkey in the absence of an effective mechanism of checks and balances.

According to human rights watchdogs, Turkish courts systematically accept bogus indictments and detain and convict without compelling evidence of criminal activity

<sup>&</sup>lt;sup>1</sup> https://freedomhouse.org/country/turkey/freedom-world/2020

<sup>&</sup>lt;sup>2</sup> https://ec.europa.eu/commission/presscorner/detail/en/country 20 1791

individuals and groups the Erdoğan government regards as political opponents. Among these are journalists, opposition politicians, activists and human rights defenders.

The Erdoğan government has been involved in human rights violations beyond its own territory as well. In a <u>statement<sup>3</sup></u> in September, UN High Commissioner for Human Rights Michelle Bachelet warned that the human rights situation in parts of northern Syria under the control of Turkish forces and Turkish-affiliated armed groups was "grim, with violence and criminality rife."

According to <u>Human Rights Watch</u><sup>4</sup>, the largest group targeted by Erdoğan is people alleged to have links to the Gülen movement, a faith-based group inspired by Turkish cleric Fethullah Gülen. The country's Kurdish political movement is the second group that is most adversely affected by the ongoing crackdown.

A summary of the most important developments in the area of human rights in Turkey during the year 2020 can be found in SCF's annual report "Human Rights in Turkey: 2020 In Review<sup>5</sup>."

# 2. Article 15 Conviction of any act that did not constitute a criminal offence at the time it was committed

In cases in which individuals are accused of membership in an armed terrorist organization due to their alleged links to the Gülen movement, the Turkish government frequently considers acts committed before the movement was declared a terrorist organization by the Turkish courts to be "evidence."

The first court decision declaring the Gülen movement an "armed terrorist organization" was <u>made</u><sup>6</sup> by the Erzincan High Criminal Court on June 16, 2016 with rulings no 2016/74 and 2016/12). Yet, Turkish courts consider certain records, including payphone records and banking activities, dating before that date to be evidence of wrongdoing.

Turkish prosecutors have been issuing detention warrants for thousands of former and active duty military personnel and public servants, accusing them of links to the Gülen movement based on payphone records.<sup>7</sup>

<sup>&</sup>lt;sup>3</sup> https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26258&LangID=E

<sup>&</sup>lt;sup>4</sup> https://www.hrw.org/world-report/2020/country-chapters/turkey

<sup>&</sup>lt;sup>5</sup> https://stockholmcf.org/human-rights-in-turkey-2020-in-review/

<sup>&</sup>lt;sup>6</sup> https://www.hurriyet.com.tr/gundem/yargi-kararinda-ilk-feto-silahli-teror-orgutu-40146433

<sup>&</sup>lt;sup>7</sup> State-owned Anadolu Agency frequently reports on such operations. For examples of such reports see: <a href="https://www.aa.com.tr/en/turkey/266-feto-terror-suspects-arrested-across-turkey/2068966">https://www.aa.com.tr/en/turkey/266-feto-terror-suspects-arrested-across-turkey/2068966</a> <a href="https://www.aa.com.tr/en/turkey/turkey-arrests-170-feto-linked-terror-suspects/2106764">https://www.aa.com.tr/en/turkey/turkey-arrests-170-feto-linked-terror-suspects/2106764</a> <a href="https://www.aa.com.tr/en/july-15-coup-bid/turkey-arrests-155-feto-terror-suspects/2061310">https://www.aa.com.tr/en/july-15-coup-bid/turkey-arrests-155-feto-terror-suspects/2061310</a>

The so-called "payphone investigations" are based on call records. The prosecutors assume that a member of the Gülen movement used the same payphone to call all his contacts consecutively. Based on that assumption, when an alleged member of the movement is found in call records, it is assumed that other numbers called right before or after that call also belong to people with Gülen links. Receiving calls from a payphone periodically is also considered a red flag.

The authorities do not have the actual content of the phone calls in question.

According to Turkey's Supreme Court of Appeals (Yargıtay), payphone call records are considered evidence if they meet <u>certain criteria</u><sup>8</sup>: the call needs to have been made outside business hours; the caller needs to reside in the same city as the person who receives the call; and the calls need to be periodic, such as monthly or bi-monthly.

In short, payphone records are considered lawful evidence indicating that under certain circumstances people getting calls from payphones are members of a terrorist organization. Even though some of the suspects are ultimately not convicted, they are summarily dismissed from their jobs due to the payphone records.

On May 3, 2021 Turkey's gendarmerie command <u>dismissed</u><sup>9</sup> 223 of its staff members based on payphone records. According to <u>reports</u><sup>10</sup> by pro-government media outlets, thousands of military members are currently under investigation as part of the "payphone investigations." Currently 3,310 military members have been placed on leave of absence and 1,632 have been suspended pending investigations.

Yet, even if the call records were to be considered legal evidence, the records date back years, to the time before the Gülen movement was declared an "armed terrorist organization."

In the cases of some <u>former military cadets<sup>11</sup></u>, suspects investigated based on payphone records were underage at the time of the alleged crimes.

Similarly, Turkish courts consider having an account at Bank Asya, a now-closed financial institution that was among Turkey's largest commercial banks, to be evidence of wrongdoing in certain cases despite the fact that the alleged acts were committed before the movement that the bank was affiliated with was declared a terrorist organization.

<sup>&</sup>lt;sup>8</sup> https://www.aa.com.tr/tr/turkiye/yargitay-ankesorlu-telefonla-ardisik-aramaya-iliskin-8-suc-kriteri-tespit-etti/1645403

<sup>&</sup>lt;sup>9</sup> https://www.indyturk.com/node/354596/haber/jandarma-genel-komutanlığında-223-ihraç-kamu-görevinden-çıkarılanların-11i-15

<sup>10</sup> https://www.sabah.com.tr/gundem/2021/05/17/tskda-feto-temizligi-29-bin-444-tsk-personeli-ihrac-edildi

<sup>11</sup> https://stockholmcf.org/turkey-orders-detention-of-42-former-military-cadets-over-suspected-gulen-links/

In response to an <u>inquiry</u><sup>12</sup> by the UN Working Group on Arbitrary Detention (WGAD) in the case of Arif Komiş, Ülkü Komiş and four minors, the Turkish government submitted that "Mr. Komiş held a deposit account at Bank Asya, a key institution that provided financial resources for FETÖ [Fethullahist Terrorist Organization, a derogatory acronym used by the Turkish government to refer to the Gülen movement]. It has been proven by several court decisions that on 25 December 2013 the leader of the terrorist organization instructed the members of FETÖ to invest money at Bank Asya in order to improve the financial situation of the bank and increase the volume of transactions."

Claiming that "the examination by the Financial Crimes Investigation Board of Mr. Komiş's account activity demonstrates that his investments rose significantly and his financial activity intensified after 25 December 2013," the Turkish government inferred that "Mr. Komiş acted upon the instruction of the leader of FETÖ in order to increase the volume of transactions of Bank Asya and to contribute to the financial resources of the terrorist organization."

As the above case demonstrates, the Turkish government has on various occasions used acts that were at the time of commission not considered crimes as evidence with which to convict individuals on terrorism-related charges.

Suggestion for a question:

Do the Turkish courts use evidence that dates back to the time before the Gülen movement was declared a terrorist organization to convict people on terrorism-related charges or to dismiss them from the civil service?

### 3. Article 26 Equality before the law

There have been credible reports that prison parole boards discriminate against prisoners convicted on terrorism charges. According to the Turkish Penal Code, people convicted of membership in a terrorist organization are eligible for parole after serving two-thirds of their sentence. However, many political prisoners and especially journalists are still <u>waiting to be paroled<sup>13</sup></u> despite having served the required amount of time.

In some cases, inmates are not released because their prison sentence has not yet been upheld by the Supreme Court of Appeals. However, even though <u>some<sup>14</sup></u> political prisoners signed waivers saying they accepted the lower court's verdict and did not want to wait for a decision on the appeal, they were not granted parole.

<sup>&</sup>lt;sup>12</sup>https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session88/A\_HRC\_WGAD\_2020\_51\_Advance\_Edited\_Version.pdf

https://stockholmcf.org/jailed-journalist-denied-release-from-prison-despite-eligibility-for-parole/

<sup>&</sup>lt;sup>14</sup> https://stockholmcf.org/lawyer-arrested-on-gulen-links-denied-parole-despite-eligibility/

In violation of the Turkish constitution prisoners were required to disclose their political beliefs and repent for their "crimes." For instance, some inmates were <u>asked<sup>15</sup></u> whether they would continue working for the pro-Kurdish Peoples' Democratic Party (HDP) after their release, or whether they thought the HDP was linked to terrorist organizations.

Journalist Büşra Erdal has been <u>denied release<sup>16</sup></u> from prison although she has been eligible for parole since March 30, 2020. She served the required part of her sentence, three years, eight months in this case, but she was not released, initially because the Supreme Court of Appeals had not upheld her sentence. After the court did so, Erdal's release was denied by the prison administration based on a statement from the parole board that she had not denounced the Gülen movement, which was declared an "armed terrorist organization" by the Turkish government.

Jailed Turkish journalist Fahri Öztoprak, who was convicted of membership in the Gülen movement, was <u>denied<sup>17</sup></u> release from prison although he was eligible for parole. Öztoprak was arrested on December 19, 2016, stood trial and was sentenced to six years, seven months in prison. His social media activities and the testimony of a secret witness were used as evidence against him in court.

Similarly, Hamza Günerigök, a former anchorman for the state-owned Turkish Radio and Television Corporation (TRT) who was arrested on terrorism charges, said he has not been not granted release although he is eligible for parole.

In a similar case Arif Özer, a lawyer who was sentenced to seven years, six months in prison on alleged links to the Gülen movement, was <u>denied</u><sup>18</sup> parole despite having served the required two-thirds of his sentence.

#### Suggestions for questions:

Are the parole boards independent? What does the government do to ensure their independence?

Does the Turkish government provide special guidelines/instructions to parole boards regarding terrorism-related cases?

What are the criteria used by prison parole boards to approve the conditional release of prisoners?

<sup>&</sup>lt;sup>15</sup> https://stockholmcf.org/political-prisoners-arbitrarily-denied-parole-in-van-prison/

<sup>&</sup>lt;sup>16</sup> https://stockholmcf.org/journalist-busra-erdal-denied-release-despite-eligibility-for-parole/

<sup>17</sup> https://stockholmcf.org/jailed-journalist-denied-release-from-prison-despite-eligibility-for-parole/

<sup>18</sup> https://stockholmcf.org/lawyer-arrested-on-gulen-links-denied-parole-despite-eligibility/

#### 4. Article 6 Right to life

As a general principle of law, the protection of the right to life and the well-being of prisoners is the sole responsibility of the government. The UN High Commissioner for Human Rights has thus called on all governments to release prisoners to stem the spread of the coronavirus in prisons. In the US, Canada, Germany, Iran, Poland and many other countries, some prisoners were released in an attempt to combat the spread of the coronavirus.

Turkey, which has the highest incarceration rate among the 47 member states of the Council of Europe (CoE), has also taken some precautions to prevent the spread of the pandemic in prisons. In this context, deputies from the ruling Justice and Development Party (AKP) and its ally the Nationalist Movement Party (MHP) drafted Law No. 7242 on Amendments to the Law on the Execution of Sentences and Security Measures as well as Certain Other Laws. The draft was adopted by parliament and the law entered into force on May 15, 2020 despite an outcry from the public, particularly concerning its discriminatory provisions.

An amnesty law in essence, the amendments to the Law on the Execution of Sentences and Security Measures excluded political prisoners, including opposition politicians, journalists, lawyers, academics and human rights defenders convicted under the country's controversial counterterrorism laws.

The rapidly spreading pandemic has presented greater concerns in Turkey's prisons, which have witnessed a rise in COVID-19 cases in past months, with a number of political inmates dying of the coronavirus in prison.

Inmates who are being treated for COVID-19 are put in quarantine cells and kept in solitary confinement for long periods of time. The <u>diary</u><sup>19</sup> of Mustafa Kabakçıoğlu, 44, a police officer who <u>was found dead in a quarantine cell</u><sup>20</sup> in a prison in Gümüşhane, revealed how poorly he was treated by prison staff as well as exposing the medical neglect to which he was subjected.

According to the CoE <u>annual report<sup>21</sup></u>, out of 30,524 prisoners convicted on terrorism charges in the CoE member states, 29,827 are in Turkey alone. The death of political prisoners in recent months confirms that the Turkish government puts their health in immediate danger.

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<sup>&</sup>lt;sup>19</sup> https://stockholmcf.org/diary-of-police-officer-found-dead-in-quarantine-cell-reveals-his-ordeal/

<sup>&</sup>lt;sup>20</sup> https://stockholmcf.org/photographs-of-deputy-police-inspector-who-died-in-prison-quarantine-show-criminal-neglect/

https://wp.unil.ch/space/files/2021/04/210330\_FinalReport\_SPACE\_I\_2020.pdf

#### Suggestion for questions:

How will the Turkish government improve health conditions in prisons that have worsened even further since the outbreak of the coronavirus pandemic? How many inmates have died of COVID-19 until now? What are the precautions taken by the Turkish government to prevent the spread of COVID-19 in Turkish prisons?

### 5. Article 19 Everyone shall have the right to freedom of expression

Journalism is still associated with terrorism in Turkey, and journalists face an ongoing campaign of judicial harassment, driven by the authorities' intention to thwart critical reporting, which is exacerbated by a lack of prosecutorial and judicial independence and impartiality. In most trials, the evidence is typically made up of social media posts, news stories, articles and TV broadcasts.

In addition to imprisonment, the Turkish government muzzles the press in a variety of ways, including eliminating media outlets, overseeing the purchase of media brands by pro-government conglomerates and using regulatory authorities to exert financial pressure. Turkish officials are also continuing their verbal attacks on journalists.

Turkey's Anti-Terror Law No. 3713 leads to the harsh punishment and imprisonment of journalists. As indicated in UN rapporteurs joint letter<sup>22</sup> to the Turkish government, speech-based offenses contained in Turkey's counterterrorism legislation and other related laws risk unnecessarily and disproportionately limiting the exercise of the right to freedom of expression and the legitimate activities of journalists.

According to the Stockholm Center for Freedom's "<u>Jailed and Wanted Journalists in Turkey</u><sup>23</sup>" database, 174 journalists are behind bars in Turkey and 167 are wanted and either in exile or at large. Turkey is also ranked 153rd among 180 countries in <u>the 2021</u> World Press Freedom Index<sup>24</sup> released by Reporters Without Borders (RSF) in April.

In its <u>annual report<sup>25</sup></u>, the Committee to Protect Journalists (CPJ) underlined that the number of journalists jailed for their reporting in 2020 reached the highest level since the organization began keeping track, with Turkey, the People's Republic of China and Egypt imprisoning the most reporters last year.

<sup>&</sup>lt;sup>22</sup> https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26050

<sup>&</sup>lt;sup>23</sup> https://stockholmcf.org/updated-list/

<sup>&</sup>lt;sup>24</sup> https://rsf.org/en/taxonomy/term/145

<sup>&</sup>lt;sup>25</sup> https://cpj.org/2020/12/number-of-journalists-jailed-worldwide-hits-record-amid-unrest-pandemic/

The Council of Europe's <u>annual report</u><sup>26</sup>, "Platform to Promote the Protection of Journalism and Safety of Journalists," called on Turkish authorities to cease all actions aimed at blocking or criminalizing independent reporting and take steps to restore judicial independence.

The Turkish government increased its crackdown on critical media outlets and journalists in the aftermath of a coup attempt following which dozens of journalists were jailed, while more than 200 media outlets were closed down under the pretext of an anti-coup fight.

A report drafted by Republican People's Party (CHP) lawmaker Utku Çakırözer, also a former journalist, showed that nearly 100 journalists appeared before a judge in March and that six of those journalists were given prison sentences totaling 15 years, two months. Three journalists were detained, while investigations were launched into two others.

### Suggestion for questions:

Will the Turkish government consider reforming its counterterrorism law in accordance with its obligations under international human rights law, in particular Article 19 of the International Covenant on Civil and Political Rights (ICCPR)? How many journalists are there currently in Turkish prisons?

# 6. Article 7 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment

Turkey has experienced a marked resurgence of torture and ill-treatment in custody over the past five years and especially since a coup attempt on July 15, 2016 despite the fact that torture is constitutionally banned and severely punished by the Turkish Penal Code.

Article 17 of the Turkish constitution prohibits torture and ill-treatment, saying, "No one shall be subjected to torture or ill-treatment; no one shall be subjected to penalties or treatment incompatible with human dignity."

The enormous gulf between Turkey's constitutional provisions for the protection of human rights and the grim reality on the ground has continued to grow since 2016. Lack of condemnation from higher officials and a readiness to cover up allegations rather than investigate them have resulted in widespread impunity for the security forces.

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 $<sup>^{26}\</sup> https://rm.coe.int/final-version-annual-re\underline{port-2021-en-wanted-real-action-for-media-freed/1680a2440e}$ 

In a landmark decision, Turkey's Constitutional Court in November found a government decree that granted immunity to civilians who were involved in criminal activities to suppress the abortive putsch to be constitutional, hence sanctioning the country's culture of impunity at the highest level.

The CoE's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) confirmed in <u>two reports<sup>27</sup></u> published in August the continued existence of ill-treatment, torture, informal questioning and restricted access to a lawyer as well as a fundamentally flawed medical screening system in Turkish detention facilities.

The European Union's 2020 Turkey report revealed that torture and ill-treatment have been reported to have occurred in detention centers, in prisons and in informal places of detention and on the streets.

According to the recent monthly rights violations reports prepared by Sezgin Tanrıkulu, a human rights defender and deputy from the Republican People's Party (CHP), 62 people were subjected to torture and ill treatment in Turkish prisons in February, while 233 incidents of torture and maltreatment took place in prisons in March.

Suggestions for questions:

How will Turkish officials be held responsible for their human rights violations and torture in detention centers and prisons?

Will the Turkish government continue implementing policies that authorize abuse and torture and create a legal rationale in support of mistreatment in detention centers and prisons?

## 7. Article 9 No one shall be subjected to arbitrary arrest or detention

In a joint letter UN rapporteurs <u>accused<sup>28</sup></u> the Turkish government of engaging in the <u>systematic practice</u><sup>29</sup> of state-sponsored extraterritorial abductions and forcible returns to Turkey, with at least 100 Turkish nationals from multiple states including Afghanistan, Albania, Azerbaijan, Afghanistan, Cambodia, Gabon, Kosovo, Kazakhstan, Lebanon and Pakistan removed to Turkey.

The UN rapporteurs asked the Turkish government to provide further information about its operations in coordination with authorities in those countries for the

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<sup>&</sup>lt;sup>27</sup> <u>https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-publishes-two-reports-on-turkey</u>

<sup>&</sup>lt;sup>28</sup> https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25209

<sup>&</sup>lt;sup>29</sup> https://correctiv.org/en/top-stories-en/2018/12/06/black-sites/

abduction, arbitrary arrest, detention, enforced disappearance or torture of people affiliated with the Gülen movement.

In its <u>response<sup>30</sup></u>, the Turkish government accused the Gülen movement of manipulating the UN with false allegations instead of providing further information about illegal operations.

In <u>a number of cases<sup>31</sup></u> the UN Working Group on Arbitrary Detention (WGAD) <u>concluded<sup>32</sup></u> that the arrest, detention and forced transfer to Turkey of Turkish nationals were arbitrary and in violation of international human rights norms and standards.

In an opinion<sup>33</sup> on the summary extradition of Arif Komiş, 44, Ülkü Komiş, 38, and their four children from Malaysia to Turkey in August 2019, WGAD expressed concern "over the pattern that all these cases follow and recalls that under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity."

In a similar case, WGAD concluded that the arrest, detention and forced transfer to Turkey of six Turkish teachers by Kosovar and Turkish state agents in Kosovo on March 29, 2018 was arbitrary and in violation of international human rights norms and standards. Kosovar authorities have indicted three individuals involved in that case.

The European Court of Human Rights (ECtHR) imposed a fine on Moldova over the rendition of Turkish teachers in a joint operation led by Turkish and Moldovan intelligence operatives in September 2018.

A recent <u>report<sup>34</sup></u> by Freedom House on global transnational repression also revealed the intensity, geographic reach and suddenness of the Turkish government's campaign targeting dissidents abroad, noting that Turkey has become number one among countries that have conducted renditions from host states since 2014.

According to the report, Ankara's campaign has primarily targeted people affiliated with the Gülen movement, but the government has started applying the same tactics to Kurdish and leftist individuals living abroad.

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<sup>&</sup>lt;sup>30</sup> https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35335

<sup>&</sup>lt;sup>31</sup>https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session88/A HRC WGAD 2020 47 Advance Edited\_Version.pdf

<sup>32</sup> https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session88/A\_HRC\_WGAD\_2020\_51\_Advance\_Edited\_Version.pdf

<sup>33</sup> https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session88/A\_HRC\_WGAD\_2020\_51\_Advance\_Edited\_Version.pdf

<sup>34</sup> https://freedomhouse.org/sites/default/files/2021-02/Complete\_FH\_TransnationalRepressionReport2021\_rev020221.pdf

The Freedom House report also indicated that the Turkish government has pursued its perceived enemies in at least 30 host countries spread across the Americas, Europe, the Middle East, Africa and Asia since a coup attempt in July 2016.

Suggestion for a question:

Were the Turkish officials held responsible for their role in the arrest, detention and forced transfer of Turkish nationals to Turkey?

# 8. Article 3 Women and men should enjoy all civil and political rights equally

Rights violations against women in Turkey have continued to rise following its withdrawal from the Istanbul Convention, a Council of Europe treaty designed to prevent violence and domestic abuse against women.

In a move that attracted widespread criticism from several countries, international organizations and rights groups, Turkey withdrew from the Istanbul Convention, through a presidential decree issued by President Recep Tayyip Erdoğan on March 20.

According to rights groups, the withdrawal from the Istanbul Convention might lead to failure to take steps to eliminate gender inequality, prevent the development of preventive programs and to impunity for violence and abuse against women and children, failure in the provision of post-abuse and post-violence support systems, and the encouragement of hate speech and crimes towards LGBTI+ people.

In a <u>statement<sup>35</sup></u>, UN experts stressed that Turkey's move would undermine the significant efforts invested so far to prevent and combat violence against women and hinder progress towards the further strengthening of national legislative, policy and institutional frameworks.

Femicide and violence against women have become serious problems in recent years. According to <u>victims</u><sup>36</sup> Turkish authorities are not effective in protecting them and the police do not take action against men who violate restraining orders.

According to a report previously <u>published<sup>37</sup></u> in March by Sezgin Tanrıkulu, a human rights defender and deputy from the Republican People's Party (CHP), nearly 7,000

<sup>36</sup> https://www.dw.com/tr/sığınmaevinde-sekiz-ay-ben-onca-çile-çektim-o-bir-kez-ceza-çekmedi/a-55701194

<sup>35</sup> https://news.un.org/en/story/2021/03/1087892

 $<sup>\</sup>frac{37}{https://www.cumhuriyet.com.tr/haber/chp-istanbul-milletvekili-sezgin-tanrikulu-raporu-3-bin-cocuk-anneleriyle-cezaevinde-1818789}$ 

women have been victims of femicide during the 18 years that the ruling AKP has been in power.

The report said one of the main reasons for the increase in deaths was because women were not taken seriously by law enforcement when they complained about violence. "Women go to the police and file a complaint against their partners after a violent incident," said the report. "However, instead of taking the necessary legal steps against the perpetrators, the authorities act as conciliators and try to reconcile the partners."

#### Suggestions for questions:

How will the government ensure that relevant authorities assume a more proactive role in ending violence against women and femicide in the country?

What specific measures will the government implement to empower women's role in society and to eliminate gender inequality after the withdrawal from the Istanbul Convention?

### 9. Article 22 Right to form and join trade unions

In the aftermath of the abortive putsch of July 15, 2016 the Turkish courts started to consider membership in the Aktif Eğitimciler Sendikası trade union (Active Educators Union, Aktif Sen) as evidence of links to the Gülen movement. Moreover, membership in Aktif Sen was considered sufficient reason to dismiss public school teachers without due process with the claim that they were members of or had ties to a terrorist organization. The union itself was closed down by an emergency decree-law in 2016.

Yet, the union was founded under Turkish law and, in accordance with the relevant legal provisions, the membership dues of public school teachers were paid by the Turkish government.

With actions like the ones mentioned above, in addition to Article 22, the Turkish government is also violating Article 15 of the ICCPR.

### Suggestions for questions:

Was Aktif Sen a legally established trade union?
Was membership in Aktif Sen open to all public school employees?
Was it a crime to become a member of Aktif Sen?
Does the Turkish government consider membership in legally established trade unions a crime?