

<p>İNSAN HAKLARI HUMAN RIGHTS FOUNDATION OF TURKEY 0661 LEKVA</p> 	<p>İNSAN HAKLARI DERNEĞİ Tel: 0312 230 35 67-68-69 Faks: 0312 230 17 07 e-mail: posta@ihd.org.tr</p> <p>TÜRKİYE İNSAN HAKLARI VAKFI Tel: 0312 310 66 36 Faks: 0312 310 64 63 e-mail: tilv@tilv.org.tr</p>	 <p>1986</p>
---	---	---

**HUMAN RIGHTS DAY 2019:  
AN OVERVIEW OF HUMAN RIGHTS IN TURKEY**

10 December 2019  
Ankara

<b>Contents</b>	<b>p.</b>
<b>I. Introduction</b>	<b>3</b>
<b>II. Permanent State of Emergency</b>	<b>4</b>
<b>III. The Right to Life</b>	<b>6</b>
<b>IV. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</b>	<b>7</b>
<b>V. Prisons</b>	<b>10</b>
<b>VI. The Kurdish Issue</b>	<b>12</b>
<b>VII. Freedom of Expression and the Press</b>	<b>15</b>
<b>VIII. Freedom of Association and Persecution of Human Rights Organizations and Defenders</b>	<b>17</b>
<b>IX. Freedom of Peaceful Assembly and Demonstration</b>	<b>19</b>
<b>X. The Right to Political Participation</b>	<b>20</b>
<b>XI. Violence against Women</b>	<b>20</b>
<b>XII. Refugees/Asylum-Seekers/Immigrants</b>	<b>21</b>
<b>XIII. Economic and Social Rights</b>	<b>23</b>

## I. Introduction

10 December 2019 marks the 71<sup>st</sup> anniversary of the day the United Nations (UN) General Assembly adopted and proclaimed the Universal Declaration of Human Rights (UDHR). This year, too, Human Rights Association (İnsan Hakları Derneği -İHD) and the Human Rights Foundation of Turkey (HRFT) continue defending peace, justice, equality, freedom and the protection of human dignity along with democracy that will guarantee all as was put forth in the Universal Declaration of Human Rights.

The drafting of the UDHR commenced on 29 April 1946 with the establishment of the “Commission on Human Rights” within the United Nations. The UDHR, with a preamble and 30 articles, was drafted by the commission and adopted by the UN General Assembly assembled in Paris on 10 December 1948. The UDHR went into effect in Turkey after having been published in the *Official Gazette* of 27 May 1949.

The UDHR has been translated into more than 500 languages. It also remains the most translated human rights document in the world. The formal inception of Human Rights Day dates back to 4 December 1950, after the General Assembly passed resolution 423 (V) inviting all States and interested organizations to adopt 10 December of each year as Human Rights Day.

Although the UN was founded with a goal to establish an international system based on peace, human rights and democracy ideals, we unfortunately lag far behind in reaching these ideals. Such an international system based on the rights and freedoms enshrined in the UDHR has yet to be established. The fundamental idea that human beings have inherent and inviolable rights regardless of their race, color, gender, sexual orientation, language, religion and creed, belief, ethnic identity; political, personal and philosophical convictions has still not been sufficiently promoted worldwide. Today, the United Nations, in contradiction to its very grounds for existence, cannot be effective enough in preventing/putting an end to wars and civil wars that account for the major causes of rights violations, in intervening into refugee crises, in protecting natural and cultural heritage worldwide, in fighting poverty and injustice, and eliminating all kinds of discrimination particularly against women.

At this point the military and economic partnerships set up by powerful countries have become setbacks against individuals’ exercise of rights and freedoms. Specifically, the fact that the states have been gradually leaving behind their pledges for democracy and rule of law has led to the emaciation of human right both as a reference system and a control mechanism. In spite of all these setbacks peoples all over the world from Chile to Lebanon, from Iran to Hong Kong have been raising their voices demanding freedom, justice, equality and human rights. The response of the states and governments to these demands though have been systematization and generalization of all kinds of violence and imposing them as the sole truth of life on societies. Promoting and protecting human rights along with revitalizing its founding role against this gross crisis that the world has been going through are our primary duties.

This state of crisis is faced in Turkey with all its might and intensity. The country has been governed by a state of emergency regime directly since 2016 and indirectly since 19 July 2018 by this very same regime claimed to have been lifted but rendered permanent and ordinary through the introduction of numerous legal amendments. This state of affairs/process has led to the abandonment of the principle of constitutionalism which limited the power of the government, thus, to the dominance of arbitrariness and uncertainty over the public space by making both law and institutions “apparatuses” of the oppressive regime. As has been stated at the 16<sup>th</sup> Human Rights Movement in Turkey Conference, co-organized by İHD and HRFT, “The power of the new regime to create

uncertainty as a method of governance entails a legal, political, economic, social and cultural downfall in each and every field from everyday life to high politics because a regime of uncertainty not only does constitute a state of legal uncertainty but also stands for a climate of fear under which individuals' sense of self-determination is exposed to perpetual threats. Such a climate, on the one hand, has induced the unraveling of common bonds among the members of the society as it set off a 'distrustful' relationship among them; it, on the other hand, has transformed the relationship of individuals with the rulers into something that could be called 'anticipatory obedience;' an act of conforming, a practice of acting in accordance with anticipating what the commander would command. Moreover, impunity, which refers to the narrowing down of the field of the struggle against rights violations brought along with the erosion of institutions within this regime of uncertainty, has been reproduced and virtually become a rule."

Following this short assessment, a review of violations in various right categories in Turkey in 2019 is hereby presented.

## II. Permanent State of Emergency

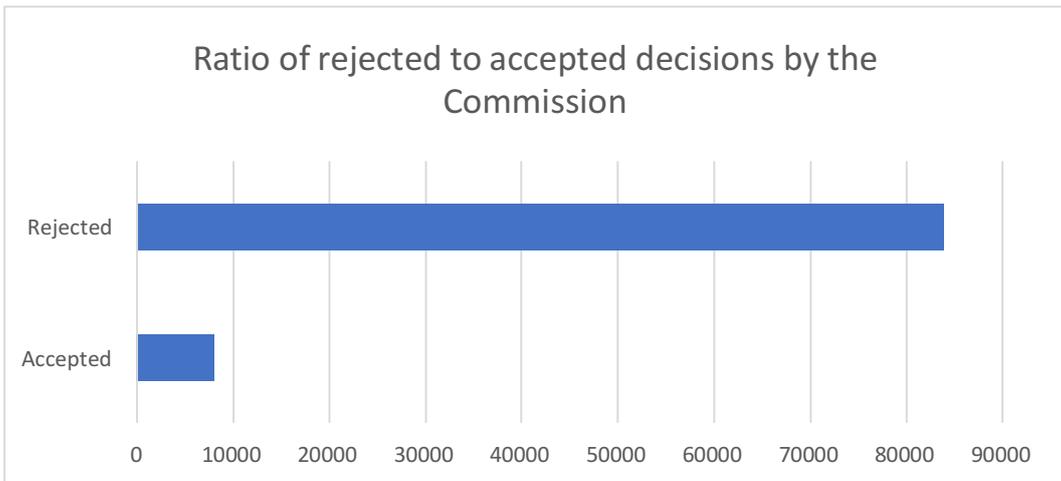
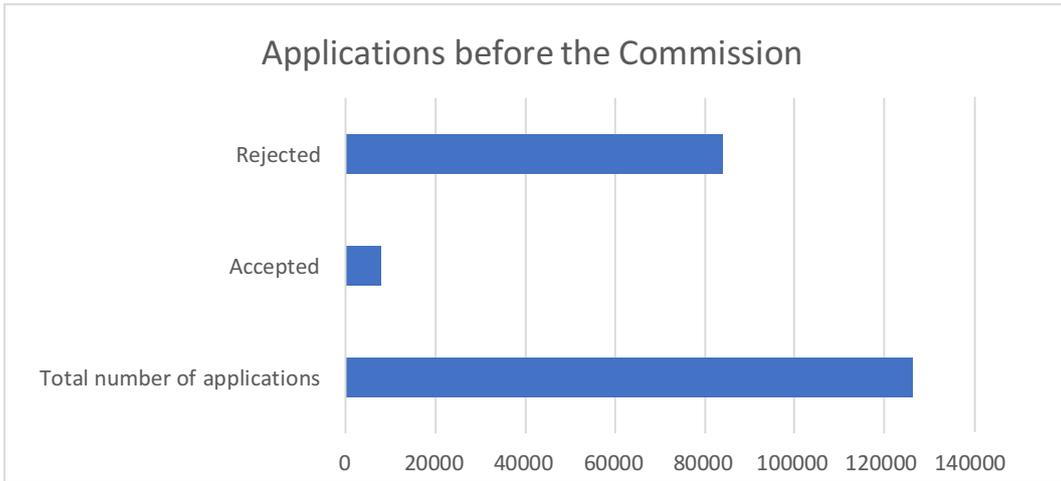
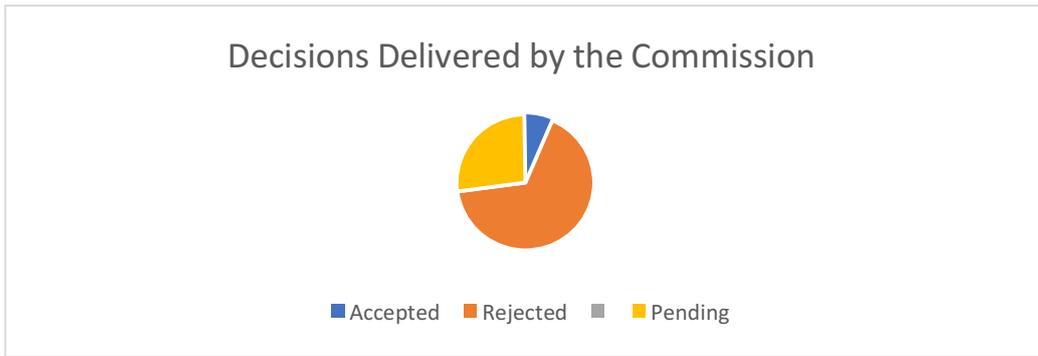
Although the state of emergency ended as of 19 July 2018, Law No. 7145 on the "Amendment to Some Laws and Emergency Draft Laws" went into effect having been ratified by the president on 31 July 2018, thus, rendering the state of emergency permanent with all its consequences. Among the major changes introduced by this law are the common implementation of custody periods for 12 days, practically blanket bans by governors on press conferences, assemblies and demonstrations; continuation of dismissal of public employees from their posts by public institutions. The severe consequences and impacts of the state of emergency have been ever-increasingly felt in social life. The sluggish running and the incompetent decisions of the Inquiry Commission on the State of Emergency Measures that was established to inquire state of emergency decisions and procedures, which affected about 140 thousand people, have further deteriorated the permanent effects of the consequences of the state of emergency. The Inquiry Commission issued a press release on 25 October 2019<sup>1</sup> stating that a total of **131,922** measures have been taken including **125,678** dismissals from public service through emergency decree laws. By **2,761** of these measures institutions/organizations were closed down. The total number of applications lodged before the commission was **126,200**. The commission delivered decisions on a total of **92,000** rejecting a great majority of **83,900** while accepting a mere total of **8,100** applications.<sup>2</sup>

---

<sup>1</sup> Official website for the Inquiry Commission on the State of Emergency Measures: <https://soe.tccb.gov.tr/>

<sup>2</sup> For more information, see the report by Turkey Human Rights Litigation Support Project on the Inquiry Commission, "Access to Justice in Turkey? A Review of the State of Emergency Inquiry Commission." 15 October 2019. <10.12.2019> <https://www.turkeylitigationssupport.com/blog/2019/10/15/access-to-justice-in-turkey-a-review-of-the-state-of-emergency-inquiry-commissionnbsp>

See "Time for Strasbourg to Open its Doors to Turkey's Purged Public Servants" by Dr. Alice Donald. 4 December 2019. <10.12.2019> <https://verfassungsblog.de/time-for-strasbourg-to-open-its-doors-to-turkeys-purged-public-servants/>



Further, Article 3 § d of Emergency Decree Law No. 668 introduced the provision that restrictions could be imposed on prisoners’ conferences with their lawyers upon the order of the public prosecutor. Such restrictive practices, however, have been maintained even after the end of the state of emergency. Yet the Constitutional Court’s judgment of 24 July 2019 (Merits No. 2018/73, Judgment No. 2019/65), published in the *Official Gazette* of 29 November 2019, annulled the provisions allowing for “audio or visual recording of conferences with technical equipment; presence of an officer to monitor conferences between prisoners and attorneys; seizure of documents or their copies, files and records of the conferences between prisoners and attorneys” that were set forth in Article 59 § 5 and 10 of the Law No. 5275 on the Enforcement of Sentences which was among such amendments.

### III. The Right to Life

The political power's policies predicated upon violence both at home and abroad has yet again constituted the major cause of violations of the right to life in 2019. Violations of the right to life, however, are not limited to those perpetrated by the security forces of the state. They also cover violations perpetrated by third parties which the states give way to by not undertaking their obligation to "prevent and protect."

According to data provided by the documentation centers of İHD and HRFT, within the first 11 months of 2019:

- 10 people were killed, while four were injured due to the summary execution on the grounds that they did not comply with stop warnings or by random fire by the law enforcement,
- A total of 489 persons, including at least 97 security officers (88 soldiers, 7 police officers, 2 village guards), 362 militants and 30 civilians, were killed because of armed conflict. A total of 212 persons were injured including at least 154 soldiers, 13 police officers, 7 village guards and 38 civilians,
- At least two persons were killed, while two others were injured due to armored vehicle crashes by security forces,
- Three persons were killed, while 3 others were injured due to mine and unclaimed bomb explosions, etc,
- At least 38 persons lost their lives, while five were injured in prisons due to various reasons like illness, suicide, violence, etc.,
- While 17 persons were killed, six were injured under suspicious circumstances while serving their compulsory or active military service,
- At least 305 women were killed by male violence,
- At least 1,606 workers were killed because of occupational accidents/murders.<sup>3</sup>



Based on data by İHD Documentation Center. (2019, first 11 months.)

<sup>3</sup> According to data collected by Health and Safety Labor Watch/Turkey: <http://www.guvenlicalisma.org/20171-kasim-ayinda-en-az-126-yilin-ilk-on-bir-ayinda-ise-en-az-1606-isci-yasa>

According to data collected by the HRFT Documentation Center, at least 19 civilians were killed while 132 were injured due to mortar shell and similar explosive strikes to border provinces during the military offensive initiated by Turkey against north east Syria. At least 17 soldiers were killed while 33 were injured during this process. There is no reliable data on casualties from the armed militants and the paramilitary groups backed by Turkey because of the military offensive in Syria.

According to the findings of such organizations as the Syrian Observatory for Human Rights (SOHR), Human Rights Watch (HRW) and Amnesty International (AI), tens of civilians were killed including the secretary-general of the Future Syria Party, Hevrin Khalaf, and two journalists and numerous people were injured. Especially offensives by paramilitary groups into civilian settlements are ongoing while 10 civilians, including eight children, were killed and more than 20 persons were injured in the latest mortar shell attack against a settlement in Tel Rifaat area, north of Aleppo.

UN Office of the High Commissioner for Human Rights (OHCHR), stated in a press briefing note on Syria on 15 October 2019 that “Turkey could be deemed responsible as a State for violations committed by their affiliated armed groups” and reminded the country of its obligation to prevent such acts.<sup>4</sup>

#### **IV. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

There are significant findings and allegations covering a wide area that point out to a great increase in recent cases of torture and other ill-treatment practices implemented in order to punish and/or intimidate and/or exercise power over persons and/or used as instruments of criminal procedure (intended for extracting confession or information/“collecting evidence”). Acts of torture at official detention centers and extra-custodial places, in the streets, in prisons and almost everywhere, along with the “extreme and disproportionate interference” of the law enforcement amounting to the level of “torture” in assemblies and demonstrations have become widespread. Further, it has been observed that torture and other forms of ill-treatment were implemented in order to enhance the control and coercion of the political power over different segments of the society and to spread terror and fear.

- A total of 840 individuals lodged applications before the HRFT within the first 11 months of 2019 with allegations that they were subjected to torture and other forms of ill-treatment. 422 of the applicants stated that they were subjected to torture and ill-treatment in the same year.
- According to IHD’s data, the number of individuals alleging they were subjected to torture and other forms of ill-treatment under custody and at extra-custodial places within the first 11 months of 2019 was 830.
- There are numerous pieces of evidence revealing the fact that the use of “extreme and disproportionate force” by the law enforcement against individuals exercising their right to peaceful assembly and demonstration all over the country amounted to the level of torture

---

<sup>4</sup>OHCHR “Press Briefing Note on Syria.” 15 October 2019. <20.10.2019>  
<https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25145&LangID=E>

and other forms of ill-treatment. Particularly, the police interference into the peaceful protests staged twice daily before the Human Rights Monument on Yüksel Street, Ankara merely constitute one of the examples of such “extreme and disproportionate force” across the country. According to İHD’s data, law enforcement intervened 962 assemblies and demonstrations within the first 11 months of 2019, while 2,886 people alleged that they were subjected to beating and ill-treatment during such interventions.

- Seven cases of enforced disappearance/abduction were ascertained within the first 11 months of 2019 and the families of six of these individuals have lodged applications before the İHD. Five of these applications were communicated to the UN Working Group on Enforced or Involuntary Disappearances and the disappeared were found following these communications. The fate and whereabouts of the sixth individual still remains unknown. It was also understood that the found individuals had been subjected to torture and ill-treatment.

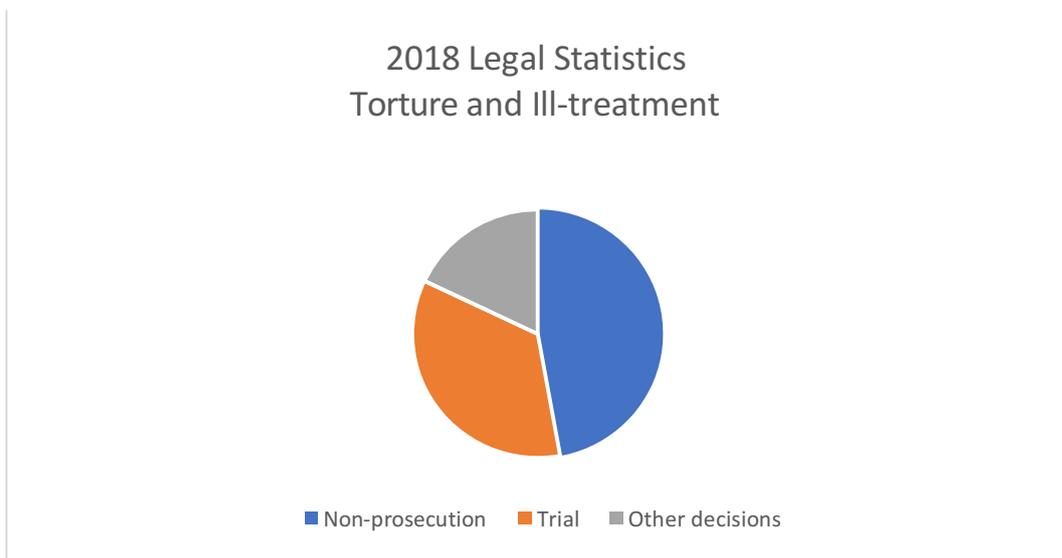


Based on data by İHD Documentation Center. (2019, first 11 months.)

Procedural guarantees of due process, which play a significant role in preventing torture but were mainly disregarded in practice for years, have been terminated to a large extent due to legislative modifications introduced by decree laws during the state of emergency. These procedural guarantees include informing the detainee about the grounds of custody, informing third parties, access to defense counsel, access to a medical doctor, appropriate physical examination under appropriate conditions and obtaining medical reports in due form, speedy applications to judicial authorities for lawfulness review, proper handling of custody records, and possibility of independent observations. One can argue also based on such amendments that procedural guarantees have recently been terminated in no small measure and a thoroughly arbitrary situation has been created about this issue.

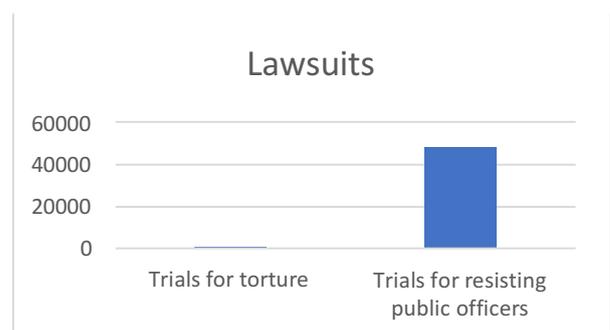
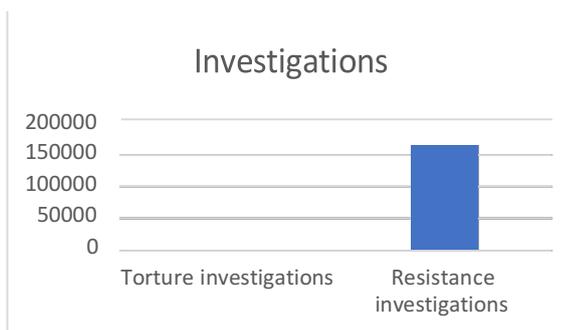
The problems that form the basis of our critique of the Human Rights and Equality Institution of Turkey (TİHEK) authorized as the “National Prevention Mechanism” which is supposed to be an effective and significant instrument for the prevention of torture have also remained the same as of 2019. No steps were taken to make TİHEK operate in line with the Paris Principles and OPCAT provisions. Functional and financial independence problems, which are among these foremost principles, have yet to be resolved. There are principal and methodological errors in the visit reports issued by the institution as well. İHD and HRFT still have the impression based on these reports issued in 2019 that preventive visits to detention centers did not bear the minimum standards and that these visits were paid only as a formality.

Impunity still proves to be the most significant obstacle before the struggle to end torture. Impunity is still witnessed as one of the most basic elements that make torture possible because of such reasons as the failure to initiate investigations against perpetrators, the fact that initiated investigations do not turn into prosecution, preparation of indictments based on charges that require lesser sentences instead of torture in cases where lawsuits were brought against suspects, failure to sentence suspects or sentencing them for offenses other than torture and deferring their sentences. According to the “2018 Legal Statistics” data provided by the Ministry of Justice’s General Directorate of Criminal Records and Statistics, investigations were initiated into 2,196 persons under Articles 94 and 96 of the Turkish Penal Code (TPC) which designate torture and ill-treatment offenses, while non-prosecution decisions were delivered for 1,035 persons, 766 persons stood trial, and other various decisions were passed for 395 persons. The statistics reveal that there is a significant rise in the number of investigations and trials for the offense of torture and ill-treatment even in official figures. Moreover, almost half of the investigations ended up in non-prosecution decisions (47.13%), while those who stood trial for torture and ill-treatment made up only 34.8%.



General Directorate of Criminal Records and Statistics, 2018.

Investigations were initiated into 163,032 persons, while 48,064 of these faced trial in 2018 due to “offenses against the reliability and functioning of public administration” under Article 265 of the TPC that proscribes prevention of public duty or resisting a public officer. The fact that there is such a significant difference between trials for torture and resistance under the state of emergency conditions where violence by the law enforcement skyrocketed is a clear signifier of the dimensions of impunity which is indeed being pursued as a systematic policy.



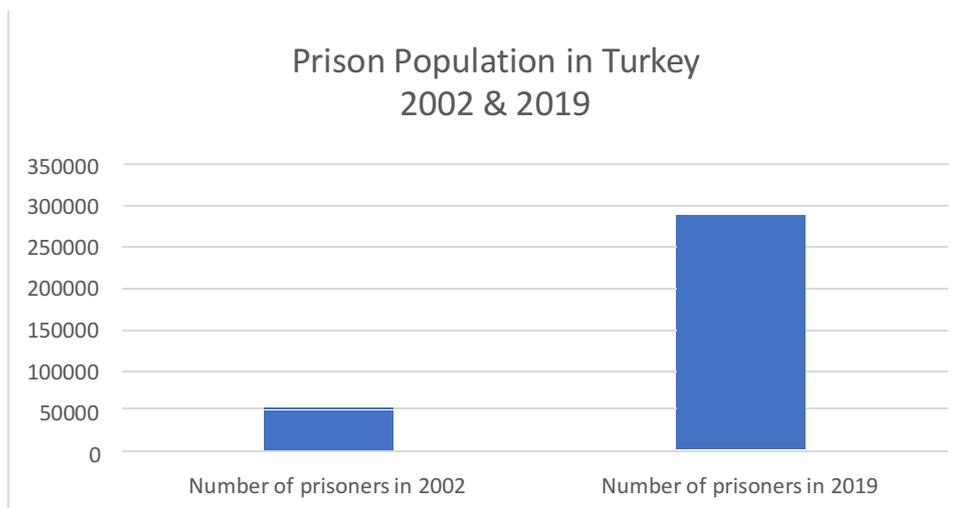
Further, the fact that the government has not yet permitted the publication of a finalized report on the observations and assessments of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) based on its ad hoc visit to Turkey between 29 August and 6 September 2016 is yet another indicator of the problem of torture in Turkey. CPT's latest report on its visit to Turkey in May 2019 has not been released yet.

According to applications to İHD and to news reports; many individuals -particularly university students, journalists and activists- in many cities prominently İstanbul, Ankara, Diyarbakır and İzmir have been forced to testify off-the-record, attempted to be turned into informants for the police through methods of coercion and threats; some who rejected such offers were detained on charges of membership in an illegal organization or were abducted, subjected to torture and ill-treatment and subsequently released. A total of 71 applications were lodged before İHD's central office and branches with informant-making allegations, while 79 cases were identified in news reports.

## V. Prisons

According to data provided by the Ministry of Justice, there were 59,429 inmates in Turkish prisons as of 31 December 2002, the year when AKP came to power.

Yet the figure skyrocketed to 286,500 prisoners in 355 prisons all over Turkey as of 15 November 2019, according to the data submitted to the Human Rights Inquiry Committee of the Grand National Assembly of Turkey (GNAT) by the Ministry of Justice's Directorate General of Prisons. While about 11,000 of these prisoners were women, no precise figure for convicted prisoners were offered. While there are 3,100 child prisoners, 780 children are being kept in prisons with their mothers.



Moreover, the number of people subjected to supervised release is 238,365, while the number of people released with judicial control without a warrant for their detention is 478,867 as of October 2019.

It has been a long time since the authorities last released the number of people who are referred to as “prisoners on remand” [hükmen tutuklu], meaning persons whose sentences have not been upheld yet. The Turkish Statistical Institute’s (TSI) data lag a year behind as well but even these data reveal the significance of the issue. According to the latest statement by the TSI released on 5 December 2019, the number of prisoners went up to 264,842 with a 14% increase as of 31 December 2018 in comparison to the previous year. Another important datum pertains to the annual turnover in prisons, the number of persons detained and released. According to the TSI data, 266,889 persons were admitted to prisons in 2018 while 215,170 were released in the same year. Such high circulation uncovers the fact that the number of prisoners in Turkey is much higher than it seems.

The Ministry of Justice indicates that the total capacity of the current 355 prisons is 220,230 persons. It is seen in this case that there are about 66,000 prisoners held in over-capacity in Turkish prisons. This fact, in turn, further deteriorates the material conditions in prisons and gives way to a significant increase in deprivation of rights.

Moreover, there has been a significant increase in the number of torture and ill-treatment cases in prisons with the declaration of the state of emergency:

Practices like beating prisoners for various reasons (strip search, medical examination in handcuffs, forced reporting at standing roll-calls) at the time of and after admission to the prison, labeling those who were imprisoned for political offences as “terrorists” and beating them for this reason, all kinds of arbitrary treatment and disciplinary actions, solitary confinement, banishment, and involuntary transfers have recently reached unprecedented levels.

Solitary confinement or isolation in small groups, which has been in practice since 2000 and has seriously been impairing the physical and psychological integrity of prisoners, is a deteriorating problem that has also become widespread. One should underline once again CPT’s standard principle: “The CPT considers that one should aim at ensuring that prisoners in remand establishments are able to spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activity of a varied nature. Of course, regimes in establishments for sentenced prisoners should be even more favorable.” Although the circular letter of 22 January 2007 (45/1) by the Ministry of Justice prescribes that 10 prisoners could get together 10 hours a week to socialize is still in force, its provisions are not implemented.

Other problems that have been pending for a long time include restriction of access to healthcare services, denial of the right to visit the prison infirmary, ill-treatment practices including handcuffed transfers to the Forensic Medicine Institute, courthouses and hospitals, failure to provide timely and effective solutions to prisoners’ medical problems. Banishment of a majority of prisoners, who hardly have the opportunity to continue their treatments, to other prisons has severely endangered the right to access healthcare services especially in recent years.

Sick prisoners account for another significant issue regarding prisons. According to the April 2019 report by İHD, there are a total of 1,334 sick prisoners 457 of whom are in critical conditions. We are very much concerned that this figure might rise. Not only do these persons have significant problems in gaining access to healthcare services, but also face serious problems in obtaining medical evaluation reports based on independent and qualified examinations including the fact that the Forensic Medicine Institute is neither independent nor impartial.

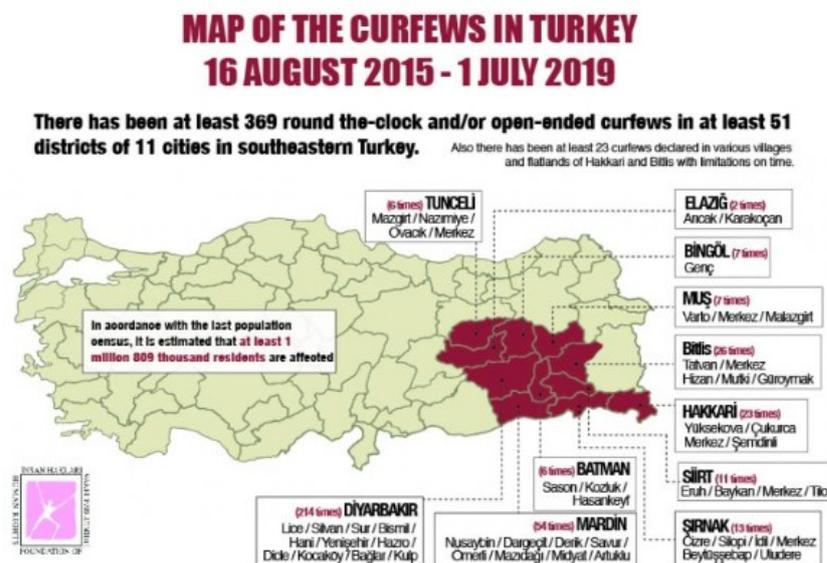
3,200 prisoners went on indefinite and non-alternate hunger strikes initiated on 7 November 2018 in Diyarbakır E-type Prison by Hakkari deputy for Peoples’ Democratic Party (HDP) and co-chair of Democratic Society Congress, Leyla Güven, demanding the lifting of isolation on Abdullah Öcalan. 15 prisoners went on death fast from hunger strike on 30 April 2019, while 15 others did so on 10

May 2019. Prisoners Zülküf Gezen in Tekirdağ Prison, Ayten Beçet in Gebze Women's Prison, Zehra Sağlam in Oltu T-type Closed Prison, Medya Çınar in Mardin E-type Closed Prison, Mahsum Pamay in Elazığ Prison, Yonca Akici in İzmir Şakran Closed Prison and Sıraç Yüksek in Osmaniye Prison put an end to their own lives demanding the lifting of isolation on Abdullah Öcalan. Hunger strikes ended on 26 May 2019. Abdullah Öcalan and three other prisoners held in İmralı Prison last met with their attorneys and families on 7 August 2019 and isolation has been reinstated since then when the visits were stopped.

## VI. The Kurdish Issue

The armed conflict that broke out again immediately after the general elections of 7 June 2015 is still going on not only due to the fact that the government primarily failed to take sincere and coherent steps for the peaceful and democratic resolution of the Kurdish issue, but also with the impact of developments in the Middle East and is bringing about gross human rights violations, notably violations of the right to life. İHD and HRFT have always argued for the democratic and peaceful resolution of the Kurdish issue. We are persistent in our belief. We, therefore, want the conflict to stop right now. Following the foundation of a non-conflict environment, this state of non-conflict should be strengthened and monitored as well as sincere and effective programs should be developed by all parties in order to establish social peace.

“Round-the-clock curfews” have also been maintained in 2019 with all their negative impacts though in shorter terms and smaller scales. These curfews were imposed intensively during 2015 and 2016 gave way to the violation of at least more than 1.8 million persons' most fundamental rights to life and health in cities and districts. Further, reports drafted by the European Commission for Democracy through Law (Venice Commission) and the Council of Europe Human Rights Commissioner openly stated that these curfews lacked legal grounds with regards to both domestic and international laws. According to the data collected by the HRFT Documentation Center, between 16 August 2015 and 1 July 2019, a minimum of officially confirmed 369 round-the-clock and/or open-ended curfews were declared in 11 cities and at least 51 districts in Turkey.<sup>5</sup>

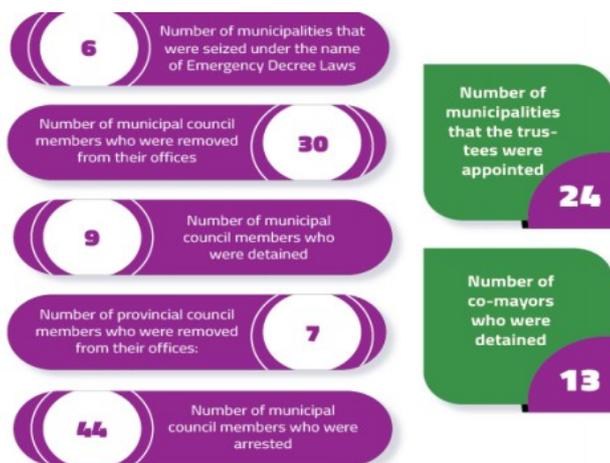


<sup>5</sup> <https://en.tihv.org.tr/curfews-in-turkey-between-the-dates-16-august-2015-1-july-2019/>

It should also be noted that about 1 million 809 thousand residents were “arbitrarily deprived of their liberty” intentionally due to “perpetual curfews” that lasted for months. Residents living in regions under the full control of the state were deprived of their fundamental rights and freedoms and these persons’ access to basic needs like water, food and healthcare services were prohibited for long terms. This imposition of “perpetual curfews” should be evaluated within the scope of the absolute prohibition of torture and other forms of ill-treatment, which have already amounted to serious levels, considering the fact that persons suffered from conditions including severe pain and emotional suffering either individually or collectively. Law No. 7145 that went into force on 31 July 2018 introduced amendments to Article 11 of Law No. 5442 and the governors were granted restrictive powers like declaring curfews for 15 days banning the entry and departure of persons to and from cities.

On a positive note, the results of 31 March 2019 local elections revealed that a great majority of the voters, especially in Western Turkey, were not affected by hate speech and rejected the official discriminatory language. Policies of war pursued by AKP and MHP of the “People’s Alliance” in the Kurdish issue were not met with consent which led to their loss of the local elections in large cities. Voters in Turkey united at the polling stations and hit home their peace and democracy message. Although the political power was expected to accurately read the results of the local elections and take steps towards building a new peace process without further ado, it adopted the interventions implied before the elections. Immediately after the elections 61 people -including elected co-mayors, provincial council members and municipal council members- were denied their election certificates on the grounds that they were dismissed from their posts through decree laws, while five municipal council members and two provincial council members from HDP were detained during this process. The Ministry of the Interior, moreover, issued a statement early in the morning on 19 August 2019 announcing that Diyarbakır, Mardin and Van greater municipality mayors from HDP had been removed from office and replaced by the respective governors of these cities.

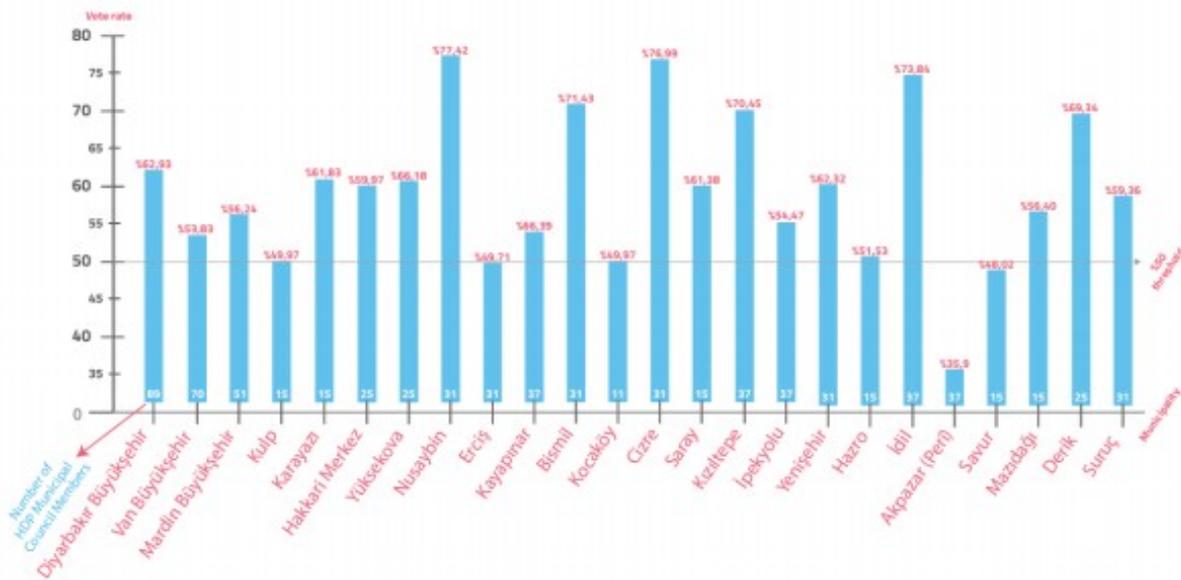
### Removal from office, appointment of trustees, detention



HDP, “Trustee Report.” p. 17.

According to the “Trustee Report”<sup>6</sup> of 20 November 2019 drafted by HDP, state trustees were appointed to a total of 24 HDP municipalities while 13 co-mayors were detained between 19 August and 16 November 2019. The number of trustees appointed to municipalities has risen to 28 as of today. The first action that the state trustees took after being appointed proved to be a de facto dissolution of provincial councils giving way to the total disregard of voters’ will and the quashing of local democracy opportunities in their entirety. The detention of a great number of elected Kurdish politicians, notably former co-chairs of HDP Selahattin Demirtaş and Figen Yüksekdağ, or the attempts to punish them with prison sentences and forced removals to distant prisons lead to violations of such fundamental rights and freedoms as the rights to a fair trial, political participation, freedoms of association, thought and expression, inter alia.

### HDP vote rate and the number of council members in municipalities with appointed trustees



HDP, “Trustee Report.” p. 19.

Amnesty International’s report of 1 November 2019<sup>7</sup> on Turkey’s military offensive in Northeast Syria has also underlined that the dimensions of the oppression within the scope of the military offensive amounted to the use of such offensive by the authorities as an excuse to further crush dissent and inflict fear. The examples offered in this report signify the fact that counter-terrorism laws have been abused to silence all kinds of critical talk on the military offensive and generally to leave no space for dissenting ideas on policies related to the rights of the Kurds, accordingly, the current climate of fear in the country has further deepened through the violation of the rights to a fair trial, freedoms of peaceful assembly and expression.

It is seen that the political power has been using policies of violence towards the Kurdish issue in order to maintain its own power as well. İHD and HRFT are, therefore, of the opinion that the resolution of this issue turns out to be a vital one for the development of democracy in Turkey.

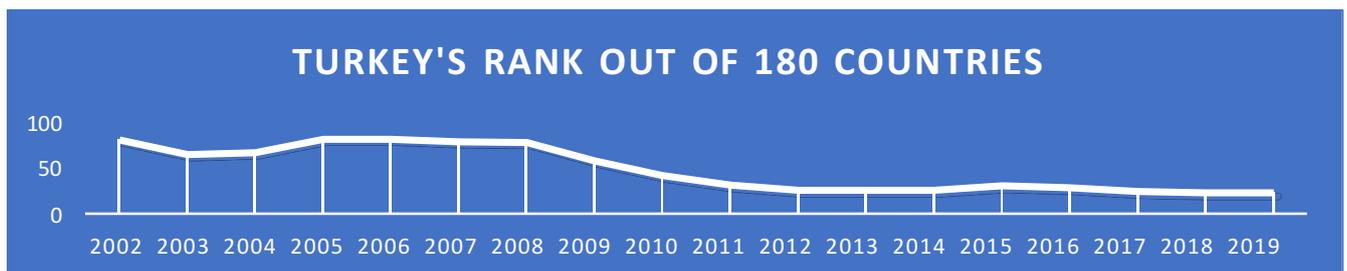
<sup>6</sup> HDP. “The Trustee Regime in Turkey and the Denial of the Right to Vote and the Right to be Elected.” 20 November 2019. <10.12.2019> <https://www.hdp.org.tr/en/english/news/news-from-hdp/our-kayyim-trustee-report-has-been-released/13739>

<sup>7</sup> Amnesty International. “Turkey’s Continuing Crackdown on Dissent over Its Military Operation ‘Peace Spring’ in Northeast Syria.” 1 November 2019. <10.12.2019> <https://www.amnesty.org/download/Documents/EUR4413352019ENGLISH.pdf>

## VII. Freedom of Expression and the Press

The alarmingly increasing oppression and control of the political power over the media, especially after the declaration of the state of emergency, has held out in 2019 as well. The rights to freedom of expression and thought have sustained gross violations. Lawsuits have been brought against numerous persons including journalists, authors, academics and human rights defenders leading to the detention of some, and journals and books were pulled off the shelves this year as well.

According to HRFT's data, there are 139 journalists and media workers in prisons as of November 2019. 65 journalists have been arrested, while 19 have been detained within the first 11 months of 2019. Investigations have been initiated into 32 journalists, while lawsuits have been brought against 19. 61 journalists have been sentenced to a total of 196 years and 10 months in prison, while five journalists have been fined with 42,000 TRY. 11 journalists have been attacked and two foreign journalists have been deported. Turkey has ranked 157<sup>th</sup> among 180 countries in the 2019 World Press Freedom Index issued annually by Reporters Without Frontiers (RSF), going down an alarming 58 ranks.<sup>8</sup> The country had ranked 99<sup>th</sup> in the index in 2002. According to RSF, "The regional heavyweights [of Eastern Europe and Central Asia], Russia and Turkey, continue to persecute independent media outlets. The biggest jailer of professional journalists, Turkey, is also the world's only country where a journalist has been persecuted for their Paradise Papers reporting."<sup>9</sup>



RSF, World Press Freedom Index, 2002-2019

An ample number of individuals, including İHD's Co-Chairperson Eren Keskin, who face hundreds of thousands of liras in fines and tens of years in prison because of their journalistic activities risk imprisonment any given time.

Academic freedom in Turkey has also sustained heavy blows under such circumstances. 822 academics have been prosecuted because they signed the declaration "We Will Not Be a Party to This Crime!" made public on 11 January 2016. 139 of these lawsuits were finalized with prison sentences handed down to all for "making propaganda for an illegal organization" or "aiding an illegal organization" from 5 December 2017, the date when the trials started, to 17 July 2019.<sup>10</sup> In 35 of the finalized cases academics were not granted the suspension of the pronouncement of the judgment. Prof. Dr. Füsün Üstel of Academics for Peace was sentenced to 1 year 3 months in

<sup>8</sup> RSF. "2019 World Press Freedom Index." <https://rsf.org/en/ranking>

<sup>9</sup> RSF. "2019 World Press Freedom Index – A Cycle of Fear." <10.12.2019> <https://rsf.org/en/2019-world-press-freedom-index-cycle-fear>

<sup>10</sup> Academics for Peace. "Hearing Statistics." <https://docs.google.com/spreadsheets/d/e/2PACX-1vT05GTWUQMDot1iPfmSieJsWLGborbNIJyLP5IdtvJVEcKRw8C8qMxFXPighYZkz7pf2ENP2bXZ3DMo/pubhtml?gid=1873917137&chrome=false&widget=false>

prison on 4 April 2018 by İstanbul 32<sup>nd</sup> Heavy Penal Court and this sentence was upheld by the 3<sup>rd</sup> Penal Circuit of İstanbul Regional Court of Justice on 25 February 2019. Professor Üstel was jailed on 8 May 2019 only to be released on 22 July 2019. The Constitutional Court's General Secretariat, on the other hand, delivered an important judgment on 26 July 2019 in its *Zübeyde Füsün Üstel and others* judgment (App. no. 2018/17635)<sup>11</sup> on the applications by a group of Academics for Peace and ruled for violation of the right to freedom of expression in the academics' convictions for propaganda, sending a copy of its judgment to local courts to eliminate violations and initiate retrials, paying the applicants 9,000 TRY in compensation. Following this judgment, 557 academics have been acquitted as of 13 December 2019.

<b>Number of Courts</b>	56
<b>Signatories on Trial</b>	822
<b>First Signatories</b>	763
<b>Second Signatories</b>	59
<b>Statements Taken</b>	422
<b>(Prosecutor's) dictum</b>	279
<b>Rejection of Venue</b>	70
<b>Article 301 - Permission Request</b>	129
<b>Temporarily Suspended</b>	26
<b>Total Sentences</b>	139
<b>HAGB (Suspended)</b>	100
<b>Erteleme (Deferred)</b>	4
<b>Ceza (Convicted)</b>	35
<b>Beraat (Acquittals)</b>	557
<b>Yeniden Yargılanma Sonrası</b>	65
<b>Ongoing Trials</b>	126

Academics for Peace – Hearing Statistics (13 December 2019)

The Ministry of Interior in its statement of 4 February 2019 announced that 4,718 social media accounts had been inquired in January 2019 and legal action had been taken against 2,111 persons. The ministry, however, has not made information on inquiries into and legal actions against social media accounts public beginning with this date until 9 October 2019, the date when the military offensive in Northeast Syria was launched by the Turkish Armed Forces. Yet at least 1,784 persons have been arrested while 336 have been detained on the grounds of their social media posts within the first 10 months of 2019 according to data provided by HRFT.

The Ministry of Interior launched legal actions against about 500 persons because of their social media posts within two days between 9 and 11 October 2019. 121 of these persons have been arrested while these operations continued in the upcoming days. According to İHD's data, 296 persons were arrested while 57 of them have been detained between the onset of the military offensive and 24 October 2019. Most of those against whom legal action was taken were students, politicians or human rights defenders.

<sup>11</sup> Constitutional Court. <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2018/17635>

Two journals, three newspapers and two books have been pulled off the shelves on various grounds within the first 11 months of 2019. Further courts have ordered bans on numerous banners and posters printed by HDP before the 31 March local elections; banners, posters and stickers pertaining to HDP Hakkari deputy and DTK co-chair Leyla Güven's hunger strike in prison and brochures printed within the scope of 25 November International Day for the Elimination of Violence Against Women. Moreover, on 14 March 2019, Siirt Criminal Peace Judgeship ruled to ban the "Trustee Report" drafted by HDP.

According to the data provided by the Ministry of Justice, 10,745 people were prosecuted in 2013 under Articles 6 and 7 § 2 of the ATC and this figure steadily rose each year only to reach 24,585 in 2017. 2018 statistics have also revealed that investigations were initiated into 46,220 persons with 17,077 lawsuits were brought against these persons.

The number of prosecuted persons under Article 314 § 2 of the TPC, which is a commonly referred to article in such cases, has shown a dramatic increase and amounted to 136,795 in 2017 which was 8,110 in 2013 according to the data of the Ministry of Justice. The unbundled data of 2018 has not been issued yet. Instead collective data pertaining to "offenses against the constitutional order and the functioning of this order" covering Articles 309 to 316 have been provided. Accordingly, investigations have been initiated into 456,275 persons while civil lawsuits have been brought against 90,197 of them while non-prosecution decisions have been rendered for 149,680. It is observed that there has been a dramatic increase in the number of people charged with membership in a terrorist organization.

Alevis' demands for equal citizenship have not been met in 2019 either. The requirements of ECtHR judgments to repeal compulsory religion courses in schools and to recognize Cem Houses as places of worship were not fulfilled. Yet the Court of Cassation started to deliver judgments in favor of Alevis in 2018. Radical Sunni and racist groups, on the other hand, have continued to target Alevis, Christians and Jews with threats and hate speech in 2019 as well.

Further, a total of 36,664 investigations were initiated under Article 299 of the TPC that proscribes "insulting the president" along with Article 301 of the TPC that proscribes "insulting Turkishness" both of which incorporate prohibitive and punitive provisions. Of these, lawsuits have been brought against 6,131 and non-prosecution decisions have been handed down for 11,337.

The fact that the right to conscientious objection has not been accorded yet maintains its place as a significant violation of human rights.

On an important note, only the Court of Cassation remedy has been made available for imprisonment sentences prescribed for articles punishing freedom of expression and these articles have maintained their statuses as offenses within the First Judicial Package of 24 October 2019 under the Judicial Reform Strategy Document<sup>12</sup> announced in May 2019 by the Ministry of Justice.

## **VIII. Freedom of Association and Persecution of Human Rights Organizations and Defenders**

2019 has also proven to be a year during which many lawyers and human rights defenders, including the executives, members and employees of the İHD and HRFT, were arrested, detained

---

<sup>12</sup> İHD. "İHD Report and Recommendations on the Judicial Reform Strategy Document." 4 October 2019.

<https://ihd.org.tr/en/ihd-report-and-recommendations-on-the-judicial-reform-strategy-document/>

ICJ-IHOP. "Briefing Paper on Turkey's Judicial Reform Strategy and Judicial Independence." 19 November 2019.

<https://ihd.org.tr/en/icj-ihop-briefing-paper-on-turkeys-judicial-reform-strategy-and-judicial-independence/>

and attacked in blatant infringement of the principles enshrined in the UN Declaration for the Protection of Human Rights Defenders.

The number of lawsuits brought against İHD executives has exceeded 500 as of 1 June 2019. 143 lawsuits have been solely brought against İHD's Co-chairperson Eren Keskin. For instance, Atty. Keskin was sentenced to 7.5 years in prison under Articles 299 and 301 of the TPC on 29 March 2018.

İHD's Malatya Branch Chairperson Gönül Öztürkoğlu was detained on 27 November 2018 and released on 22 March 2019. İHD's former Bitlis representative Hasan Ceylan and Dersim Branch executive Özgür Ateş are prisoners on remand. İHD's Kars Branch Chairperson was detained on 30 July 2019, while Dersim Branch Chairperson Gürbüz Solmaz was arrested on 29 September 2019. İHD's Central Executive Committee member Gençağa Karafazlı was shot and injured on 17 September 2019. İHD's Ankara Branch Chairperson Fatin Kanat was arrested early in the morning on 27 November 2019, while he was released on judicial control two days later on 29 November 2019.

At least 30 investigation and prosecution processes are pending against the founders, the president, members of the executive committee, and volunteers of HRFT as well.

Moreover, both administrative and criminal investigations have been initiated into the legal personalities of human rights organizations like İHD and HRFT. Investigation processes are pending about the report drafted after a visit to Cizre by HRFT, İHD, Agenda Child Association, Trade Union of Employees in Public Healthcare and Social Services, and Diyarbakır Bar Association within the scope of a mission to document gross human rights violations in settlements under curfew in Turkey's Southeast. There are also two more pending investigations into İHD.

The prosecution process initiated with the arrest of eight human rights defenders and two consultants on 5 July 2017 in İstanbul, Büyükkada during a workshop organized by Amnesty International Turkey is still pending.<sup>13</sup>

A great number of lawyers from the Progressive Lawyers Association, including its chairperson Selçuk Kozagaçlı, are still prisoners on remand.

Lawsuits brought against the Central Council members of the Turkish Medical Association and the Central Executive Committee of the Confederation of Public Employees' Trade Unions (KESK) because their statements are still pending.

Osman Kavala, who is the founding member, executive or advisory board member of many NGOs, was arrested on 19 October 2017 and following a 14-day custody period was forwarded with a motion for his detention even without his testimony taken by İstanbul Chief Public Prosecutor's Office at the end of which İstanbul 1<sup>st</sup> Criminal Peace Judgeship ruled for his detention under Article 309 of the TPC which proscribes "attempts to abolish the constitutional order" and Article 312 of the TPC which proscribes "attempts to abolish the government" on 1 November 2017.

On another note, 12 out of 13 academics and rights defenders who arrested on 16 November 2018 were released, yet Yiğit Aksakoğlu was detained. The lawsuit, known as the Gezi Trial, started on 24 June 2019 with a total of 16 individuals standing trial including Osman Kavala and Yiğit Aksakoğlu. While Yiğit Aksakoğlu was released on 26 June 2019, Osman Kavala is still detained. Yet, on 10 December 2019, the European Court of Human Rights held that Osman Kavala should immediately be released ruling that Turkey was in violation of Article 5 §§ 1 and 3 (lack of reasonable suspicion and of relevant and sufficient reasons), Article 5 § 4 (lack of a speedy judicial

---

<sup>13</sup> Amnesty International Turkey. <https://amnesty.org.tr/icerik/turkiye-uluslararasi-af-orgutunun-onursal-baskani-ve-eski-direktoru-akla-mantiga-sigmayan-teror-davasinda-beraat-etmeli>

review by the Constitutional Court) and, importantly, Article 18 of the Convention in its *Kavala v. Turkey* (App. no. 28749/18) judgment.<sup>14</sup>

Extensive and recurrent arrests through the judiciary specifically towards a political party, HDP, is a direct intervention into democratic politics. While continuous arrest and detention of HDP executives and members have amounted to world record breaking levels, the state of affairs on this fact warrants a special report. Particularly during the 24 June 2018 and 31 March 2019 elections process, the number of HDP executives and members who were arrested and detained increased dramatically.

## **IX. Freedom of Peaceful Assembly and Demonstration**

2019 has also proven to be year during which freedom of peaceful assembly and demonstration was abolished as a rule while assemblies and demonstrations could arbitrarily be staged only as exceptions and authorities have attempted to render this arbitrariness ordinary. In other words, 2019 has been a year during which violations and restrictions prevailed with regards to freedom of assembly and demonstration just like the previous one as well.

During the official state of emergency period, governors' offices in many cities had been handing down one-off and targeting a specific day/protest ban decisions or all-encompassing ones covering all protests consecutively for various assemblies, demonstrations and events having been authorized by the antidemocratic regulations in the emergency decree laws. Although the state of emergency was lifted on 19 July 2018, this and similar practices are maintained. These bans cover a wide spectrum of events ranging from a meeting on the negative impacts of geothermal power plants to high school and university festivals, from culture and arts, nature festivals to LGBTI+ events.

According to the data collected by HRFT's Documentation Center, 61 events planned for a specific day/activity have been banned within the first 11 months of 2019. All events have been banned for varying periods ranging from two days to a month by governors' offices and provincial governors' offices to a lesser degree for at least 96 times. Blanket bans have reached 1,111 days in Van and 255 days in Hakkari as of 30 November 2019.

Law enforcement has intervened assemblies and demonstrations 1,274 times within the first 11 months of 2019. 69 persons were injured while 3,741 were arrested during these attacks. While 35 persons were detained, house arrests were handed down to 15 and judicial control decisions were delivered for another 120.

According to the official figures released by the Ministry of Justice, investigations were launched into 8,728 persons on the grounds of violating Law No. 2911 on Assemblies and Rallies while criminal charges were filed against 4,837 of these persons in 2018. Although half of 2018 had gone under the state of emergency while the other half had gone under blanket bans granted to governors by Law No. 7145, the high number of prosecutions reveal the the degree to which the oppressive practices has been implemented with such immense power.

On the axis of struggle against impunity and for justice, particularly the weekly vigils "Let the Disappeared Be Found, Perpetrators Be Tried" held under İHD's umbrella by Saturday Mothers and Peace Mothers, families of the disappeared and human rights defenders persevere against all

---

<sup>14</sup> ECtHR. *Osman Kavala v. Turkey*. 10 December 2019. <<http://hudoc.echr.coe.int/eng?i=001-199515>>

forms of oppression and prohibition. Human rights defenders will not ever refrain from their pursuit of justice.

Some of these bans bear symbolic significance that reveal the mentality of the political power. Trans and Pride Marches that have been staged by LGBTI+ individuals for years have been banned in many cities this year as well. Yet, people got together in many cities against all these bans and interventions.

## **X. The Right to Political Participation**

There have been harsh critical stands and observation reports on the failure to hold democratic, just and fair elections in Turkey for long. Indeed, reports issued by such international bodies conducting independent election observations like OSCE and the Parliamentary Assembly of the Council of Europe and national bodies like İHD and the Association for Monitoring Equal Rights, which wanted to carry out independent monitoring at the national level but were never allowed to do so, justify such criticism. The post-election incidents have very much corroborated such concerns.

İHD issued its report on the local electoral process and elections of 31 March 2019 offering various observations and recommendations.<sup>15</sup> Accordingly, an anti-democratic electoral process was observed in Turkey according to OSCE criteria; attempts were made to alter the elections results in the political power's favor which led to the re-run of İstanbul greater municipality elections; five municipalities won by HDP were virtually seized after cancelling the election certificates of elected mayors on the trumped-up grounds that they had been dismissed from their posts by decree laws; the elections certificates were again granted to runner-ups from AKP presenting the elections to them; and it was announced that runner-ups were now elected as the elections certificates of municipal council members and provincial council members were annulled. In a way the "trustee" practice of the state of emergency has been maintained at the hands of the Higher Board of Elections. Objections raised by opposition parties against such anti-democratic practices were overruled, yet the ruling party's objections have been sustained.

## **XI. Violence against Women**

Women have also faced many rights violations in 2019 yet again. Many rights and freedoms of women, particularly their right to life, have been violated. Men and male violence killed at least 305 women. At least 46 women were raped, 204 women were harassed, 556 women were subjected to male violence within the first 11 months of 2019. Official figures reveal that tens of thousands of women were subjected to violence, while the number of women killed by male violence was much higher than that of the monitoring bodies.

Women who wanted to stage protests on the occasion of International Women's Day on March 8 faced obstructions and interventions in many a city. The 8 March Feminist Night March, which had been continuously held each year since 2003 in İstanbul, has been blocked off this year. Women have met before the French Cultural Institute in Beyoğlu, İstanbul for the 17<sup>th</sup> Feminist Night

---

<sup>15</sup> İHD. "Report on the Local Electoral Process and 31 March Elections." 6 May 2019. <<https://ihd.org.tr/en/ihd-report-on-the-local-electoral-process-and-31-march-elections/>>

March. Women wanted to march along İstiklal Street, as they had been doing for years, but they encountered police barricades. The police that failed to prevent women from walking by erecting barricades attacked protestors by using tear-gas. Women continued on with their protest in the by-streets of Taksim.

Police and private security intervened persons wanting to hold 8 March events at İzmir's Ege University campus on 8 March 2019 and arrested 9 individuals.

İstanbul, Beyoğlu District Governor's Office banned the march planned to be held on the occasion of 25 November International Day for the Elimination of Violence against Women in Tünel Square of Beyoğlu, İstanbul. Batman Municipality's four purple public transportation vehicles with banners "We defend life against violence," "We women are stronger together" and "Say no to gender-based violence" were prevented from traffic having been stopped by police officers on 21 November 2019 on the grounds that it was "political propaganda."

Turkey was the first one to sign the İstanbul Convention (Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence) of 11 May 2011 and ratified it on 14 March 2014. The purposes of the Convention are to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; promote international co-operation with a view to eliminating violence against women and domestic violence; provide support and assistance to organizations and law enforcement agencies to effectively co-operate in order to adopt and integrated approach to eliminating violence against women and domestic violence. The alarming rate of violence against women reveals the ways in which how the provisions of the Convention are not being implemented, how they are infringed upon, and how they failed to be institutionalized.

## **XII. Refugees/Asylum-Seekers/Immigrants**

In Turkey there are only 28 persons who are legally recognized as refugees because Turkey has been maintaining its geographical limitation to the 1951 Geneva Convention. Outside the legal sense, the number of refugees in Turkey is 4.9 million as per the latest information provided by the Ministry of Interior. Of these, 3 million 634 thousand persons are under temporary protection, while 337 thousand are under international protection.

Turkey's stand on refugees<sup>16</sup> has not changed in 2019 either. No permanent solutions were offered to solve refugees' problems while the policies implemented have been short-term and far from facilitating coexistence. The number of persons who had to immigrate to Turkey due to the ongoing war in Syria since 2011, the number of registered Syrians in Turkey, has now exceeded 3, 687,244 as of 2019. When the unregistered ones are included in these figures, the number is estimated at more than 4 million. Although these people have completed their eighth year in Turkey, they are legally recognized as being under "temporary protection status" and cannot access the right to seek asylum. Other rights and services mostly focus on those coming in from Syria, yet refugees from Afghanistan, Iran and African countries that make up for about 500,000

---

<sup>16</sup> Everyone who came into Turkey due to compelling reasons are referred to as "refugees" by human rights bodies regardless of their legal status. Thus, the term "refugee" will be used in the following parts.

are disregarded. The state of precarity that all refugees are dwelling in in Turkey lead these people who were forced to leave their own homelands to seek other more secure countries.

Turkey became responsible for the “readmission” of refugees, who entered the EU through Turkey via irregular ways or those who subsequently became irregular after entering the EU through Turkey, with the “Readmission Agreement” signed with the EU on 16 December 2013. This agreement was based on the assumption that Turkey was a safe third country. Yet, we had stated our grave concerns about the protection of the rights of migrants and refugees originating from international law, EU standards and Turkey’s domestic legislation since they would be the ones who would be subjected to practices within the framework of this agreement. At this point we are saddened to see how pertinent our concerns were.

The EU and other countries in the world have become direct partners of this human tragedy by not accepting refugees into their countries, including the “Readmission Agreement.” Lives are at risk during unsafe sea or land crossings and are lost at the hands of brokers who traffic human beings. They survive in camps in poverty, torture and insults. They become the new targets of racism in cities.

Turkey’s refugee policies have been far from delivering permanent solutions based on social accord and have been short-term as a result of legal regulations that leave refugees in utter precarity and obscurity along with the government’s uncertain political conduct. We have been witnessing for the last couple of weeks that the pressure particularly on Syrian refugees has escalated and their living spaces have been further restricted as a consequence of such policies. It has also been reported that Syrian refugees were deported and some others were forced to sign voluntary return documents without their consent.

Istanbul Governor’s Office issued a statement called “Combatting Irregular Migration” on 22 July 2019 indicating that Syrian refugees not registered to the city of Istanbul (i.e. registered to other cities) were granted time until 20 August 2019 to return to their respective registered cities and those who were identified not to have returned to those cities at the end of the allocated time would be sent to their registered cities in accordance with the order of the Ministry of Interior. This statement corroborates news reports. Interior Minister, Süleyman Soyulu, has also stated the following on the matter at hand: “If Turkey does not undertake this state of affairs resolutely, none of the governments in Europe can endure for six months. Let us try if they want.” The state’s approach instrumentalizing refugees both in its domestic and foreign policies paves the way to the violation of refugees’ rights to life and housing. Moreover, such statements consolidate refugees’ precarity and reveal that their fundamental rights and freedoms are being ignored. A perception has been created as if the refugees were responsible for the economic dire straits as the Interior Minister said “He came in from Africa selling watches for 10 liras, we will not allow it.” This is unacceptable. Individuals’ right to work to survive cannot be taken away. The necessary measure to be taken is to recognize refugees’ right to work and to create a safe space where they can receive a fair recompense for their labor.

Refugees are not allowed to leave the cities they reside and have to endure numerous restrictions but their problems are yet to be resolved. Bureaucratic red-tape to obtain work permits and the fact that only employers can apply for such permits are accompanied by the fact that refugees have been working for years as unregistered cheap workforce. Refugees who cannot enjoy this right in practice try to open up working spaces for themselves. They work unregistered and without any security at construction sites, under the counter workshops, agricultural sector and small-scale industry. Their access to education is quite limited as well, they do not have the opportunity for healthy housing, their access to healthcare services is not on par with the level human dignity so requires, and most of them do not even know how to gain access to such limited

means. They cannot socialize as they are exposed to racist and discriminatory practices in numerous fields. Young girls are forced to early marriage and become vulnerable to abuse. Child labor proves to be one of the most important problems as well.

It is significant to remember that Article 14 of the UDHR enshrines: “Everyone has the right to seek and to enjoy in other countries asylum from persecution.” The right to life and other inalienable rights of all members of the human family have been guaranteed by agreements that Turkey has also signed. The most fundamental protection as regards refugees and asylum seekers is the United Nations Geneva Convention Relating to the Status of Refugees that Turkey ratified in 1961. The prohibition of “Refoulement” prescribed in Article 33 of the Convention is of vital significance: “No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” This principle was defined under Article 4, “Non- Refoulement,” in the Law on Foreigners and International Protection as such: “No one within the scope of this Law shall be returned to a place where he or she may be subjected to torture, inhuman or degrading punishment or treatment or, where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political views.” Refugees should not be returned unless the threat in their countries was proven to be eliminated in line with this principle.

The instrumentalization of refugees in domestic politics and as means of blackmail in the international arena by politicians cannot be accepted. Deportation and oppression of refugees should be stopped without delay since deportation of Syrian refugees along with those from Afghanistan, Iraq, Iran and various countries in Africa would lead to rights violations and loss of lives. Refugees’ living spaces and inalienable rights should be protected and rights-based policies for co-existence should be developed. Discriminatory rhetoric and practices that manipulate the society should immediately be dropped and all practices other than refugees’ own consent should promptly be put to an end.

One of the most important issues that refugees have to face are the repatriation centers. At such centers access to legal counsel proves to be a significant problem, while extended stays and insufficient information drag the people at these centers into a serious uncertainty which, in turn, forces refugees to return to their countries “voluntarily” even if they do not want to. It has been observed that discrimination and hate speech against refugees escalated in the national media as well as the social media during this period. Moreover, refugees’ presence in Turkey occupied a significant place in opposition parties’ criticism towards the government in the following period as well.

### **XIII. Economic and Social Rights**

About 200,000 workers, including 135,000 who were dismissed from their public posts through decree laws and those who lost their jobs in the private sector due to the state of emergency, have been sentenced to starvation with their families amounting to about one million people. These dismissals, which we can qualify as *civil death*, account for a very grave violation of economic and social rights. It is impossible for the State of Emergency Procedures Inquiry Commission to deliver a solution in its current state. All dismissals can be repealed by a single decree law and those who were connected with the coup d’état attempt can be ascertained by conducting intra-institutional disciplinary investigation procedures.

The use of the concept “in junction with” [iltisaklı] is altogether contrary to law. Thus, a decision can be delivered by only investigating the coup attempt based on the grounds for the state of emergency.

Already limited workers’ rights have sustained even worse setbacks under the state of emergency. Some possible strikes have been deferred and de facto strike bans have been imposed in Turkey. Judicial harassment against workers following the criminalization of workers’ protests to seek remedies reveal the degree to which the political power has moved away from economic and social rights.

The increasing number of corporate murders also proves to be very alarming. According to data provided by Health and Safety Labor Watch Turkey, at least 1,606 workers lost their lives in corporate murders within the first 11 months of 2019 in Turkey. It should also be noted that only one of the workers who lost their lives was a member of their respective trade union. The number of workers who lose their lives in corporate murders has been continually rising. Suicide cases because of financial difficulties are also on a very significant rise. One of the most important reasons of suicide in Turkey has proven to be financial difficulty. When one looks into TSI’s statistics on reasons of suicide on the “financial difficulty” criterion, the fact that 4,481 persons have committed suicide between 2002 and 2018 when AKP was in power.

Tens of thousands of persons have not been able to start working due to the imposed security and background checks for those who would start working in the public or private sectors for the first time. More than 400 newly graduated medical doctors have not been permitted to work in the healthcare sector. On 29 November 2019, the Constitutional Court repealed the “provision to conduct security investigations and archive search” for assignments set forth by decree law No. 676 of 29 October 2016 finding it unconstitutional. In the grounds for the judgment, the Constitutional Court held that the obtaining, recording and storing of private information within the scope of security clearance investigations and archive search was a restriction of the right to respect for private life. The judgment also said that the provision did not clearly set the limits for public authorities when taking measures and intervening into persons’ private lives underlining that this power could be abused. İHD and HRFT, therefore, invite the authorities to implement the Constitutional Court’s judgment without delay and offer relief to this end.

Unemployment has been on a dramatic rise due to economic crisis and poverty, accordingly, has become prevalent. The objective of human rights is to free humanity from fear and poverty. This state of affairs in the country, therefore, calls for more work in the field of economic and social rights in the following term.

*In lieu of conclusion*, İHD and HRFT will be working harder to contribute to the eradication of this manmade and avoidable destructive process in Turkey and the world and to accomplish the ideal of peaceful and democratic coexistence based on human rights.

**Human Rights Association**

**Human Rights Foundation of Turkey**