



Home Office

Country Policy and Information Note

Turkey: Human rights defenders

Version 2.0

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Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,

5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspector@icinspector.gsi.gov.uk

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

Contents

Policy guidance	4
1. Introduction.....	4
1.1 Basis of claim	4
1.2 Points to note	4
2. Consideration of Issues	4
2.1 Credibility.....	4
2.2 Assessment of risk	4
2.3 Protection	6
2.4 Internal relocation.....	6
2.5 Certification	6
3. Policy summary	6
Country Information	7
4. Legal situation	7
4.1 Freedom of expression, association and assembly.....	7
4.2 Legal barriers to freedom of expression, association and assembly	9
5. The situation for human rights defenders	11
5.1 Overview	11
5.2 Numbers of NGOs.....	15
5.3 Attitude of the state and insults to the President/the Turkish state	15
5.4 Human rights monitoring bodies.....	17
5.5 Demonstrations	18
5.6 Police violence and impunity	21
5.7 State suspension and closures of HROs.....	23
5.8 Arrest, detention and prosecution of human rights defenders	26
5.9 Harassment of human rights defenders	31
Version control and contacts	35

Policy guidance

Updated: 3 May 2017

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state due to a person's actual or perceived political opinion arising from their activities as a human rights defender (HRD) or member of a human rights organisation (HRO).

1.2 Points to note

1.2.1 For the purposes of this note, an HRD is a person who acts, or is perceived to act, to promote or protect human rights. A HRO is an organisation which acts in that way.

[Back to Contents](#)

2. Consideration of Issues

2.1 Credibility

2.1.1 For further guidance on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview: see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#).

2.1.3 Decision makers should also consider the need to conduct language analysis testing: see the [Asylum Instruction on Language Analysis](#).

[Back to Contents](#)

2.2 Assessment of risk

2.2.1 Turkey has an active civil society, including HROs, which remains involved in public life. The Constitution guarantees the right to express thoughts and opinions, the right to membership of associations, and the right to hold meetings and demonstrations. However, in practice these rights are sometimes restricted (see [Freedom of expression, association and assembly](#) and [Legal barriers to freedom of expression, association and assembly](#)).

2.2.2 Citizens critical of the government could be charged with a crime on the basis of defamation or terrorism for social media posts. President Erdogan, senior officials and politicians harshly criticised those who disagreed with them. In August 2016 it was reported that 4,000 criminal insult cases were underway based on claimed insults to the President or the Turkish state (see [Attitude of the state and insults to the President/the Turkish state](#)).

2.2.3 There are reports that HROs are monitored by the authorities and that some persons who work for these organisations face harassment, intimidation, investigation, detention and prosecution at the hands of the authorities (see [Attitude of the state and insults to the President/the Turkish state](#)).

[Suspensions of activities and closures, Arrest, detention and prosecution of human rights defenders](#) and [Harassment of human rights defenders](#)).

- 2.2.4 In 2015, it was reported that the situation for HROs in general worsened from the previous year, with HRDs advocating for peaceful resolution of the Kurdish situation targeted using anti-terror legislation. Following the failed coup attempt in July 2016, the situation deteriorated further. In December 2016, it was reported that about 1,800 associations had been closed or suspended by the authorities on the grounds of threats to national security. These included children's and women's welfare organisations and organisations supplying food to displaced people. Also in 2016, various HRDs were arrested and sentenced/detained; this included some human rights lawyers and pro-Kurdish activists (see [Suspensions of activities and closures, Arrest, detention and prosecution of human rights defenders](#) and [Harassment of human rights defenders](#)).
- 2.2.5 There are reports of excessive and arbitrary use of police violence against protestors in general – including those organised by or participated in by HROs and HRDs, and particularly at those protesting against the Government or the Kurdish situation in the southeast – sometimes with fatal consequences. Allegations of police violence at demonstrations have increased significantly since 2015. The Turkish government introduced security measures in 2015 to increase police powers of search and arrest, and broaden the circumstances in which armed force may be used against demonstrators (see [Demonstrations](#) and [Police violence and impunity](#)).
- 2.2.6 Turkey's civil society groups remain active, and although they may face restrictions on their activities, it is not in general sufficiently serious by its nature and repetition as to amount to persecution or serious harm. Therefore simply being a HRD or a member of a HRO does not in itself give rise to a need for international protection.
- 2.2.7 The onus is on the person to demonstrate that on return they would face treatment which would reach the high threshold of being persecutory or otherwise inhuman or degrading. Decision makers must therefore carefully consider the individual factors of each case, taking into account:
- the person's actual or perceived activity, particularly whether it involved criticising the Turkish government (and especially if the criticism was of its human rights record or President Erdogan's leadership or the government's stance on Kurdish issues);
 - the organisation the person works for, their role in that organisation and the person's prominence;
 - how well-known by the state the person's activity is;
 - any past adverse interest by the authorities.
- 2.2.8 For information about the coup attempt of 2016 and resulting legal decrees, see the country policy and information note on [Turkey: Gülenism](#).
- 2.2.9 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.3 Protection

- 2.3.1 As the person's fear is of persecution or serious harm by the state, they will not be able to obtain protection. This is because police officers involved in abuses are rarely brought to justice (see [Police violence and impunity](#)).
- 2.3.2 See also the country policy and information note on [Turkey: Background, including actors of protection and internal relocation](#).
- 2.3.3 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.4 Internal relocation

- 2.4.1 As the person's fear is of persecution or serious harm by the state, internal relocation is not a viable option.
- 2.4.2 See also the country policy and information note on [Turkey: Background including actors of protection and internal relocation](#).
- 2.4.3 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.5 Certification

- 2.5.1 Where a claim based simply on being a HRD or a member of a HRO is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.5.2 For further guidance on certification, see the [Appeals Instruction on Certification of Protection and Human Rights claims under Section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

[Back to Contents](#)

3. Policy summary

- 3.1.1 Simply being a HRD or a member of a HRO does not of itself give rise to a well-founded fear of persecution or serious harm in Turkey.
- 3.1.2 HRDs or members of HROs which have engaged in activities which are perceived to be critical of the government, and their human rights record in particular, and those which support, or are perceived to support, Kurdish rights may suffer harassment or violence at the hands of the authorities and, in some cases, prosecution under criminal or anti-terrorism law. The onus will be on the person to demonstrate that they will face persecution or ill-treatment by the authorities on return on account of their specific activities.
- 3.1.3 As the person's fear is of ill-treatment/persecution by the state, they will not be able to avail themselves of the protection of the authorities or relocate to escape that risk.
- 3.1.4 Where a claim based simply on being a HRD or member of a HRO falls to be refused, it is unlikely to be certifiable as 'clearly unfounded'.

[Back to Contents](#)

Country Information

Updated: 4 April 2017

4. Legal situation

4.1 Freedom of expression, association and assembly

4.1.1 The International Center for Not-for-Profit Law, an organisation which 'promotes a legal environment that strengthens civil society and advances the freedoms of association and assembly, philanthropy, and public participation around the world,' published the following information about guaranteed rights and freedoms in Turkey in October 2016:

'The Constitution was adopted in 1982, immediately following a military coup. Although the Constitution is sometimes criticized for its lack of democratic principles, it still guarantees basic rights and freedoms. Relevant articles include:

'**Article 22:** Everyone has the right to freedom of communication.

'**Article 25:** Everyone has the right to freedom of thought and opinion.

'**Article 26:** Everyone has the right to express and disseminate his thoughts and opinions by speech, in writing or in pictures or through other media, individually and collectively.

'**Article 33:** Everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission.

'No one shall be compelled to become or remain a member of an association.

'Freedom of association may only be restricted by law on the grounds of protecting national security and public order, or prevention of crime, or protecting public morals, public health.

'The formalities, conditions, and procedures governing the exercise of freedom of association shall be prescribed by law.

'Associations may be dissolved or suspended from activity by the decision of a judge in cases prescribed by law. In cases where delay endangers national security or public order and in cases where it is necessary to prevent the perpetration or the continuation of a crime or to effect apprehension, an authority designated by law may be vested with power to suspend the association from activity. The decision of this authority shall be submitted for the approval of the judge in charge within twenty-four hours. Unless the judge declares a decision within forty-eight hours, this administrative decision shall be annulled automatically.

'Provisions of the first paragraph shall not prevent imposition of restrictions on the rights of armed forces and security forces officials and civil servants to the extent that the duties of civil servants so require.

'The provisions of this article are also applicable to foundations.

'**Article 34:** Everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission.

‘Article 90: International agreements duly put into effect have the force of law. No appeal to the Constitutional Court shall be made with regard to these agreements, on the grounds that they are unconstitutional. In the case of a conflict between international agreements, duly put into effect, concerning fundamental rights and freedoms and the laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail.’¹

4.1.2 The International Center for Not-for-Profit Law published the following about the legal protections for freedom of association in October 2016:

‘Since officially becoming an EU candidate country in 2003, Turkey has implemented a series of reforms that promote democratization, including reforms to its basic framework laws affecting civil society. Turkey still operates, however, under the 1982 Constitution, which was written immediately following a military coup. Although there are basic guarantees of rights and freedoms, the Constitution is not up to the standards found in developed democracies. The state still has a dominant influence over society.

‘Until 2004, when a new Associations Law was enacted in Turkey, the autonomy of Turkish CSOs was fairly restricted. The new Associations Law was viewed positively by both civil society and the EU. It lifted some of the limitations on civil society. Listed below are some of the key improvements contained in the Law:

1. ‘Associations are no longer required to obtain prior authorization for foreign funding, partnerships or activities.
2. ‘Associations are no longer required to inform local government officials of the day/time/location of general assembly meetings and no longer required to invite a government official/commissary to general assembly meetings.
3. ‘Audit officials must give 24 hour prior notice and just cause for random audits.
4. ‘Associations are permitted to open representative offices in other countries.
5. ‘Security forces no longer allowed on the premises of associations without a court order.
6. ‘Specific provisions and restrictions for student associations have been entirely removed.
7. ‘Children from the age of 15 can form children’s associations.
8. ‘Standards relating to internal audits have been improved to ensure accountability of members and management.
9. ‘Associations are able to form temporary platforms/initiatives to pursue common objectives.

‘Subsequently, in 2008, Turkey adopted a Foundations Law, which further improved the legal environment.’²

¹ International Center for Not-for-Profit Law. ‘NGO Law Monitor:’ Turkey, last updated 26 October 2016 <http://www.icnl.org/research/monitor/turkey.html>. Accessed: 28 February 2017.

² International Center for Not-for-Profit Law. ‘NGO Law Monitor:’ Turkey, last updated 26 October

- 4.1.3 The International Center for Not-For-Profit Law provided a table, dated October 2016, which indicates the legal requirements of, and challenges to, establishing associations and foundations in Turkey.³
- 4.1.4 The International Center for Not-for-Profit Law published the following in October 2016:
- ‘Nonetheless, today, Turkish CSOs are more aware of the deficiencies in the laws that restrict their activities. Although Constitutional regulations are to a great extent in compliance with the European Convention on Human Rights (ECHR), the legal framework still contains numerous incompatibilities with international standards. Since 2008, there have been only slight improvements in the legal framework, mostly in secondary legislation. Therefore, future reform efforts are necessary.’⁴
- 4.1.5 The International Center for Not-For-Profit Law reported that since the coup attempt, the Government introduced a number of new restrictions on civil society.⁵ For a detailed legal analysis on the state of emergency and the emergency decree laws issued by the Turkish government in the aftermath of the attempted coup see ‘Council of Europe – Venice Commission, Turkey: Opinion on emergency decree laws Nos. 667-676 adopted following the failed coup of 15 July 2016,’ dated 12 December 2016.⁶

[Back to Contents](#)

4.2 Legal barriers to freedom of expression, association and assembly

- 4.2.1 The European Commission’s 2016 report further noted that:

‘There was backsliding on the freedom of assembly and association. While the Constitution provides for freedom of assembly in general terms, other pieces of legislation continue to pose serious limitations on the effective implementation of this right, including provisions under the April 2015 internal security package. A number of demonstrations were seen as security threats, many of which on the Kurdish issue, as well as on environmental protection or which were considered to be critical of government policies. There was widespread use of excessive force by the authorities against peaceful demonstrators in the reporting period.’⁷

2016 <http://www.icnl.org/research/monitor/turkey.html>. Accessed: 28 February 2017.

³ International Center for Not-for-Profit Law. ‘NGO Law Monitor:’ Turkey, last updated 26 October 2016 <http://www.icnl.org/research/monitor/turkey.html>. Accessed: 28 February 2017.

⁴ International Center for Not-for-Profit Law. ‘NGO Law Monitor:’ Turkey, last updated 26 October 2016 <http://www.icnl.org/research/monitor/turkey.html>. Accessed: 28 February 2017.

⁵ International Center for Not-for-Profit Law. ‘NGO Law Monitor:’ Turkey, last updated 26 October 2016 <http://www.icnl.org/research/monitor/turkey.html>. Accessed: 28 February 2017.

⁶ Council of Europe – Venice Commission. ‘Turkey: Opinion on emergency decree laws Nos. 667-676 adopted following the failed coup of 15 July 2016,’ dated 12 December 2016 [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)037-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)037-e). Accessed: 3 April 2017

⁷ European Commission. ‘Commission Staff Working Document; Turkey 2016 report,’ dated 9 November 2016, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_turkey.pdf. Accessed: 24 February 2017.

See [Demonstrations](#) and [Police violence and impunity](#) for further information on this subject.

4.2.2 The European Commission's 2016 report further stated:

'The Constitution provides for freedom of association. However, in practice this is restricted. There have been complaints from LGBTI, women's and other rights-based associations that excessive administrative burdens are imposed on them by the authorities... Provisions restricting registrations, procedures for permissions and the functioning of associations need to be revised using clear implementation criteria and applied in a consistent and non-discriminatory manner.'⁸

4.2.3 The USSD, in their 2016 human rights report, noted:

'The law allows the government to deny the right to strike for any situation it determines a threat to public health or national security. The government maintained a number of restrictions on the right of association and collective negotiations. The law requires unions to notify government officials prior to holding meetings or rallies, which they must hold in officially designated areas, and allow government representatives to attend their conventions and record the proceedings.'⁹

4.2.4 In their 2016 report on Turkey, the European Commission also reported on freedom of expression:

'In the past year, serious backsliding continued and gave rise to growing concern... Selective and arbitrary application of the law, especially provisions on national security and the fight against terrorism, is having a negative impact on freedom of expression. The Internet Law and the general legal framework continue to enable the executive to block content without a court order on an unduly wide range of grounds...

'In the coming year, Turkey should in particular:

→ refrain from undue restrictions on freedom of expression, including in relation to anti-terrorism operations, in line with the Guidelines of the Committee of Ministers of the Council of Europe on protecting freedom of expression and information in times of crisis...;

→ ensure that criminal law provisions, in particular articles on defamation and other similar offences, are not used as a means of putting pressure on critical voices, by ensuring that courts apply ECtHR case-law;

→ ensure that existing legislation, especially the anti-terror law, criminal code, the Internet Law are revised to comply with European standards and

⁸ European Commission. 'Commission Staff Working Document; Turkey 2016 report,' dated 9 November 2016. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_turkey.pdf. Accessed: 24 February 2017.

⁹ US Department of State: Country Report on Human Rights Practices 2016; Turkey, dated 3 March 2017 (Section 7 Workers Rights). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482>. Accessed: 16 March 2017

are implemented in a manner which does not curtail freedom of expression and ensures proportionality and equality before the law.¹⁰

- 4.2.5 In the Country Report covering human rights practices for 2016, the US Department of State noted:

‘Observers reported that government officials used defamation laws to stop political opponents, journalists, and ordinary citizens from voicing criticism. The law provides that persons who insult the president of the republic can face a prison term of up to four years. The sentence may be increased by one-sixth if committed publicly and by one-third if committed by the press or media.’¹¹

See [Attitude of the state](#) for further information about the use of defamation laws and insulting the President. See [Demonstrations](#) for further information on this subject.

[Back to Contents](#)

5. The situation for human rights defenders

5.1 Overview

- 5.1.1 In its ‘Freedom in the World report 2017,’ which reported on the year 2016, Freedom House stated that Turkey’s civil liberties rating had declined from 4 to 5, 1 being the most free and 7 the least free. It received a downward trend arrow due to the security and political repercussions of the attempted coup in July 2016.¹²
- 5.1.2 A report by the European Asylum Support Office of November 2016, citing various sources, noted that ‘Turkish civil society is vibrant, growing and active in many social areas’ but added that ‘Activists and other actors not in line with the government views may be targeted by the authorities.’¹³
- 5.1.3 In a report of November 2016, the European Commission stated: ‘The conditions for the activities of the human rights defenders have deteriorated throughout the reporting period [2016]. They worsened further after the coup attempt and the declaration of the state of emergency. There have been reports on cases of intimidation of individuals who tried to alert on allegations of torture and ill-treatment.’¹⁴ The same report stated that ‘There has been

¹⁰ European Commission. ‘Commission Staff Working Document; Turkey 2016 report,’ dated 9 November 2016. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_turkey.pdf. Accessed: 24 February 2017.

¹¹ US Department of State. ‘Country Reports on Human Rights Practices for 2016;’ Turkey, dated 3 March 2017 (section 2.a). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482>. Accessed: 6 March 2017.

¹² Freedom House. ‘Freedom in the World 2017;’ Turkey, published 31 January 2017. <https://freedomhouse.org/report/freedom-world/2017/turkey>. Accessed: 28 February 2017.

¹³ European Asylum Support Office. ‘EASO Country of Origin Information Report; Turkey; Country Focus,’ dated November 2016 (section 2.4). <https://coi.easo.europa.eu/news#24>. Accessed: 27 February 2017.

¹⁴ European Commission. ‘Commission Staff Working Document; Turkey 2016 report,’ dated 9 November 2016. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_turkey.pdf. Accessed: 24 February 2017.

serious backsliding in the past year [2016] in the area of freedom of expression.’¹⁵

5.1.4 The November 2016 European Commission Turkey progress report on preparation for EU membership considered that:

‘Civil society remained active and involved in public life under difficult circumstances. Human rights defenders were subject to intimidation and detentions. A large number of organisations were closed as part of the post-coup measures taken by the government. Systematic and inclusive mechanisms for consulting civil society, notably on new legislation, need to be put in place and consistently used. The legal, financial and administrative environment needs to be more conducive to the development of civil society.’¹⁶

5.1.5 The report by the European Asylum Support Office of November 2016, citing various sources, stated that:

‘According to the Council of Europe, the amount of NGOs dealing with human rights is quite limited: some organisations on the position of women and children, several organisations supporting people with disabilities, few on prisoners. Finally, there are foundations promoting rights of minority groups, which are placed under the strict supervision of the Directorate General of Foundations.

‘The TÜSEV (Türkiye Üçüncü Sektör Vakfı / Third Sector Foundation of Turkey), established in 1993 by Turkey’s leading civil society organisations is a network supporting more than 100 associations and foundations aiming at strengthening the legal, fiscal and operational infrastructure of the third sector in Turkey. It’s main objectives are “civil society law reform, research on civil society and philanthropy, promoting social investment and social justice philanthropy, and facilitating partnerships across sectors, as well as across borders”.’¹⁷

5.1.6 The European Commission further noted:

‘An empowered civil society is a crucial component of any democratic system and should be recognised and treated as such by the state institutions. Civil society organisations (CSOs) made what efforts they could to remain active and involved in public life. The EU-Turkey civil society dialogue programmes have now involved 1 774 Turkish CSOs together with their counterparts in the EU. These programmes contribute to the development of civil society and enable greater recognition of CSOs at local level. However, there is no overall government strategy in place for cooperation with civil society. In the absence of formal arrangements for their

¹⁵ European Commission. ‘Commission Staff Working Document; Turkey 2016 report,’ dated 9 November 2016. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_turkey.pdf. Accessed: 24 February 2017.

¹⁶ European Commission. ‘Commission Staff Working Document; Turkey 2016 report,’ dated 9 November 2016. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_turkey.pdf. Accessed: 24 February 2017.

¹⁷ European Asylum Support Office. ‘EASO Country of Origin Information Report; Turkey; Country Focus,’ dated November 2016 (section 2.4). <https://coi.easo.europa.eu/news#24>. Accessed: 27 February 2017.

participation, independent civil society organisations are rarely involved in law- and policy-making processes.

'Human rights defenders were subject to several ongoing court cases, new investigations and intimidation through public statements of high-level officials. The investigation into the killing in November 2015 of human rights defender and chairperson of the Diyarbakır Bar Association, Mr Tahir Elçi, has not progressed. On 21 July [2016] a large number of CSOs were closed following the attempted coup. Restrictions on freedom of assembly remained a problem. Systemic difficulties, such as restrictions on registration and procedures for the authorisation and functioning of associations, have continued. A number of CSOs have seen their regular operations challenged through closure cases, penalties, restrictions or discriminatory practices. Current legislation, including taxation law, is not conducive to encouraging private donations to non-governmental organisations (NGOs). Civil society remains financially vulnerable and dependent on public project grants. At the same time, public funding has not been sufficiently transparent.'¹⁸

5.1.7 In its report of November 2016, the European Asylum Support Office, citing various sources, stated:

'As of mid-2015... sources report that many human rights and peaceful activists, lawyers, university academics and researchers, as well as doctors advocating for a peaceful resolution of the Kurdish conflict, have been targeted on the ground of anti-terrorist legislation following renewed violence in the south-east. Members of the Human Rights Association (İnsan Hakları Derneği / IHD, also HRA) have been particularly targeted. In this context, according to the US DOS [Department of State] report for 2015 "... official human rights mechanisms did not function consistently and failed to address grave violations", while "at times lawyers were detained when they attempted to intervene on behalf of protesters".'¹⁹

5.1.8 In September 2015, EuroMed Rights, FIDH, the Human Rights Association (İHD), the Human Rights Foundation of Turkey (HRFT) and the Helsinki Citizens' Assembly were:

'... deeply alarmed by the deteriorating situation in Turkey. A strong security offensive launched by the authorities over the past two months under the pretext of countering terrorism has led to grave violations of the right to life, severe limitations to the right to freedom of assembly and expression, crackdown on independent media and repressive actions targeting human rights organisations and activists...

'Human rights organisations and activists are also prevented from conducting their activities, particularly when monitoring the situation and

¹⁸ European Commission. 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2016 Communication on EU Enlargement Policy {COM(2016) 715 final},' dated 9 November 2016. http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_turkey.pdf. Accessed: 1 December 2016.

¹⁹ European Asylum Support Office. 'EASO Country of Origin Information Report; Turkey; Country Focus,' dated November 2016 (section 5.4.3). <https://coi.easo.europa.eu/news#24>. Accessed: 27 February 2017.

providing free legal and medical aid. The risk of them facing administrative charges and judicial investigations, possibly imprisonment, is high. The house of IHD Şırnak Branch's President Emirhan Uysal, was raided by police forces and lawyer Deniz Sürgüt was arrested and sent to prison. Both are charged with accusations of joining a press conference on "autonomy" and being member of an illegal organisation and carrying and commercialising guns, respectively.²⁰

5.1.9 In a report dated November 2016, the European Asylum Support Office, citing various sources, stated:

'The European Economic and Social Committee (EESC), in a report [dated January 2015] on the situation and operating conditions of civil society organisations in Turkey, notes the apparent arbitrariness and lack of transparency of the Turkish state in actions against individuals and organisations. It encourages the Turkish Government to recognise CSOs as key organisations, to work on separation of powers and refrain from "disproportionate state interference". EESC further recommends to implement basic rights (of women, trade union, minorities, consumer), free and diverse media, freedoms of expression, assembly and association, "including and especially in conflicting debates and events". An independent judiciary is the basis of any rule of law. Separation of legislative, judiciary and executive powers is, according to EESC, a key condition for civil society organisations to freely operate.'²¹

5.1.10 In a report dated January 2015, the EESC noted:

'Some discussions with civil society stakeholders revealed that they perceived their work as an unequal fight against authority, rather than as the legitimate representation of interests. The use in some cases of a rhetoric of opposition, distrust and resistance to social or government forces was troubling. This attitude is not conducive to mutual understanding or to achieving substantive progress through mutual change, and runs the risk of creating rifts between groups within Turkish society.'²²

See [Suspensions of activities and closures](#), [Arrest, detention and prosecution of human rights defenders](#) and [Harassment of human rights defenders](#) for further information on these subjects. See the Country Policy and Information Note on [Gülenism](#) for information about the coup attempt of 2016 and resulting legal decrees.

[Back to Contents](#)

²⁰ International Federation for Human Rights. 'Turkey: Rights groups strongly condemn escalating violence and human rights violations in counter-terrorism operations', dated 22 September 2015. <https://www.fidh.org/en/region/europe-central-asia/turkey/turkey-rights-groups-strongly-condemn-escalating-violence-and-human> Accessed: 8 January 2016

²¹ European Asylum Support Office. 'EASO Country of Origin Information Report; Turkey; Country Focus,' dated November 2016 (section 2.4). <https://coi.easo.europa.eu/news#24>. Accessed: 27 February 2017.

²² European Economic and Social Committee. 'Opinion of the European Economic and Social Committee on Situation and operating conditions of civil society organisations in Turkey,' dated 21 January 2015 (paragraphs 4.2 to 4.3). <http://www.eesc.europa.eu/?i=portal.en.events-and-activities-504-plenary-session-opinions>. Accessed: 2 March 2016.

5.2 Numbers of NGOs

- 5.2.1 In November 2016, Al-Monitor reported that ‘According to the latest data from the Department of NGOs in the Ministry of Interior, there are 109,898 registered NGOs in the country. Of that number, 33,666 professional and solidarity associations lead the way. Next in line are 21,039 NGOs involved with sports. Also, 18,063 associations are active in religious affairs, and about 18,000 in total deal with humanitarian assistance, education, culture and arts. Only 327 are concerned with the elderly and children.’²³
- 5.2.2 As noted above, the TÜSEV (Türkiye Üçüncü Sektör Vakfı / Third Sector Foundation of Turkey) is a network supporting more than 100 associations and foundations.²⁴ Also noted above, the EU-Turkey civil society dialogue programmes have now involved 1 774 Turkish CSOs together with their counterparts in the EU.²⁵

[Back to Contents](#)

5.3 Attitude of the state and insults to the President/the Turkish state

- 5.3.1 In a report dated November 2016 the European Commission stated that ‘Politicians continued to publicly condemn and intimidate journalists, editors, academics and human rights defenders for their critical views. The increased use of hate speech by officials including senior representatives of the state is a major concern.’²⁶
- 5.3.2 Human Rights Watch considered in an October 2016 report that:
‘The rhetoric of government officials about those suspected of supporting the coup attempt or alleged to have links with the Gülen movement combined with thousands of arbitrary detentions, dismissals and suspensions have created a climate of fear in which ... human rights activists and others fear they may be targeted if they criticize the government.’²⁷
- 5.3.3 In November 2016 the European Asylum Support Office, citing various sources, reported:

²³ Al-Monitor. ‘State of emergency shuts down Turkey’s NGOs,’ dated 21 November 2016. <http://www.al-monitor.com/pulse/originals/2016/11/turkey-emergency-rule-cracks-down-on-ngos.html>. Accessed: 28 March 2017.

²⁴ European Asylum Support Office. ‘EASO Country of Origin Information Report; Turkey; Country Focus,’ November 2016 (section 2.4). <https://coi.easo.europa.eu/news#24>. Accessed: 27 February 2017.

²⁵ European Commission. ‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2016 Communication on EU Enlargement Policy {COM(2016) 715 final},’ 9 November 2016. http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_turkey.pdf. Accessed: 1 December 2016.

²⁶ European Commission. ‘Commission Staff Working Document; Turkey 2016 report,’ dated 9 November 2016. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_turkey.pdf. Accessed: 24 February 2017.

²⁷ Human Rights Watch, Turkey: A Blank Check Emergency Decrees Facilitate Torture - Reinstate Safeguards to Curb Abuse by Police, 24 October 2016, III. Climate of Fear, p.26 <https://www.hrw.org/report/2016/10/24/blank-check/turkeys-post-coup-suspension-safeguards-against-torture>. Accessed: 24 February 2017.

‘After his nine-day visit to Turkey in April 2016, the Council of Europe’s Commissioner for Human Rights expressed his deep concern about the situation of human rights defenders and lawyers, in particular “stigmatizing rhetoric, smear campaigns [sic] and ongoing investigations against them”. He adds: “In a context where there is a lot of misinformation, manipulation and conflicting opinions, in particular as to what happened during the curfews, a transparent judicial process which relies on human rights defenders is the main hope for establishing the truth and obtaining redress”. He further referred to political attacks against NGOs as “a very disturbing development.”’²⁸

- 5.3.4 In the World Report 2017, published in January 2017, Human Rights Watch noted: ‘In January 2016, over 1,000 university lecturers who signed a petition criticizing government policy in the southeast and calling for a return to political negotiations with the PKK, were harshly targeted by Erdoğan in speeches and then subjected to a criminal investigation for “insulting” the Turkish state. The investigation had not been concluded at time of writing.’²⁹
- 5.3.5 The US Department of State’s Country Report for Human Rights Practices for 2016 stated: ‘Citizens, including children, were charged with insulting Turkish leaders and denigrating Turkishness. On March 1 [2016], Justice Minister Bozdag told parliament that since Erdogan became president in 2014, his ministry had allowed the prosecution of 1,845 criminal cases based on alleged insult of the president (the Ministry of Justice must approve criminal prosecution of insult cases against Turkish leaders). In August news media reported there were about 4,000 criminal insult cases underway based on violations, including “denigrating Turkishness” or insulting public leaders.’³⁰

For further information about:

- the academics involved in the petition, see [Arrest, detention and prosecution of human rights defenders](#).
- the law on defamation, see [Legal barriers to freedom of expression, association and assembly](#); and
- the following, see [Suspensions of activities and closures](#), [Arrest, detention and prosecution of human rights defenders](#) and [Harassment of human rights defenders](#).
- the coup attempt of 2016 and resulting legal decrees, see the country policy and information note on [Turkey: Gülenism](#).

[Back to Contents](#)

²⁸ European Asylum Support Office. ‘EASO Country of Origin Information Report; Turkey; Country Focus,’ dated November 2016 (section 5.4.3). <https://coi.easo.europa.eu/news#24>. Accessed: 27 February 2017.

²⁹ Human Rights Watch. ‘World Report 2017;’ Turkey, dated 12 January 2017 (Freedom of expression, association and assembly).. <https://www.hrw.org/world-report/2017/country-chapters/turkey>. Accessed: 7 March 2017.

³⁰ US Department of State. ‘Country Reports on Human Rights Practices for 2016;’ Turkey, dated 3 March 2017 (Section 1.c). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265482>. Accessed: 4 April 2017.

5.4 Human rights monitoring bodies

5.4.1 The US Department of State's Country Report for Human Rights Practices for the year 2016 stated: 'The newly organized National Human Rights and Equality Institution (NHREI), parliament's Human Rights Commission (HRC), and the Ombudsman Institution are administratively responsible for investigating reports of human rights violations, including allegations of torture, excessive use of force, or extrajudicial killings.'³¹ However, the same report noted that 'military and civil courts remained the main recourse to prevent impunity.'³²

5.4.2 In a report dated July 2016, the UN Human Rights Council stated:

'The Working Group is concerned by the recent legislative reform, on 6 April 2016, paving the way for changes to the national human rights institution in Turkey — the Human Rights and Equality Institution — which will encompass the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and an equality commission. According to the information received, the institution will hardly comply with international standards, particularly the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), with eight of its board members being appointed by the Council of Ministers and three being appointed by the President. The Chair and the Deputy Chair will be elected by the board from among its members.

'The Working Group is concerned that the accessibility of the institution will be limited by the absence of local or regional offices.'³³

5.4.3 The European Commission commented in November 2016:

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

³¹ US Department of State. 'Country Reports on Human Rights Practices for 2016;' Turkey, dated 3 March 2017 (Section 1.c). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482>. Accessed: 6 March 2017.

³² US Department of State. 'Country Reports on Human Rights Practices for 2016;' Turkey, dated 3 March 2017 (Section 1.d). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482>. Accessed: 6 March 2017.

³³ UN Human Rights Council (formerly UN Commission on Human Rights). 'Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey' [A/HRC/33/51/Add.1], dated 27 July 2016 (available at [ecoi.net](http://www.ecoi.net)) Unable to access report elsewhere. http://www.ecoi.net/file_upload/1930_1472036690_g1616687.pdf. Accessed: 30 November 2016.

The National Human Rights and Equality Institution is responsible for non-discrimination policy.³⁴

- 5.4.4 The US Department of State's Country Report for Turkey for 2016, published in March 2017, further stated:

'The Ombudsman Institution operated under parliament but as an independent complaint mechanism for citizens to request investigations into government practices and actions, particularly concerning human rights problems and personnel issues. The Ombudsman Institution had a budget of 19 million lira (\$5.4 million) during the year, approximately 11 million lira (\$3.1 million) of which was for institutional expenses. As of September 20 [2016], it had received 3,390 complaints alleging human rights violations related to public personnel, government training, and labor and social security issues. It reported that an additional 977 cases carried over from the previous year. The institution gave 41 recommendations and 23 partial recommendations and rejected 144 cases as of September [2016]. It ruled that 1,310 applications were inadmissible. By comparison in 2014, the institution made 119 recommendations, of which the state institutions implemented 38 percent...

'The Ministry of Justice's Human Rights Department is the ministry's sole authority for human rights issues.'³⁵

- 5.4.5 Amnesty International noted in its June 2015 submission for the Universal Periodic Review that: 'The Ombudsman Institution, with the first Ombudsman appointed in November 2012, is a useful if under-utilised addition to Turkey's human rights framework.'³⁶

[Back to Contents](#)

5.5 Demonstrations

- 5.5.1 In its 'Freedom in the World 2017' report, which covered events of 2016 Freedom House stated:

'Since the 2013 Gezi Park protests...the authorities have broken up numerous demonstrations and passed laws to expand police powers to use force against protesters. In May 2016, police in Istanbul used tear gas to disperse May Day gatherings and detained over 200 demonstrators. In June, police forcibly broke up a demonstration against an earlier mob attack on music fans who were consuming alcohol. After the July coup attempt, there were numerous large progovernment demonstrations throughout the country; some of these included leaders from the CHP and MHP. But the state of emergency gave authorities the power to impose curfews and

³⁴ European Commission. 'Commission Staff Working Document; Turkey 2016 report,' dated 9 November 2016. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_turkey.pdf. Accessed: 24 February 2017.

³⁵ US State Department. 'Country Report on Human Rights Practices for 2016' (Executive Summary), released March 2017 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Accessed: 3 April 2017

³⁶ Amnesty International. Amnesty International submission for the Universal Periodic Review of Turkey, June 2014. Available at: <http://www.refworld.org/docid/54c10ad04.html>. Accessed: 8 January 2016

declare certain public and private areas off limits, and to ban or restrict meetings, gatherings, and rallies. In September, in southeastern Turkey, protests against the postcoup purges were dispersed with water cannons and tear gas, and dozens of people were arrested.³⁷

- 5.5.2 In the annual report which covered the year 2016 and was published in February 2017, Amnesty International stated:

‘The authorities banned the annual May Day marches in Istanbul for the fourth year running, and the annual Pride march in Istanbul for a second year running, on spurious grounds. Police used excessive force against people peacefully attempting to go ahead with these marches. After July [2016], the authorities used state of emergency laws to issue blanket bans preventing demonstrations in cities across Turkey. And again, the police used excessive force against people attempting to exercise the right to freedom of peaceful assembly regardless of the bans.’³⁸

- 5.5.3 In its Country Report on Human Rights Practices for 2016, published in March 2017, the US Department of State stated:

‘The government regarded many demonstrations as security threats to the state, deploying large numbers of riot police to control crowds, often using excessive force. At times, the government used its authority to detain persons before protests were held on the premise that they might cause civil disruption. The government selectively restricted meetings to designated sites or dates, particularly limiting access to Istanbul’s Taksim Square and Ankara’s Kizilay Square, and set up roadblocks to prevent protesters from gathering there. The government banned many demonstrations outright if they touched sensitive issues.’³⁹

- 5.5.4 Ifex, which described itself as a global network defending and promoting free expression, published the following on 12 December 2016:

‘Press freedom and free expression defenders marked International Human Rights Day in Turkey on Saturday [10 December 2016] in Silivri, west of Istanbul, after police blocked them from delivering a public statement at the entrance to the district’s massive high-security prison, where many journalists are currently behind bars.

‘A coalition of local and international groups had planned to mark the anniversary of the 1948 adoption of the Universal Declaration of Human Rights with a demonstration at the prison’s gates, but authorities declared the protest to be illegal and sealed off roads leading to the prison.

‘The protest was moved into the town of Silivri after police told demonstrators who had already arrived at the prison that the licence

³⁷ Freedom House. ‘Freedom in the World 2017;’ Turkey, published 31 January 2017. <https://freedomhouse.org/report/freedom-world/2017/turkey> . Accessed: 3 April 2017.

³⁸ Amnesty International. ‘Amnesty International Report 2016/17 - The State of the World’s Human Rights - Turkey,’ dated 22 February 2017 (available at ecoinet) http://www.ecoi.net/local_link/336535/466173_en.html. Accessed: 23 February 2017.

³⁹ US Department of State. ‘Country Reports on Human Rights Practices for 2016;’ Turkey, 3 March 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482>. Accessed: 6 March 2017.

numbers of their vehicles would be recorded and the owners subjected to penalties if they did not leave immediately.

'... Flanked by some 15 to 20 uniformed and plain-clothes police officers, they heard from speakers who called on Turkey to free all journalists currently held due to their work.'⁴⁰

5.5.5 The US Department of State's Country Report covering 2016 stated:

'On September 20 [2016], an Ankara court found 45 students of Middle East Technical University guilty of violating the law on meetings and protests, resisting public officers, and obstructing the latter from doing their jobs. The charges related to a 2012 student protest against then prime minister Erdogan while he was visiting their campus. Police used tear gas and water cannons against the peacefully protesting students, injuring some of them. In the scuffle that ensued, several students were detained. Each of the 45 students was sentenced to 10 months in prison.

'Decrees issued under the state of emergency after July 15 [2016] increased the discretion of individual governors to limit citizens' ability to demonstrate. For example, the government prevented teachers' groups from demonstrating to protest the suspension and dismissal of tens of thousands of educators after the July 15 coup attempt. On September 23 [2016] in Diyarbakir, a group of suspended teachers staged a protest in front of the Ministry of National Education provincial office. Police intervened to stop the protest and detained 17.'⁴¹

5.5.6 Freedom House noted the following in the 'Freedom in the World 2016' report, which covered events of 2015 and was published in March 2016:

'Protests and public gatherings on a range of issues were held without incident during 2015, though others were broken up by security forces, particularly in the southeast, and terrorist bombings added a new risk to public assemblies. In April 2015, Erdoğan signed legislation that increased criminal penalties for various actions during protests and empowered police to fire on demonstrators who use incendiaries. Police continued to suppress May Day demonstrations in 2015, as well as attempts to mark the anniversary of the 2013 Gezi Park protests. Unlike in previous years, Istanbul's annual LGBT (lesbian, gay, bisexual, and transgender) pride parade was dispersed by police in June [2015]. Meanwhile, prosecutions linked to the original Gezi protests continued to produce verdicts during 2015; in October and November, some 270 demonstrators were sentenced to as much as 14 months in jail for a variety of offenses.'⁴²

5.5.7 The Council of Europe Parliamentary Assembly noted in May 2016 that

⁴⁰ Ifex. 'Turkey blocks Human Rights Day protest,' dated 12 December 2016. https://www.ifex.org/turkey/2016/12/12/protest_blocked/. Accessed: 2 March 2016

⁴¹ US Department of State. 'Country Reports on Human Rights Practices for 2016,' Turkey, 3 March 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482>. Accessed: 6 March 2017.

⁴² Freedom House. 'Freedom in the World 2016,' Turkey, dated 7 March 2016. <https://freedomhouse.org/report/freedom-world/2016/turkey>. Accessed: 8 September 2016.

'The list of peaceful protests being brutally dispersed in Turkey seems to be constantly growing. Just to give two examples of the most recent use of violence to disperse protests:

- '28 November 2015: Police fired water cannons and tear gas to disperse around 2 000 people marching in Istanbul's Taksim Square the Saturday after a prominent Kurdish lawyer was shot dead in south-east Turkey;
- 'December 2015/January 2016: The peaceful protests regarding the curfew situation in the south-east of the country are usually dispersed with violence. "Protests and vigils taking place daily outside the curfew areas are routinely dispersed by police using tear gas and water cannons, and protesters are detained".'⁴³

See [Harassment of human rights defenders](#) and [Police violence and impunity](#) for further information on these subjects.

See the Country Policy and Information Note on [Gülenism](#) for information about the coup attempt of 2016 and resulting legal decrees.

[Back to Contents](#)

5.6 Police violence and impunity

- 5.6.1 In a report dated November 2016, the European Asylum Support Office noted, citing various sources, that 'In many demonstrations, large numbers of riot police are reportedly using excessive force to quell protests, in some cases leading to detentions (including of children), arrests, deaths, and injuries. Restrictions of the freedom of assembly have been criticised by human rights organisations.'⁴⁴
- 5.6.2 In the Country Report covering 2016, the US Department of State noted: 'Security officers reacted with force to some protests and demonstrations. Human rights groups claimed the use of force might have contributed to civilian deaths during certain protests in the Southeast. Human rights organizations continued to assert that the government's failure to delineate clearly in the law the circumstances that justify the use of force contributed to disproportionate use of force during protests.'⁴⁵
- 5.6.3 In a report published in November 2016, the European Asylum Support Office, citing various sources, noted that 'In [March 2016] ... the Baran Tursun Foundation (Baransav) which documents and monitors excessive use of police force, was requested to close after it had published a report on police violence.'⁴⁶

⁴³ Council of Europe - Parliamentary Assembly (CoE-PACE): 'Urgent need to prevent human rights violations during peaceful protests [Doc. 14060],' dated 10 May 2016. Available at [ecoi.net](http://www.ecoi.net/file_upload/1226_1463488201_document-1.pdf) http://www.ecoi.net/file_upload/1226_1463488201_document-1.pdf. Accessed: 12 September 2016.

⁴⁴ European Asylum Support Office. 'Turkey Country Focus,' dated November 2016 (available at [ecoi.net](http://www.ecoi.net)) http://www.ecoi.net/file_upload/2162_1479371775_easo-coi-turkey-201611.pdf. Accessed: 30 November 2016.

⁴⁵ US Department of State. 'Country Reports on Human Rights Practices for 2016;' Turkey, dated 3 March 2017 (Section 1.a). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482>. Accessed: 6 March 2017.

⁴⁶ European Asylum Support Office. 'Turkey Country Focus,' dated November 2016 (available at

5.6.4 In the Annual Report 2015/16, which covered events of 2015, Amnesty International noted that ‘Allegations of excessive use of force at demonstrations dramatically increased [during 2015].’⁴⁷

5.6.5 In the Annual Report 2015/16, Amnesty International noted:

‘There was a resounding failure to secure accountability for police abuses during the 2013 Gezi Park protests. In January [2015], police officers and civilians were convicted for their part in the beating to death of protester Ali Ismail Korkmaz in the city of Eskişehir. In June [2015], an Istanbul court convicted a police officer who used pepper spray on a peaceful demonstrator, known as “the woman in red”. A trial of a police officer for the killing of Abdullah Cömert and a retrial for the killing of Ethem Sarisülük, both protesters, continued.

‘No prosecution was brought for the killing of 14-year-old Berkin Elvan or in hundreds of other cases where people were injured by police. These included the case of Hakan Yaman, who was filmed being beaten, burned and left for dead by police officers in Istanbul. He lost an eye but survived the attack. Two and a half years on, the police officers in the video had not been identified.’⁴⁸

5.6.6 In its 2016/2017 Annual Report, Amnesty International stated:

‘The authorities failed to make progress in investigation of the November 2015 killing of Tahir Elci, Head of the Diyarbakir Bar Association and a prominent human rights defender. It was hampered by an incomplete crime scene investigation and missing CCTV footage. More than three years on, investigations into use of force by police at Gezi Park protests had failed and resulted in only a handful of unsatisfactory prosecutions. The court issued a 10,100 liras (€3,000) fine to the police officer in his retrial for the fatal shooting of Ankara protester Ethem Sarisülük. A court reduced the compensation awarded to Dilan Dursun by 75% – she had been left with permanent injuries after being hit in the head by a tear gas canister fired by police during protests in Ankara on the day of Ethem Sarisülük’s funeral. The court ruled that she had culpability given that it was an “illegal demonstration”.’⁴⁹

See country policy and information note on [Turkey: Background information including actors of protection and internal relocation](#) for further information about impunity for the authorities.

[Back to Contents](#)

ecoi.net) http://www.ecoi.net/file_upload/2162_1479371775_easo-coi-turkey-201611.pdf. Accessed: 30 November 2016)

⁴⁷ Amnesty International. Annual Report 2015/16; Turkey, February 2016. <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/>. Accessed: 7 September 2016.

⁴⁸ Amnesty International. Annual Report 2015/16; Turkey, February 2016. <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/>. Accessed: 7 September 2016.

⁴⁹ Amnesty International. ‘Amnesty International Report 2016/17 - The State of the World's Human Rights - Turkey,’ dated 22 February 2017 <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/>. Accessed: 3 April 2017.

5.7 State suspension and closures of HROs

5.7.1 In a report dated January 2017, Asylum Research Consultancy, citing various sources, stated:

‘Physicians for Human Rights published a report in August 2016 which considered that “The sweeping post-coup purges in the education, legal, and security sectors, combined with relentless persecution of people voicing dissent – including human rights defenders and journalists – is devastating for the Kurds specifically, and the people of Turkey generally”.

‘The UN Office of the High Commissioner for Human Rights reported in July 2016 that “Numerous academic institutions, schools, civil society organizations were also ordered to close down by decrees issued after the adoption of the ‘Statutory Decree Regarding Measures to be Taken Within Scope of State of Emergency and Regulation of Certain Institutes and Institutions’ on 23 July”.⁵⁰

5.7.2 The Asylum Research Consultancy, citing various sources, further noted that ‘In its December 2016 report the Council of Europe Committee on the Honouring of Obligations and Commitments by Member States noted that following the attempted coup, about 1,800 associations/foundations have been shut down.’⁵¹

5.7.3 The US Department of State’s Country Report for Turkey, which covered the year 2016, stated:

‘In the aftermath of the July 15 [2016] coup attempt, the government used its expanded powers under the state of emergency powers to close 1,694 associations and foundations for alleged threats to national security. The Ministry of Interior reported at year’s end that 1,390 had alleged links to the Gulen movement, about 240 to the PKK, 38 to DHKP/C or other leftist groups, and 12 to Da’esh. Many sources reported that the appeals process was opaque and ineffective. Decrees permitted the reopening of nearly 200 shuttered associations/foundations on November 22 [2016], although overall numbers of reopened institutions remained unclear at year’s end.’⁵²

5.7.4 In their World Report 2017, published in January 2017, Human Rights Watch noted, ‘Using state of emergency powers, in November [2016] the government suspended by decree the activities of 370 nongovernmental associations, among them a children’s rights group, three lawyers’ associations with a human rights focus, and women’s rights and humanitarian organizations in the southeast.’⁵³

⁵⁰ Asylum Research Consultancy. ‘Turkey Country Report - Update,’ dated 25 January 2017. <http://www.asylumresearchconsultancy.com/Case-specific-research>. Accessed: 24 February 2017.

⁵¹ Asylum Research Consultancy. ‘Turkey Country Report - Update,’ dated 25 January 2017. <http://www.asylumresearchconsultancy.com/Case-specific-research>. Accessed: 24 February 2017.

⁵² US Department of State. ‘Country Reports on Human Rights Practices for 2016;’ Turkey, dated 3 March 2017 (Section 2.b). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482>. Accessed: 6 March 2017.

⁵³ Human Rights Watch. ‘World Report 2017;’ Turkey, dated 12 January 2017 (Freedoms of expression, association and assembly). <https://www.hrw.org/world-report/2017/country-chapters/turkey>. Accessed: 7 March 2017.

5.7.5 In November 2016 the World Organisation Against Torture noted the suspension of 370 associations:

'...9 of which are grassroots women's rights organizations including Adıyaman Women Life Association, Anka Women Research Association, Bursa Panayır Women Solidarity Association, Ceren Women Association, Gökkuşağı Women Association, Kongreya Jinen Azad (Free Women Congress), Muş Women Association, Selis Women Association and Van Women Association. All associations are a vital part of the gender struggle in Turkey.'⁵⁴

5.7.6 In their report of January 2017, the Asylum Research Consultancy stated:

'The UN Special Rapporteur on the right to freedom of opinion and expression David Kaye stated in his preliminary conclusions following his November 2016 visit to Turkey that: ...I learned that the Government suspended up to 370 nongovernmental organizations operating in Turkey under emergency decree in one day. I met with some representatives subject to this order, who expressed disbelief that their work could be considered associated with terrorism or terrorist groups. This most recent action highlights a broad problem for civil society and dissenting voices operating in the country.'⁵⁵

5.7.7 A bulletin issued by Amnesty International dated 16 November 2016 stated:

'The Ministry of Interior announced on 11 November [2016] the blanket and arbitrary suspension of the activities of 370 NGOs for three months... These arbitrary suspensions violate the rights to freedom of expression and association, and cannot be justified, even under the state of emergency.

'On 11 November [2016], the Ministry of Interior announced the suspension of activities of 370 NGOs in 39 provinces under Article 11 of the State of Emergency Law, citing "general security and public order". Since the announcement, dozens of NGOs' offices were sealed by provincial governorships without prior notice.

'These suspensions, imposed initially for three months, were announced without individualized reasoning and there is no possibility of appeal or judicial remedy against them. The decision of the Ministry of Interior takes place in the context of a massive crackdown on all forms of dissent, including wholesale closures of media, and imprisonment of journalists, members of the opposition, human rights defenders and activists, in the aftermath of the 15 July coup attempt and the declaration of the state of emergency on 21 July.

'Among the NGOs whose activities have been suspended are Progressive Lawyers' Association (ÇHD) and Association of Lawyers for Freedom (ÖHD), whose members have represented victims of torture and other ill-

⁵⁴ World Organisation Against Torture. 'WHRDIC Statement: Solidarity with resilient women in Turkey,' dated 17 November 2016. <http://www.omct.org/human-rights-defenders/statements/turkey/2016/11/d24063/>.. Accessed: 27 February 2017

⁵⁵ Asylum Research Consultancy. 'Turkey Country Report - Update,' dated 25 January 2017. <http://www.asylumresearchconsultancy.com/Case-specific-research/>.. Accessed: 24 February 2017.

treatment, and Van Women's Association (VAKAD), which provides services to women fleeing domestic violence. The decision also affects Agenda: Child Association (Gündem Çocuk), which contributed to a comprehensive report in March on the impact on the population of curfews imposed in the context of clashes between the army and the Revolutionary Patriotic Youth Movement in the town of Cizre, in southeast Turkey. Another organisation targeted by this suspension is Sarmaşık Association, which provides food aid and education services to 32,000 people in Diyarbakır, in southeast Turkey, including people forcibly displaced by the state. Reports indicate that activities of over 70 NGOs have been suspended so far. A full list of the 370 NGOs has not been made available.⁵⁶

5.7.8 The same bulletin stated:

'The Ministry of Interior announcement on 11 November states that, of the 370 NGOs, 153 have alleged links to "Fethullah Gülen Terrorist Organization" (FETO), 190 to the banned Kurdish Workers Party/Kurdish Communities Union (PKK/KCK), 19 to the armed leftist group Revolutionary Peoples' Liberation Party-Front (DHKP-C) and eight to the armed group that calls itself the Islamic State. The authorities have not provided individualized justifications for the blanket decision. There is no legal remedy to the suspensions...'⁵⁷

5.7.9 The Council of Europe's Commissioner for Human Rights issued a statement on 26 July 2016 in which he expressed concern about measures taken under the first decree adopted within the framework of the state of emergency and noted, 'The immediate closure of 1 125 associations, 104 foundations... I note that it is not the activities of these bodies that are suspended or placed under trustee control: they are disbanded and their assets revert automatically to state authorities. The Decree further provides a simplified administrative procedure for the disbanding of further organisations (Article 2).'⁵⁸ The Council of Europe's Commissioner for Human Rights further noted on 7 October 2016 that 'At least more than a thousand NGOs and trade unions ... were disbanded and liquidated without judicial proceedings.'⁵⁹ The same report stated that 'the dissolution of an

⁵⁶ Amnesty International. 'Urgent Action: 258/16 [EUR 44/5141/2016],' dated 16 November 2016 http://www.ecoi.net/file_upload/1226_1479371615_eur4451412016english.pdf http://www.amnesty.de/urgent-action/ua-258-2016/ngos-und-vereine-geschlossen?destination=node/5309?support_type=&node_type=&country=&topic=&from_month=0&from_year=&to_month=0&to_year=&submit_x=52&submit_y=14&res.. Accessed: 30 November 2016.

⁵⁷ Amnesty International. 'Urgent Action: 258/16 [EUR 44/5141/2016],' dated 16 November 2016 http://www.ecoi.net/file_upload/1226_1479371615_eur4451412016english.pdf http://www.amnesty.de/urgent-action/ua-258-2016/ngos-und-vereine-geschlossen?destination=node/5309?support_type=&node_type=&country=&topic=&from_month=0&from_year=&to_month=0&to_year=&submit_x=52&submit_y=14&res.. Accessed: 30 November 2016.

⁵⁸ Council of Europe. Commissioner for Human Rights. 'Measures taken under the state of emergency in Turkey,' dated 26 July 2016. <http://www.coe.int/en/web/commissioner/-/measures-taken-under-the-state-of-emergency-in-turkey?inheritRedirect=true&redirect=%2Fen%2Fweb%2Fcommissioner%2Fcountry-report%2Fturkey>. Accessed: 1 December 2016.

⁵⁹ Council of Europe. Commissioner for Human Rights. 'Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey' (paragraph 9), dated 7 October 2016. <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2950192&SecMode=1&DocId=2391372&Usage=2>. Accessed: 1 December 2016

association or foundation, without a court order, constitutes one of the most serious interferences imaginable with the right to freedom of association (Article 11 ECHR).⁶⁰

See [Arrest, detention and prosecution of human rights defenders](#) and [Harassment of human rights defenders](#) for further information on these subjects.

See the country policy and information note on [Turkey: Gulenism](#) for information about the coup attempt of 2016 and resulting legal decrees.

[Back to Contents](#)

5.8 Arrest, detention and prosecution of human rights defenders

5.8.1 Reporters Sans Frontières published the following in January 2017:

‘Reporters Without Borders (RSF) is appalled by the first two convictions yesterday [13 January 2017] in a series of trials in Istanbul of well-known participants in solidarity campaign with the persecuted Kurdish newspaper Özgür Gündem, and the intimidatory nature of the suspended prison sentences handed down by the court.

‘The two convicted yesterday were the well-known human rights defender Şanar Yurdatapan and the publisher İbrahim Aydın Bodur. They were given 15-month suspended jail terms and fines of 6,000 lira (1,500 euros) on charges of “terrorist propaganda” and “publishing a terrorist organization’s communiqués...”

“The conviction of Şanar Yurdatapan and İbrahim Aydın Bodur sends an unacceptable intimidatory message to Turkey’s civil society,” said Johann Bühr, the head of RSF’s Eastern Europe and Central Asia desk...

‘Yurdatapan was convicted on the basis of two articles published by Özgür Gündem on 18 June. One described the actions of the Turkish armed forces in the mainly Kurdish southeast of the country. The other referred to the deaths of three members of the outlawed Kurdistan Workers’ Party (PKK) in armed clashes.’⁶¹

5.8.2 In January 2017 the Asylum Research Consultancy, citing various sources, published the following:

‘... the World Organization Against Torture reported that “The Observatory has been informed by reliable sources about the arbitrary detention of Ms. Seher Acay, representative of the Mardin Branch of the Human Rights Association (IHD), as well as of Mr. Fevzi Adsiz, Mr. Ziya Bağı, and Mr. Mahmut Bingöl, members of IHD. The four lawyers are also affiliated to the Association of Jurists of Mesopotamia (MHD). According to the information

⁶⁰ Council of Europe. Commissioner for Human Rights. ‘Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey’ (paragraph 36), dated 7 October 2016. <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2950192&SecMode=1&DocId=2391372&Usage=2>. Accessed: 1 December 2016

⁶¹ Reporters Sans Frontières. ‘First convictions in Kurdish newspaper solidarity campaign trials,’ dated 14 January 2017. Available at ecoi.net: http://www.ecoi.net/local_link/334858/463343_en.html. Accessed: 27 February 2017.

received, on November 21, 2016, the four human rights lawyers were arrested and have been detained since then at the headquarters of the anti-terror police in the city of Mardin, on the basis of an arbitrary decision issued by Public Prosecutor Vural Eker. As of issuing this Urgent Appeal, the four detainees have not had access to their lawyers and no formal charges have yet been filed against them. However, the local press has reported that their arrest and detention would be linked to their activities as counsels of the city of Mardin, the mayor of which [h]as been detained since November 21, 2016, on accusations of being linked to the PKK".⁶²

5.8.3 The World Organisation Against Torture published the following in November 2016:

'Ayla Akat a leading woman human rights defender and Kurdish political activist in Turkey, who also served as an elected Member of Parliament between 2007 and 2015, was taken into custody on 26 October [2016] in Diyarbakir/Amed. Partners in Diyarbakir informed the WHRDIC [Women Human Rights Defenders International Coalition] that during her arrest, Ayla was dragged across the floor, physically abused and harassed. The police also raided her house and office and confiscated all equipment pertaining to her human rights work, including laptops. Ayla has been moved to Kandira Prison, an F-type (high security) prison over a thousand kilometers from her home. Akat was charged with "being a member of a terrorist organization" on 31 October 2016... Since the breakdown of the ceasefire between the Turkish State and the PKK, those speaking out on abuses in the SouthEast of the country have faced threats, intimidation, persecution and sometimes imprisonment Kurdish women human rights defenders are amongst those bearing the brunt of the State crackdown.'⁶³

5.8.4 The European Asylum Support Office published a report, citing various sources, in November 2016 which stated:

'In March 2016..., three academics were arrested on charges of "terrorist propaganda" after publicly calling for an end to security operations in the south-east. Following a field visit to Turkey in March 2016, the UN Working Group on Enforced and Involuntary Disappearances reported receiving information on "arrests, threats and intimidation of human rights defenders and lawyers working on enforced disappearances cases", some of whom had reportedly been threatened during court hearings.'⁶⁴

5.8.5 The Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and the World Organisation Against Torture (OMCT), reported as follows in September 2016:

⁶² Asylum Research Consultancy. 'Turkey Country Report - Update,' dated 25 January 2017. <http://www.asylumresearchconsultancy.com/Case-specific-research> Accessed: 24 February 2017.

⁶³ World Organisation Against Torture. 'WHRDIC Statement: Solidarity with resilient women in Turkey,' dated 17 November 2016. <http://www.omct.org/human-rights-defenders/statements/turkey/2016/11/d24063/>. Accessed: 27 February 2017

⁶⁴ European Asylum Support Office. 'EASO Country of Origin Information Report; Turkey; Country Focus,' dated November 2016 (section 5.4.3). <https://coi.easo.europa.eu/news#24>. Accessed: 27 February 2017.

'In the early morning of March 16, 2016, OHD [Association of Lawyers for Freedom (Ozgurlukcu Hukukcular Dernegi – OHD)] members... were arrested and saw their houses in Istanbul raided by the police, within the framework of an anti-terrorism operation which targeted at least 89 individuals in several cities (Aydın, Diyarbakır, Bingöl, Ağrı, Konya, Bitlis, Erzurum, Mus, Mardin, Şırnak, Siirt, Elazığ, İzmir, Muğla, Urfa, Antep, Maraş and Sakarya).

'The nine lawyers were arrested on charges of "membership of an illegal organisation" reportedly for events that took place between 2011 and 2014. During their interrogation, they were questioned about interviews they gave in the media, complaints they lodged before the European Court of Human Rights (ECtHR) and visits to their clients. According to our information, the authorities have yet to disclose the reasons behind the alleged offences that led to the searches and arrests. To date the case file on the arrests remains confidential pursuant to the Article 153.2 of the Turkish Criminal Code Procedure (No. 5271).

'On March 17, the lawyers were to plead the case of the 46 lawyers tried for participating in the defence of Mr. Abdullah Öcalan, one of the founding members of the Kurdistan Workers' Party (PKK)...

'Moreover, as a civil society group attempted to deliver a press statement outside the court to denounce the illegal arrest and detention of the nine lawyers, the gathering was attacked by Turkish police in riot gear, equipped with tear gas and water cannons...

'In the course of that the [sic] June-22 [2016] hearing, Mr. Demir's and Ms. Acinkli's [two of the OHD lawyers] lawyers argued that the detention of their clients had been ordered in contravention of Turkish law, and that much of the evidence gathered against them, including phone-tapped conversations, had been obtained in an illegal manner...

'At the beginning of the hearing, a violation of the publicity of debates was further highlighted when the judge decided to lock the doors of the courtroom in view of the high number of persons willing to observe the trial and eventually decided on a temporary suspension of the court session, after a massive disagreement among the audience.'⁶⁵

- 5.8.6 The same article stated, 'According to the information received, on September 7, 2016, the 14th Heavy Penal Court of Istanbul ordered the conditional release of Mr. Ramazan Demir and Ms. Ayşe Acinikli. Both were set free at the end of the day, after 156 days of pre-trial detention.'⁶⁶

⁶⁵ The Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and the World Organisation Against Torture (OMCT). 'Turkey: Conditional release of Ramazan Demir and Ayşe Acinikli, members of the Association of Lawyers for Freedom (OHD),' dated 8 September 2016. <http://www.omct.org/human-rights-defenders/urgent-interventions/turkey/2016/09/d23934/>. Accessed: 12 September 2016

⁶⁶ The Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and the World Organisation Against Torture (OMCT). 'Turkey: Conditional release of Ramazan Demir and Ayşe Acinikli, members of the Association of Lawyers for Freedom (OHD),' dated 8 September 2016. <http://www.omct.org/human-rights-defenders/urgent-interventions/turkey/2016/09/d23934/>. Accessed: 12 September 2016

- 5.8.7 In July 2016 the UN Human Rights Council published a report which stated:
 ‘The situation of lawyers, including those working on cases of enforced disappearance, is particularly worrisome. The Working Group received information about the arrest, detention and prosecution on terrorism-related charges of lawyers defending individuals accused of terrorism-related crimes, mostly on the grounds of an alleged link to, or the provision of support for, their clients’ alleged criminal activities. This is inadmissible in a democratic society governed by the rule of law and is particularly concerning in the light of the increasingly broader and more vague definition of terrorism and of “illegal organizations” .⁶⁷
- 5.8.8 Physicians for Human Rights (PHR) published a report in August 2016 on the situation in South East Turkey following their May 2016 fact-finding mission which noted that ‘Documentation and reporting of human rights violations have been made even more challenging for civil society organizations, lawyers, and international observers by the lack of access to places where violations have been committed, and by the legal persecution of health professionals who document killings.’⁶⁸
- 5.8.9 In the Country Report covering 2016, the US Department of State noted:
 ‘On January 8 [2016], a caller to a popular television talk program, The Beyaz Show, pled for viewers to “show more sensitivity as human beings” toward citizens in the country’s Southeast, many of whom were displaced and facing violence. The talk show host, Beyazit Ozturk, solicited applause after the call for solidarity, but a national backlash immediately ensued. Ozturk issued an apology the next day, accusing the caller, teacher Ayse Celik, of “provocation” and of misleading call screeners to get on the air. Prosecutors charged her with “praising terrorism and a terrorist organization.” Celik’s case and that of 38 codefendants continued at year’s end.’⁶⁹
- 5.8.10 The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), reported as follows in April 2016 on the detention of four academics and researchers:
 ‘The Observatory has been informed by reliable sources about the arbitrary detention and upcoming trial of four academics and researchers, Ms. Esra Mungan Gürsoy, Ms. Meral Camcı, Mr. Kivanç Ersoy and Mr. Muzaffer Kaya.

⁶⁷ UN Human Rights Council (formerly UN Commission on Human Rights). ‘Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey’ [A/HRC/33/51/Add.1] (page 11), dated 27 July 2016 (available at [ecoi.net](http://www.ecoi.net))

http://www.ecoi.net/file_upload/1930_1472036690_g1616687.pdf. Accessed: 30 November 2016.

⁶⁸ Physicians for Human Rights. ‘Southeastern Turkey: Health Care Under Siege,’ dated August 2016. https://s3.amazonaws.com/PHR_Reports/southeastern-turkey-health-care-under-siege.pdf. Accessed: 28 April 2017.

⁶⁹ US Department of State. ‘Country Reports on Human Rights Practices for 2016;’ Turkey, dated 3 March 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482>. Accessed: 6 March 2017.

‘According to the information received, on April 22, 2016, Ms. Esra Mungan Gürsoy, Ms. Meral Camcı, Mr. Kivanç Ersoy and Mr. Muzaffer Kaya will appear before the Istanbul 13th Heavy Penal Court to face charges of “terrorist propaganda” (Article 7/2 of Anti-Terrorism Law) after denouncing human rights violations in a press statement and a petition. Currently held in pre-trial detention, the four face prison sentences ranging from one and a half to seven and a half years...

‘The indictment against them refers to a press statement which they read out on March 10, 2016 on behalf of the Academics for Peace, as well as to a related petition, entitled “We will not be a Party to This Crime” [which referred to the imposition of curfews in south-eastern Turkey], which was supported by more than 1,000 academics throughout Turkey and abroad...

‘The Observatory expresses its deepest concern over the ongoing judicial harassment and arbitrary detention of human rights defenders in Turkey...’⁷⁰

- 5.8.11 Referring to the petition signed by the academics (above), the Human Rights Watch World Report 2017, published in January 2017, noted that the investigation had not been concluded at time of writing and also that ‘some universities dismissed signatories of the petition, and 68 were fired by decree in September and October [2016].’⁷¹

See [Attitude of the state and insults to the President/the Turkish state](#) for further information about treatment of academics involved in the petition.

- 5.8.12 In their Annual Report 2015/16, published in February 2016, Amnesty International stated: ‘Respect for freedom of expression deteriorated. Countless unfair criminal prosecutions, including under criminal defamation and anti-terrorism laws, targeted political activists, journalists and others critical of public officials or government policy. Ordinary citizens were frequently brought before the courts for social media posts.’⁷²

- 5.8.13 The European Asylum Support Office (EASO) published a report in November 2016 which stated: ‘In September 2015, a police operation was launched against NGOs operating in the south-east, including the Siirt provincial branch of the Human Rights Association (IHD/HRA), and resulted in the arrest and detention of several members of this organisation.’⁷³

- 5.8.14 Amnesty International stated the following in the Annual Report 2015/16, published in February 2016: ‘Mass prosecutions under vague and broad

⁷⁰ World Organisation Against Torture (OMCT): ‘Arbitrary detention and upcoming trial of four academics and researcher’ [TUR 001 / 0116 / OBS 010.1], dated 20 April 2016 <http://www.omct.org/human-rights-defenders/urgent-interventions/turkey/2016/04/d23723/>. Accessed: 12 September 2016.

⁷¹ Human Rights Watch. ‘World Report 2017;’ Turkey, dated 12 January 2017 (Freedoms of expression, association and assembly).. <https://www.hrw.org/world-report/2017/country-chapters/turkey>. Accessed: 7 March 2017.

⁷² Amnesty International. Annual Report 2015/16; Turkey, published February 2016. <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/>. Accessed: 7 September 2016.

⁷³ European Asylum Support Office. ‘EASO Country of Origin Information Report; Turkey; Country Focus,’ dated November 2016 (section 5.4.3). <https://coi.easo.europa.eu/news#24>. Accessed: 27 February 2017.

anti-terrorism laws continued. In March, all 236 military officers accused of the “Sledgehammer” coup plot to overthrow the AK Party government were acquitted after a retrial. Proceedings continued on appeal in the “Ergenekon” case of civilians accused of plotting to overthrow the government.’⁷⁴

5.8.15 In the Annual Report 2015/16, which covered events of 2015, Amnesty International stated:

‘Prosecutions on trumped-up charges against Gezi Park protesters continued. In April [2015], an Istanbul court acquitted members of Taksim Solidarity, an umbrella organization opposing the redevelopment of Taksim Square and Gezi Park, including five who had been accused of “founding a criminal organization”. Most trials ended in acquittal but 244 were convicted at a trial of 255 people in Istanbul, on various charges including under the Law on Meetings and Demonstrations. Two doctors were convicted of “denigrating a place of worship” after giving emergency treatment to injured demonstrators in a mosque. A further case against 94 people for participating in Gezi Park protests in Izmir was opened in September.’⁷⁵

See [Suspensions of activities and closures](#) and [Harassment of human rights defenders](#) for further information on these subjects.

See also the country policy and information note on [Turkey: Kurds](#) and [Turkey: Journalists](#) for further information about these groups. See the country policy and information note on [Turkey: Gülenism](#) for information about the coup attempt of 2016 and resulting legal decrees.

[Back to Contents](#)

5.9 Harassment of human rights defenders

5.9.1 In its Country Report on Human Rights Practices for 2016, the USSD noted: ‘Individuals in many cases could not criticize the state or government publicly without risk of civil or criminal suits or investigation, and the government continued to restrict expression by individuals sympathetic to some religious, political, or cultural viewpoints. Many who wrote or spoke on sensitive topics involving the ruling party risked investigation.’⁷⁶

See [Attitude of the state and insults to the President/the Turkish state](#) for further information, including accusations of insulting the President.

5.9.2 The US Department of State noted in its Country Report covering 2016 that:

‘Human rights and civil society organizations, LGBTI, and women’s groups in particular complained that the government used regular and detailed audits to create administrative burdens and to intimidate them through the threat of

⁷⁴ Amnesty International. Annual Report 2015/16; Turkey, February 2016. <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/>. Accessed: 7 September 2016.

⁷⁵ Amnesty International. Annual Report 2015/16; Turkey, February 2016. <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/>. Accessed: 7 September 2016.

⁷⁶ US Department of State. ‘Country Reports on Human Rights Practices for 2016;’ Turkey, dated 3 March 2017 (Section 2.a). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265482>. Accessed: 6 March 2017.

large fines. Bar association representatives reported that police sometimes attended civil society organizational meetings and sometimes recorded them, likely as a means of intimidation.⁷⁷

- 5.9.3 The US Department of State further reported that some NGOs had difficulty registering as legal entities with the Ministry of Interior. Others faced government obstruction and restrictive laws regarding their operations, particularly in the Southeast.⁷⁸

See [Legal barriers to freedom of expression, association and assembly](#) for further information on this subject.

- 5.9.4 In July 2016 the UN Human Rights Council published a report which stated:

‘The Working Group [on enforced or involuntary disappearances] also received information on threats and intimidation against human rights defenders and lawyers working on enforced disappearance cases, sometimes even during hearings in courts.

‘The Working Group recalls that, in accordance with articles 13 (3) and (5) of the Declaration, all involved in the investigation of cases of enforced disappearance shall be protected against ill-treatment, intimidation or reprisal, and steps shall be taken to ensure that any such act on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished.’⁷⁹

- 5.9.5 In their Annual Report 2015/16 Amnesty International stated:

‘In November [2015], the head of the Diyarbakır Bar Association and renowned human rights defender Tahir Elçi was shot dead after making a press statement in Diyarbakır. The perpetrator remained unidentified by the end of the year [2015] amid concerns over the impartiality and effectiveness of the investigation. He had faced death threats after being charged the previous month with “making propaganda for a terrorist organization”, for saying on live national television that the PKK was “not a terrorist organization but an armed political movement with considerable support”. He faced over seven years’ imprisonment. The news channel CNN Türk was also fined 700,000 liras (€230,000) for broadcasting the remarks.’⁸⁰ [The perpetrator remained unidentified at the time of writing this report.]

- 5.9.6 The International Commission of Jurists (ICJ) reported in a June 2016 report that ‘Lawyers and NGOs in Turkey reported to the ICJ that other human rights defenders and lawyers, in particular those working in the south of the

⁷⁷ US Department of State. ‘Country Reports on Human Rights Practices for 2016;’ Turkey, dated 3 March 2017 (Section 2.b). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482>. Accessed: 6 March 2017.

⁷⁸ US Department of State. ‘Country Reports on Human Rights Practices for 2016;’ Turkey, dated 3 March 2017 (Section 5). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265482>. Accessed: 6 March 2017.

⁷⁹ UN Human Rights Council (formerly UN Commission on Human Rights): Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey [A/HRC/33/51/Add.1], 27 July 2016 (available at [ecoi.net](http://www.ecoi.net))

http://www.ecoi.net/file_upload/1930_1472036690_g1616687.pdf. Accessed: 30 November 2016

⁸⁰ Amnesty International. Annual Report 2015/16; Turkey, published February 2016. <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/>. Accessed: 7 September 2016.

country, are also at risk of violence and receive threats to their lives, and that criticism of them by the government increases the danger they face...The ICJ is concerned that the independence and security of lawyers is under increasing threat in Turkey, with potentially serious consequences for the capacity of lawyers to play their proper role in the administration of justice, and the protection of the rule of law and human rights in the justice system.’⁸¹

5.9.7 In a reported published in January 2015, the European Economic and Social Committee (EESC) stated:

‘The EESC is aware that representatives of civil society organisations have in a number of cases been threatened verbally and through legal prosecution, sometimes personally, and have faced unjustified restrictions on their civil society activities. Some of the restrictions described had been imposed in the context of the Gezi Park protests in May and June 2013 and of the associated legal proceedings.

‘The EESC delegation was deeply shocked to hear that, following the Gezi Park protests, doctors had been forbidden to treat the injured and that patients’ files had been demanded for investigative purposes. Some doctors were also allegedly investigated for crimes such as disobeying government regulations because they failed to comply with instructions from the public authorities.’⁸²

5.9.8 In the ‘Freedom in the World 2016’ report, covering the year 2015, Freedom House stated:

‘Academic freedom is limited by self-censorship and legal or political pressure regarding sensitive topics, including contemporary political developments. The government has asserted more authority over individual academics and both public and private universities through the state’s Higher Education Board, which in October 2015 introduced a draft regulation that would make it easier to close private universities for becoming “the focal point of acts against the country’s indivisible integrity.” Also in October [2015], a professor at Ankara University was indicted for “spreading terrorist propaganda” by posing a question on an exam that asked students to analyze the writings of the PKK’s leader.’⁸³

See [Legal situation](#) for further information on this subject. See [Suspensions of activities and closures](#) and [Arrest, detention and prosecution of human rights defenders](#) for further information on these subjects.

See the country policy and information note on [Turkey: Gülenism](#) for information about the coup attempt of 2016 and resulting legal decrees. See

⁸¹ International Commission of Jurists (ICJ), Turkey: the Judicial System in Peril, 2 June 2016, Harassment and attacks against lawyers <https://www.icj.org/turkey-icj-condemns-purge-of-judiciary/>. Accessed: 3 April 2017

⁸² European Economic and Social Committee. ‘Opinion of the European Economic and Social Committee on Situation and operating conditions of civil society organisations in Turkey,’ dated 21 January 2015 (paragraphs 4.2 to 4.3). <http://www.eesc.europa.eu/?i=portal.en.events-and-activities-504-plenary-session-opinions>. Accessed: 2 March 2017.

⁸³ Freedom House. ‘Freedom in the World 2016;’ Turkey, dated 7 March 2016. <https://freedomhouse.org/report/freedom-world/2016/turkey>. Accessed: 8 September 2016.

also the country policy and information notes on [Turkey: Kurds](#), [Turkey: SOGI](#), [Turkey: Women](#) and [Turkey: Journalists](#) for further information about these groups.

[Back to Contents](#)

Version control and contacts

Contacts

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Clearance

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Update of country information

[Back to Contents](#)