



HUMAN RIGHTS IN TURKEY



Turkey Team

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BACKGROUND

- In February, Turkey launched a military operation (Spring Shield) against Syrian forces after Syrian air strikes killed 33 Turkish soldiers in Idlib, Syria (see Syria entry). Concurrently, Turkey declared its borders with the EU open, and encouraged and facilitated the transportation of thousands of asylum-seekers and migrants to Greece's land borders. Greek forces responded with violent pushbacks, resulting in at least three deaths. In April, the government used the COVID-19 crisis to further crack down on the opposition, banning several opposition-run municipal donation campaigns and launching investigations into pandemic fundraising efforts by the mayors of Istanbul and Ankara.

STATE OVERREACH JUDICIARY AND LAWYERS

- A disciplinary investigation initiated by the Council of Judges and Prosecutors against the three judges who on 18 February acquitted the Gezi trial defendants, including civil society leader Osman Kavala, was ongoing at the end of the year. The investigation followed the President's public criticism of the acquittal decision.
- In July, Parliament passed a law changing the structure of bar associations. Thousands of lawyers protested and 78 out of 80 bar associations signed a statement opposing the reform. The new law weakens the associations' authority and independence.
- Criminal investigations targeting lawyers for representing clients accused of "terrorism-related offences" continued.
- In September, police detained 47 lawyers on suspicion of "membership of a terrorist organization", based solely on their work. At least 15 lawyers were remanded in pre-trial detention. Also in September, the Court of Cassation upheld the prison sentences of 14 lawyers from the Progressive Lawyers Association, prosecuted under terrorism-related legislation.

REPRESSION OF DISSENT

- Criminal investigations and prosecutions under anti-terrorism laws and punitive pre-trial detention continued to be used, in the absence of evidence of criminal wrongdoing, to silence dissent.
- Under the guise of combating “fake news”, “incitement” or “spreading fear and panic”, the authorities used criminal law to target those discussing the COVID-19 pandemic online. The Cyber Crimes Unit of the Interior Ministry alleged that 1,105 social media users had made “propaganda for a terrorist organization”, including by “sharing provocative COVID-19 posts” between 11 March and 21 May; reportedly 510 were detained for questioning.
- In October, the President targeted the Turkish Medical Association (TTB) and called its new chair “a terrorist” after the TTB repeatedly criticized the government’s response to COVID-19.
- In April, as COVID-19 spread in the country, the government amended the law on the execution of sentences, enabling the early release of up to 90,000 prisoners. Specifically excluded were prisoners in pre-trial detention and those convicted under terrorism laws.
- Abusive investigations and prosecutions targeting former parliamentarians and members of opposition parties continued. In June, an Istanbul Appeals Court upheld the conviction of Canan Kaftancıoğlu, Istanbul Provincial Chairperson of the opposition Republican People’s Party (CHP). She was sentenced to nine years and eight months in prison for “insulting the President” and “insulting a public official”, “inciting enmity and hatred” and “making propaganda for a terrorist organization”. The sentence referred to tweets she had shared seven years earlier. The case was pending before the Court of Cassation at year’s end.

- In October, 20 former and current members of the pro-Kurdish Peoples' Democracy Party (HDP), including the Mayor of Kars city, Ayhan Bilgen, were remanded in pre-trial detention for their alleged role in violent protests in October 2014. The accusations were largely based on social media posts from the official HDP twitter account at the time. Following the remand in pre-trial detention of Ayhan Bilgen, the Ministry of Interior on 2 October appointed the Kars Governor as trustee to Kars Municipality. Former co-chairs Selahattin Demirtaş and Figen Yüksekdağ remained in pre-trial detention as part of the same investigation since September 2019. A new indictment was pending at the first instance court at the end of the year, days after the ECtHR's Grand Chamber called for the immediate release of Selahattin Demirtaş, finding that his rights to freedom of expression, liberty and security, free elections and not to be subjected to the misuse of limitations on rights had been violated.
- In December, Parliament passed a new law ostensibly to prevent the financing of the proliferation of weapons of mass destruction, with severe consequences for civil society organizations. The law included allowing the removal of individuals facing prosecution under anti-terrorism laws from boards of NGOs to be replaced with government-appointed trustees.

FREEDOM OF EXPRESSION

- Journalists and other media workers remained in pre-trial detention or served custodial sentences. Some prosecuted under anti-terrorism laws were convicted and sentenced to years of imprisonment, their legitimate work presented as evidence of criminal offences.
- In March, police detained at least 12 journalists for their reporting of the COVID-19 pandemic, including journalist and human rights defender Nurcan Baysal, who was accused of “inciting the public to enmity and hatred” for her social media posts. Six journalists were imprisoned for their reporting on the funeral of two alleged intelligence officers from the Turkish National Intelligence Agency (MIT) killed in Libya. In May, the six detained and one other journalist were indicted for “revealing the identities of intelligence officers”. In September, five of them received prison sentences for “publishing intelligence information”.
- Journalists Alptekin Dursunoğlu and Rawin Sterk Yıldız, detained for their social media posts in March, were released at their first hearing in March and September respectively. Their cases continued at the end of the year.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE

- In April, a senior state official at the Religious Affairs Directorate (Diyanet) blamed homosexuality and people in extra-marital relationships for the spread of HIV/AIDS. He urged followers to combat this “evil” in a Friday sermon focusing on the COVID-19 pandemic, a call supported by the President. Bar associations criticizing the statements faced criminal investigation under Article 216/3 of the Penal Code that criminalizes “insulting religious values”.

RIGHTS OF WOMEN AND GIRLS

- In July, the brutal murder of 27-year-old student Pınar Gültekin led to country-wide protests. The trial of two men accused of her murder continued at the end of the year.
- In August, suggestions by some politicians in the ruling Justice and Development Party (AKP) to withdraw from the Istanbul Convention sparked country-wide demonstrations. Women's rights organizations criticized the lack of implementation of the Convention, including an adequate response to rising domestic violence during COVID-19 restrictions. The Ministry of Interior announced that 266 women had died as a result of gender-based violence in 2020, though the figures provided by women's organizations were much higher.

FREEDOM OF ASSEMBLY

- In March, for the second year running, the authorities banned the International Women's Day march in Istanbul. Police used tear gas and plastic bullets to disperse peaceful protesters who had defied the ban.
- The prosecution of six women accused of "failure to disperse" under Article 32 of the Law on Meetings and Demonstrations began in November. The charges related to their participation in the peaceful December 2019 Las Tesis protest to end femicide.
- In June, an Ankara administrative court ruled that banning the Pride march by students on campus was unlawful. On 10 December, the trial of 18 students and one academic of the Middle East Technical University in Ankara for attending a campus-based Pride march in May 2019 was postponed to April 2021.

RIGHTS OF REFUGEES, ASYLUM-SEEKERS AND MIGRANTS

- Turkey continued to host the largest refugee population in the world: around 4 million people, including 3.6 million Syrians. The 2016 EU-Turkey deal, which provides European financial assistance to support refugees in Turkey in exchange for its co-operation on migration control and returns, continued to operate.
- After announcing the opening of the EU borders on 27 February, Turkey recklessly encouraged and facilitated the movement of asylum-seekers and migrants to the Greek land border, where violent pushbacks led to deaths and injuries (see Greece entry). At the end of March, Turkish authorities removed people from the border area.
- According to an NGO report published in October, Turkey deported more than 16,000 Syrians to Syria during the year. A group of Syrians reported in May they were forcibly returned to Syria and had been pressured into signing documents stating that they wanted to return.^{[1](#)}
- As of September, according to UN numbers, Turkey deported around 6,000 people to Afghanistan, although the situation in the country still did not allow safe and dignified returns.
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- Thanks for your attention :)