



**WHEN EXCEPTIONS BECOME
THE NEW NORM**

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Cover photo

Relatives of the victims of enforced disappearances gathered at Kosuyolu Park in Diyarbakır during the weekly Saturday Mothers (Cumartesi Anneleri) gathering in Diyarbakır holding up photos of their loved ones. Diyarbakır, 2012. Photo: Veysi Atay



INTRODUCTION

In a country like Turkey, the correlation between state of emergency measures and deteriorating respect for human rights is well established. Since the attempted coup on 15 July 2016, the Turkish government has taken drastic measures to bring civil society under its control, issuing one state of emergency declaration after another. The current state of emergency, initially declared for a period of 90 days, has been renewed every three months and still remains in place today.¹ The Turkish government has given no indication as to when it will be lifted. Moreover, the statutory decrees it has adopted are contrary to rights and freedoms guaranteed under Turkey's domestic law, constitution, and international human rights obligations.

The history of Turkey is lined with turmoil, attempted and successful coups, and a lack of respect for human rights. Torture and ill-treatment during arrests and in detention as well as enforced disappearances are not

TURKEY²

Official Name: Republic of Turkey

Capital City: Ankara

Population: 80,845,215 (2017 estimate)

Languages: Turkish (official), Kurdish, other minority languages

Religion: Muslim 99.8% (mostly Sunni), other 0.2% (mostly Christians and Jews)

Main ethnicities: Caucasians, Ezidis, Kurds, Laz, Roma, Turks³

Type of Government: Parliamentary republic

Current chief of state: President Recep Tayyip Erdogan (since 10 August 2014)

1 S. Fraser, "Turkey to Extend State of Emergency Amid Freedom Concerns", Los Angeles Times, 18 Jan. 2018, <http://www.latimes.com/sns-bc-eu--turkey-state-of-emergency-20180117-story.html> (accessed 22 Mar. 2018).

2 Central Intelligence Agency, "The World Factbook: Turkey", 14 Mar. 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/tu.html> (accessed 7 Mar. 2018).

3 Minority Rights Group International, "World Directory of Minority and Indigenous Peoples: Turkey", n.d., www.minorityrights.org/country/turkey (accessed 19 Mar. 2018).

new practices. They were common in the 1970s, and would be developed into systematic practices in the aftermath of the 1980 coup. In the 1990s, systematic torture, enforced disappearances and displacement, and extrajudicial killings were widespread in the predominantly Kurdish regions. And yet, human rights defenders report that the situation has deteriorated in recent years.

The lack of respect for human rights in the post-July 2016 era has now reached unprecedented levels. Multiple-sector crackdowns on journalists, academics and teachers, lawyers, politicians, and human rights defenders are becoming increasingly common. In the current state of emergency, it seems that what used to be the exception in the past has become the new norm in today's Turkey.

A HISTORY OF COUPS IN A TROUBLED COUNTRY

The Republic of Turkey was founded in 1923 and held its first multi-party elections in 1950. Since then, Turkish democracy has been fractured by periods of instability and the blows of repeated military coups.

In 1960, the army took advantage of increased political polarisation and toppled the centre-right Democratic Party. After this first in a series of coups, the prime minister and two cabinet members were executed and the Chair of the National Unity Committee, which is composed solely of military officers, installed himself as the country's new president. Eleven years later, after a period of national economic decline, the army once again ousted the government, this time the right-wing Justice Party. The army declared martial law, installed a government of technocrats, and began purging dissidents.⁴

Throughout the 1970s, clashes between left- and right-wing groups were common and a total of eleven prime ministers assumed power. In 1980, in yet another coup, the Turkish army dissolved the government and declared martial law. Prior to this, martial law and states of emergency had only been imposed in certain cities and rural areas. Now, it was imposed in all of Turkey, to be lifted incrementally between 1984 and 1987. During this period, the human rights situation deteriorated quickly. Hundreds of thousands of people were arrested, dozens were executed, bureaucrats and academics were purged, and systematic torture became a widespread state practice.⁵ In the predominantly Kurdish areas, extrajudicial killings, enforced disappearances, and systematic torture would continue in a continuous state of emergency for almost 20 years.⁶

In 1997, the Turkish army once again ousted the ruling party, this time through a series of "recommendations" issued in a memorandum. The Islamist prime minister was forced to resign and the ruling Welfare Party was closed down. A number of its members, including the current president, Recep Tayyip Erdogan, went on to found the Justice and Development Party which came into power in 2002. By this time, Turkey had initiated its European Union candidacy and all remaining state of emergency measures were lifted.⁷

ANOTHER COUP MARKS THE START OF A NEW REPRESSIVE ERA

On 15 July 2016, a faction of the Turkish military orchestrated another attempted coup. A coordinated armed operation was launched in several major cities, including Istanbul and Ankara, with the aim of overthrowing the government and President Erdogan. Groups of soldiers and tanks took to the streets. In Istanbul, the Bosphorus Bridge was blocked as soldiers and opponents clashed. In Ankara, bombs were dropped on the Grand National Assembly, and the Chief of the General Staff, Hulusi Akar, was kidnapped by his own security personnel. After a night of violent clashes, and what looked to be yet another in a series of coups in Turkey's troubled history, groups of soldiers began to surrender. The violent night saw 241 killed and 2,194 injured.⁸ The attempted coup was condemned both by the public and by political parties, and blamed by the Turkish government on a movement led by US-based cleric Fethullah Gülen.⁹

4 "A History of Turkey's Coups", The Telegraph, 30 Apr. 2017, <https://www.telegraph.co.uk/news/worldnews/1550156/A-history-of-Turkeys-coups.html> (accessed 22 Mar. 2018).

5 M. Lowen, "Turkey Torture Claims in Wake of Failed Coup", BBC, 28 Nov. 2016, <http://www.bbc.com/news/world-europe-38123926> (accessed 22 Mar. 2018).

6 K. Kirişçi and G. M. Winrow, *The Kurdish Question and Turkey: An Example of a Trans-State Ethnic Conflict*, London, Routledge, 1997.

7 "OHAL'i, yasakları AK Parti kaldırdı", *Aksam Daily*, 26 May 2015, <http://www.aksam.com.tr/siyaset/ohali-yasaklari-ak-parti-kaldirdi/haber-408323> (accessed 22 Mar. 2018).

8 "Turkey's Failed Coup Attempt: All You Need to Know", Al Jazeera, 15 July 2017, <https://www.aljazeera.com/news/2016/12/turkey-failed-coup-attempt-161217032345594.html> (accessed 22 Mar. 2018).

9 "Turkey's Coup Attempt: What You Need to Know", BBC, 17 July 2016, <http://www.bbc.com/news/world-europe-36816045> (accessed 22 Mar. 2018); T. Gumrukcu and E. Toksabay, "Turkish Lawyers Say Decree Grants Impunity for Political Violence", Reuters, 25 Dec. 2017, <https://www.reuters.com/article/us-turkey-security/turkish-lawyers-say-decree-grants-impunity-for-political-violence-idUSKBN1EJ0MW> (accessed 22 Mar. 2018).

The then United Nations Secretary-General, Ban Ki-moon, followed the developments and made a statement through his spokesman:

“The Secretary-General is following closely and with concern the fast-moving developments in Turkey. At this moment of uncertainty in the country, the Secretary-General appeals for calm, non-violence and restraint. Preservation of fundamental rights, including freedom of speech and assembly, remain of vital importance.”¹⁰

After the failed coup, Turkey’s Council of Ministers, presided over by President Erdogan, introduced a nationwide state of emergency under Article 120 of the Turkish Constitution and the State of Emergency Act no. 2935.¹¹ Under the state of emergency, the government is able to issue statutory decrees with neither parliamentary scrutiny nor the possibility of appeal to the Constitutional Court. Only two days after the state of emergency decree was published in the *Official Gazette of the Republic of Turkey (T.C. Resmi Gazete)* on 21 July, it was declared that 35 health institutions and organisations as well as 1,043 private education institutions, organisations, dormitories, and hostels were closed down for having alleged links to Gülen’s movement. The decree shows the extent to which post-coup measures have affected all sectors of society.

Since the initial 90-day state of emergency was first declared, it has been renewed every three months and still remains in place today. No indication has been given as to when it may be lifted. Moreover, according to amendments to Article 119 of the Constitution, approved by the 16 April 2017 referendum, the president now has the power to single-handedly declare a state of emergency and extend it indefinitely with four-month intervals.

The presidential referendum in April 2017 further formalised these executive powers. President Erdogan assumed said powers under circumstances of pervasive censorship and prisons filled with political opponents and journalists.¹² In total, 30 statutory decrees have been issued, most of which prescribe measures in breach of human rights standards and

Turkey’s obligations under international law.¹³ While the government claims that the democratic order and fundamental rights are at risk, the state of emergency itself has become the primary threat to democracy and human rights.

HUMAN RIGHTS UNDER ATTACK

Since July 2016, the human rights situation in Turkey has deteriorated sharply. The Turkish–Kurdish peace process has all but collapsed, media outlets have been shut down, and President Erdogan has begun purging all opposition to his rule. In contrast to past coups, the erosion of the rule of law has reached unparalleled levels, human rights abuses are spreading to a wide range of sectors not previously affected, and the mass targeting of certain professions can only be described as anomalous.

Since the initial 90-day state of emergency was first declared, it has been renewed every three months and still remains in place today. No indication has been given as to when it may be lifted.

Of particular concern is the return of torture and other cruel, inhuman, or degrading treatment or punishment, including deaths in custody and reported cases of enforced disappearances, allegedly perpetrated by security officials. As the right to life and physical integrity is jeopardised, other rights and fundamental freedoms are severely undermined as well. The rights to freedom of speech; to a fair trial; and to freedom of assembly as well as thought, conscience, and religion are all compromised. The tearing of the social fabric has contributed to a rise in discrimination and persecution, while already disadvantaged groups such as women; children; sexual, ethnic, and religious minorities; and refugees see their rights further eroded.

10 “Statement Attributable to the Spokesman for the Secretary-General on Turkey”, United Nations Secretary-General, 15 July 2016, <https://www.un.org/sg/en/content/sg/statement/2016-07-15/statement-attributable-spokesman-secretary-general-turkey> (accessed 22 Mar. 2018).

11 “Turkey Declares ‘State of Emergency’ after Failed Coup”, Al Jazeera, 21 July 2016, <https://www.aljazeera.com/news/2016/07/erdogan-declares-state-emergency-turkey-160720203646218.html> (accessed 22 Mar. 2018).

12 “World Report 2018: Turkey, Events of 2017”, Human Rights Watch, n.d., <https://www.hrw.org/world-report/2018/country-chapters/turkey> (accessed 18 March 2018).

13 S. Demirtas, “Emergency Rule Should Not Be Turkey’s New Normal”, Hurriyet Daily News, 3 Jan. 2018, <http://www.hurriyetdailynews.com/opinion/serkan-demirtas/emergency-rule-should-not-be-turkeys-new-normal-125141> (accessed 22 Mar. 2018).

HUMAN RIGHTS AND HUMAN RIGHTS DEFENDERS

THE SITUATION FOR HUMAN RIGHTS DEFENDERS IN TURKEY

Prior to the attempted coup in July 2016, arrests and detentions were sporadic and did not target human rights defenders or activists specifically. Today, they are constantly at risk and the prosecution of human rights defenders has become normalised. The government justifies the purges, arrests, and detentions as measures to combat terrorism. Local and international rights groups have criticised the government for using the attempted coup as a pretext to silence any dissenting voices. Several organisations have also expressed concern regarding the erosion of the rule of law in Turkey, which dropped two places in the World Justice Project's Rule of Law Index in 2016–2017.

Purges of human rights defenders escalated in June 2017 with the arrest of the Chair of Amnesty International in Turkey, Taner Kılıç, on suspicion of ties to the movement led by Fethullah Gülen.¹⁴ The following month, ten human rights defenders were arrested, including another senior Amnesty International employee: Turkey Director Idil Eser, who was attending a digital security seminar. Among the arrested were the Swedish-Iranian IT expert Ali Gharavi, German NGO consultant and educator Peter Steudtner, Nejat Taslan from Equal Rights, Nalan Erkem and Özlem Dalkıran from Citizens' Assembly, Veli Acu and Günel Kursun from Human Rights Agenda Association, as well as İlknur Üstün from Women Coalition and Seyhmuz Özbekli from Rights Initiative. Together, they became known as the "Istanbul 11".

Nejat Tastaan and Seyhmuz Özbekli were released with judicial control on 18 July 2017. While eight of the remaining "Istanbul 11" were released on bail after 112 days in detention, Taner Kılıç still remains in prison at the time of writing.¹⁵

“There have been times in the history of the Turkish Republic when a witch hunt against journalists, human rights defenders, and academics has taken place – such as during the 1950s and the coup d'états of 1971 and 1980. We had an attempted coup this time, which the government prevented. But the policies that the government has imposed against civil society since the July 2016 coup attempt are incomparable with the successful coups,” says Murat Çelikkhan, Co-Director of Hafıza Merkezi and Civil Rights Defender of the Year 2018.

THE RIGHT TO LIFE AND PHYSICAL INTEGRITY

Torture and ill-treatment are strictly prohibited under domestic law as well as international conventions to which Turkey is a party.¹⁶ Article 15 of the Constitution of the Republic of Turkey provides the standard that governs suspension or derogation of fundamental rights and freedoms. It declares that, even under circumstances of war, mobilisation, or a state of emergency, the individual's right to life and the integrity of his/her body and mind are inviolable:

“In times of war, mobilization, [or] a state of emergency [...] the individual's right to life, the integrity of his/her corporeal and spiritual existence shall be inviolable except where death occurs through acts in conformity with law of war; no one shall be compelled to reveal his/her religion, conscience, thought or opinion, nor be accused on account of them; offences and penalties shall not be made retroactive; nor shall anyone be held guilty until proven by a court ruling.”¹⁷

However, in 2016 to 2017 cases of torture and ill-treatment in custody were reported widely, especially by individuals detained under the anti-terror law.¹⁸ This marks a dramatic derogation from the zero tolerance policy towards torture adopted during the European Union candidacy and integration process in the first decade of the 2000s.

14 “Turkey Arrests Amnesty International Head and Lawyers in Gulenist Sweep”, The Guardian, 7 July 2017, <https://www.theguardian.com/world/2017/jun/07/turkey-arrests-amnesty-international-head-and-lawyers-in-gulenist-sweep> (accessed 22 Mar. 2018).

15 E. Sinclair-Webb, “Civil Society on Trial in Turkey: Istanbul 10 Released, Terrorism Cases Against Human Rights Defenders Continue”, Human Rights Watch, 27 Oct. 2017, <https://www.hrw.org/news/2017/10/27/civil-society-trial-turkey> (accessed 22 Mar. 2018).

16 Turkish Criminal Code, Law No. 5237, 26 Sep. 2004; for international conventions to which Turkey is a party, see Annex 1.

17 Constitution of the Republic of Turkey, as amended on 16 Apr. 2017.

18 “Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on His Mission to Turkey”, UN Human Rights Council, 18 Dec. 2017, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/362/53/PDF/G1736253.pdf?OpenElement> (accessed 22 Mar. 2018); “World Report 2018: Turkey, Events of 2017”.



MURAT ÇELIKKAN

Murat Çelikkan is the co-director of the independent human rights organisation Hafıza Merkezi (“Truth Justice Memory Center”). For his important work, he was awarded the Civil Rights Defender of the Year Award 2018.

Murat Çelikkan is a journalist by profession, and one of the most tenacious voices speaking out for human rights in the country. He has himself been targeted on several occasions, and was recently released from prison after having spent 68 days deprived of his liberty. He was originally sentenced to 18 months of prison under the Anti-Terror Law after having taken part in a campaign for freedom of expression.

Despite the increasingly dire situation for Turkish civil society, a number of resilient organisations continue to fight for a more open Turkey. Murat Çelikkan’s Hafıza Merkezi is one of them. The organisation was founded by a group of lawyers, journalists, and human rights defenders in 2011. It aims to uncover the truth concerning past violations of human rights, strengthen the collective memory of such violations, and support survivors in their pursuit of justice.

“This award is an acknowledgement of the work we do, and I personally feel privileged to receive it. It is important to continue to support civil society in countries where human rights are under attack. We should not forget that acknowledgement comes with an empowering effect, not least in these desperate times,” says Murat Çelikkan.

Documentation shows repeated and widespread cases of beatings of detainees by security forces, subjection of detainees to stress positions and threats or actual instances of rape, threats against lawyers, as well as obstruction of or interference with medical examinations.¹⁹ On his mission to Turkey at the end of 2016, the Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment “heard persistent reports of severe beatings, punches and kicking, blows with objects, falaqa, threats and verbal abuse, being forced to strip naked, rape with objects and other sexual violence or threats thereof, sleep deprivation, stress positions, and extended blindfolding and/or handcuffing for several days.”²⁰

The Special Rapporteur also reported that no serious measures appeared to have been taken by the authorities to investigate these allegations. Instead, complaints of torture were allegedly dismissed by the prosecutor, citing a state of emergency decree (Article 9 of Decree No. 667) which exempts public officials from criminal liability for acts undertaken in the context of the state emergency.

A decree issued in December 2017 appears to grant legal immunity to any person, including civilians, who takes action against terrorists or others associated with the 2016 attempted coup.²¹ The vague wording of this decree creates an ambiguous legal framework that might also provide carte blanche to vigilantes to engage in political violence against so-called “opponents of the government” with impunity.

THE RIGHT TO LIBERTY AND SECURITY OF PERSON

The use of “combating terrorism” with reference to various statutory decrees as a justification for purges and arbitrary arrests and detentions is widespread. According to a 2017 report from the local rights group Human Rights Joint Platform (Insan Hakları Ortak Platformu – IHOP), more than 140,000 people have been dismissed or suspended from their positions in the public sector.²² More than 60,000 people have been arrested for alleged complicity in the attempted coup. Moreover, around a dozen members of parliament have been arrested after being stripped of their

19 Human Rights Watch, “In Custody”, 12 Oct. 2017, <https://www.hrw.org/report/2017/10/12/custody/police-torture-and-abductions-turkey> (accessed 25 Mar. 2018).

20 “Report of the Special Rapporteur on Torture”.

21 E. Gumrukcu and E. Toksabay, “Turkish Lawyer Says”.

22 “Olaganüstü Hal Tedbir ve Düzenlemeleri, 31 August 2017”, İnsan Hakları Ortak Platformu, 18 Sep. 2017, <http://www.ihop.org.tr/wp-content/uploads/2017/09/Ola%C4%9Fan%C3%BCst%C3%BC-Hal-Tedbir-ve-D%C3%BCzenlemeleri-31-A%C4%9Fustos-2017.pdf> (accessed 22 Mar. 2018).

parliamentary immunity. These parliamentarians primarily belong to the pro-Kurdish People's Democracy Party (HDP). In addition to the HDP parliamentarians, a member of parliament from the largest opposition party, the People's Republican Party, has also been jailed.²³

Another group severely affected by President Erdogan's strongman rule is academics. Purges against teachers and academics have been referred to as the "civil death".²⁴ Their livelihoods have to a large extent been wiped out. In November 2012, Academics for Peace was founded and the group released a statement signed by 264 academics from over 50 universities in support of the peaceful solution of the Kurdish problem. In January 2016, Academics for Peace issued another statement with the title "We will not be a party to this crime!". This statement was signed by a group of more than 2,000 individuals supporting peace in the south-eastern regions of Turkey, calling to end violence and military operations in the region and against the Kurds. Most of these signatories have been dismissed from their positions at state universities and private academic institutions. They have had their passports cancelled and their social security guarantees revoked. Criminal charges against them are pending.²⁵

In addition to judicial harassment, the dismissal of academics and teachers has led to socioeconomic ostracism. Not only are they forced to struggle with unemployment, but have also had a "potential security threat" label tacked onto their social security number.²⁶ On 14 February 2018, it was reported that a teacher and her two children had drowned as they attempted to unlawfully cross the border to Greece via the Evros or Meriç river.²⁷ The incident illustrates the severity of the desperate situation in which many teachers and academics find themselves. Dismissed from their jobs, they are unable to find new employment, and have had their social security benefits revoked and their passports cancelled. They are cast out of society by means of state practices.

THE RIGHT TO A FAIR TRIAL AND AN EFFECTIVE REMEDY

The Turkish government claims that the judiciary is fully independent and that it acts within the rule of law. Yet lawyers are crippled by the politicisation of the judiciary and other forms of obstruction of justice, including the limitation on legal defence that has been introduced by statutory decree, which nullifies the rule of law and severely undermines justice.

The judiciary has long suppressed dissident voices. It has become a tool with which the government can intimidate its opponents through arbitrary detention, extended pre-trial detention, and draconian sentences. Anyone – even ordinary citizens – with an opinion contrary to the official government line is at risk of prosecution for acting as a terrorist, spy, or traitor. Judicial harassment and financial penalties as well as threats of revoked licenses are commonplace.²⁸ It is also believed that detentions and arrests are sometimes used by the government as a bargaining tool in their relations with Western governments.²⁹

In his third-party intervention to the European Court of Human Rights (ECtHR) in the cases of ten Turkish journalists, the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, David Kaye, stated:

“Turkey's own judiciary has proven unable, or unwilling, to act as an adequate safeguard against Turkey's continuing violations of its citizens' rights to freedom of expression and opinion.” He also underlined that “the judiciary is under intense pressure from Turkey's executive branch. In the first five months after the coup attempt, 3,626 judges and prosecutors were removed under emergency decrees.”³⁰

In a similar vein, the Commissioner for Human Rights of the Council of Europe, Nils Muižnieks, in his memorandum on freedom of expression and media freedom in Turkey stressed that:

23 “CHP's Enis Berberoglu Sentenced to 5 Years and 10 Months' Imprisonment”, Cumhuriyet, 14 Feb. 2018, http://www.cumhuriyet.com.tr/haber/english/926612/CHP_s_Enis_Berberoglu_sentenced_to_5_years_and_10_months__imprisonment.html# (accessed 22 Mar. 2018).

24 “The Purge of Academics in Turkey”, Advocate, 5 Mar. 2017, <http://gcadvocate.com/2017/03/05/purge-academics-turkey/> (accessed 22 Mar. 2018).

25 Baris İçin Akademisyenler (“Academics for Peace”), <https://barisicinakademisyenler.net> (accessed 22 Mar. 2018).

26 “No End in Sight: Purged Public Sector Workers Denied a Future in Turkey”, Amnesty International, 2017, <https://www.amnesty.org/download/Documents/EUR4462722017ENGLISH.PDF> (accessed 22 Mar. 2018).

27 “It Was so Cold It Felt like an Arrow through My Heart”, Euronews, 19 Feb. 2018, <http://www.euronews.com/2018/02/19/-it-was-so-cold-it-felt-like-an-arrow-through-my-heart-> (accessed 22 Mar. 2018).

28 “Erdogan'in avukatlarından 'Hak savunucusu Eren Keskin barodan atılsın' basvurusu”, Sendika.org, 6 Feb. 2018. <http://sendika62.org/2018/02/erdoganin-avukatlarindan-hak-savunucusu-eren-keskin-barodan-atilsin-basvurusu-473089/> (accessed 22 Mar. 2018).

29 N. Schenckan, “Turkey's New Foreign Policy Is Hostage-Taking”, Foreign Policy, 2 Mar. 2018. <http://foreignpolicy.com/2018/03/02/turkeys-new-foreign-policy-is-hostage-taking/> (accessed on 25 Mar. 2018).

30 “Intervention of United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression”, 20 Oct. 2017, <http://www.ohchr.org/Documents/Issues/Expression/AmicusFiling-ECHR-Turkey-UNSR.pdf> (accessed 22 Mar. 2018).

“The rapid deterioration in freedom of expression and media freedom went hand-in-hand with the erosion of the independence of the Turkish judiciary. The latter culminated in the drastic measures taken under the state of emergency, which display a serious disregard of the principles of the independence of the judiciary. In this environment of fear, the remaining judges and prosecutors have clearly reverted to their state-centric approach, thereby offsetting progress which was achieved painstakingly through the sustained efforts of the Turkish authorities themselves and the support of various bodies of the Council of Europe.”³¹

Extended pre-trial detention is a regular practice as detainees remain in custody without due process. Among the detainees registered by Human Rights Joint Platform, approximately 600 are lawyers arrested on presumption of “guilt by association” with clients. This constitutes a violation of the right to defence and a fair trial. The state of emergency decrees allow for incommunicado detention without access to a lawyer for up to five days.³² Detainees state that they have been held incommunicado, without access to a lawyer or relatives, and without being formally charged.³³

Journalist Deniz Yücel's case is a particularly illustrative example of the government's influence on the judiciary. Yücel was the Turkey correspondent for the German newspaper *Die Welt*. He was arrested in February 2017 on accusations of “membership in a terrorist organisation, spreading propaganda and misuse of information.” During the one-year period that Yücel was under arrest, no charges were brought against him. President Erdogan has repeatedly declared that Yücel was a “German spy and a terrorist” and that “he would not be extradited to Germany as long as [Erdogan] is in power”. On 16 February 2018, Yücel was eventually released after a meeting between German Chancellor Angela Merkel and Turkish Prime Minister Binali Yıldırım in Berlin. It was reported in the German press that a secret arms deal had been struck in exchange for Yücel's release.³⁴

THE RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE, AND RELIGION

According to its constitution, the Republic of Turkey is a “secular state”. The constitution and other domestic laws protect “freedom of conscience, belief, expression, and worship”, and prohibit religious discrimination. But despite constitutional protection, these rights are not extended to all groups in practice.

One group whose rights are routinely violated is the Kurdish community. Turkey has never been able to come close to resolving the Kurdish question. Despite attempts to ameliorate legislative conditions and accommodate the Kurdish identity, comprehensive democratisation and restorative justice has never been on the agenda. It is commonly estimated that 40,000–60,000 people have been killed in the conflict since 1984. The breakdown of the ceasefire agreement in 2015 resulted in rapid escalation of violence throughout 2016.

The Kurdish community has been the frequent target of President Erdogan's wrath in the form of decrees and crackdowns. In mid-March 2017, the Turkish government jailed 13 members of the pro-Kurdish democratic opposition in parliament and forcibly took control of 82 municipalities in the south-east of Turkey. Elected mayors have been suspended, imprisoned on trumped-up charges of “suspicion of terrorism”, and replaced by government-appointed bureaucrats. Across southeast Turkey, where the majority of the population is Kurdish, the government fired over 80 elected mayors and replaced them with state-appointed trustees.³⁵ Civil society activists, journalists, and lawyers who have been associated with Kurdish human rights organisations have been harassed or imprisoned.

Another group that has been particularly affected is Turkey's most populous religious minority, the community referred to as Alevi. At 20 to 25 million, they make up around a quarter of the country's population. The Alevi houses of worship are called “cemevi”; but

31 “Memorandum on Freedom of Expression and Media Freedom in Turkey”, Commissioner for Human Rights of the Council of Europe, 15 Feb. 2017, <https://rm.coe.int/memorandum-on-freedom-of-expression-and-media-freedom-in-turkey/16806f1ae2> (accessed 22 Mar. 2018).

32 “World Report 2017: Turkey, Events of 2016”, Human Rights Watch, n.d., <https://www.hrw.org/world-report/2017/country-chapters/turkey> (accessed 18 Mar. 2018).

33 “Report of the Special Rapporteur on Torture”.

34 M. Gebauer and C. Schult, “Berlin Weighs Tank Deal with Turkey to Free Journalist”, Spiegel Online, 22 Jan. 2018, <http://www.spiegel.de/international/germany/arms-for-hostage-germany-explores-yuecel-deal-with-turkey-a-1189197.html> (accessed 22 Mar. 2018).

35 P. Kingsley, “Amid Turkey's Purge, a Renewed Attack on Kurdish Culture”, New York Times, 29 June 2017, <https://www.nytimes.com/2017/06/29/world/middleeast/amid-turkeys-purge-a-renewed-attack-on-kurdish-culture.html> (accessed 25 Mar. 2018)

the Turkish government has refused to classify these as official places of worship.³⁶ In April 2016, the ECtHR ruled that Turkey's continued refusal to recognise Alevi cemevis and religious leaders constitutes a violation of the European Convention.³⁷

In 2016, the Alevi-owned channels TV10 and Yol TV were charged with allegedly "insulting President Erdogan, promoting discrimination in society, and praising terrorist organisations."³⁸ As of January 2018, TV10's Editor-in-Chief, Veli Büyüksahin, and the Alevi journalist Veli Haydar Güleç are under arrest.³⁹

In 2017, sporadic incidents were reported of doors marked with an "X" in Alevi neighbourhoods in Ankara, Istanbul, and Malatya. The incidents remained unexplained and the culprits were never found.⁴⁰

Religious discrimination also affects other faith communities. In the aftermath of the failed coup in 2016, Reverend Andrew Brunson, a U.S. citizen residing and leading a small Evangelist church in Izmir for 20 years, was arrested. Brunson's continued arrest is one of the most significant diplomatic points of friction between the US and Turkey. He is charged with acts of terrorism because of his alleged ties to the Gülen movement and the failed coup.⁴¹

On 25 March 2016, the *Official Gazette* reported that an "urgent expropriation" cabinet decision had been taken regarding 6,300 plots of land previously belonging to ancient Christian communities in the south-east of Turkey. The Surp Sarkis Chaldean Church, the Virgin Mary Ancient Assyrian Church, and the City's Protestant Church have also been expropriated.⁴² However, on

1 March 2018, the Turkish Council of State (Danıştay) overturned the decision on expropriation of the Armenian Saint Giragos Church of Diyarbakir.⁴³

Religious discrimination is also an issue in schools. The national curriculum renders courses in "religious culture and moral knowledge" compulsory, starting from primary school. While non-Muslim pupils may be deemed exempt from taking these classes, they must submit an official request citing their religious affiliation, which can lead to social ostracism.⁴⁴ In 2014, the ECtHR decided that the requirement that students disclose their religious affiliation is in violation of the European Convention.⁴⁵

A general problem of concern to students of all religious affiliations, and especially secular-minded parents and students, is the conversion of public secondary schools into state-run religious schools, known as "imam-hatip" schools. At the beginning of 2018 there were 4,000 imam-hatip schools in Turkey, catering to over 1.3 million students; and more such schools are planned. As of 2012, the age-limit for students entering imam-hatip schools was lowered to ten years. The government plans to double the budget allocated to imam-hatip secondary schools to 1.68 billion dollars in 2018, nearly a quarter of the total secondary school budget.⁴⁶

There are also threats to the right to freedom of conscience. One particularly problematic area is military service, which is compulsory in Turkey. The right to conscientious objection is not recognised. On the contrary, conscientious objection to military service is considered a crime in Turkey, and those who refuse to serve in the army are prosecuted.⁴⁷

36 P. Kingsley, "Turkey's Alevi, a Muslim Minority, Fear a Policy of Denying Their Existence", *New York Times*, 22 July 2017, <https://www.nytimes.com/2017/07/22/world/europe/alevi-minority-turkey-recep-tayyip-erdogan.html> (accessed 22 Mar. 2018).

37 M. Hallam, "Turkey Discriminates against Alevi Faith, ECHR Rules", *DW*, 24 Apr. 2016, <http://www.dw.com/en/turkey-discriminates-against-alevi-faith-echr-rules/a-19214883> (accessed 22 Mar. 2018).

38 "Alevi Kanalı Yol TV de kapatıldı", *Demokratiohaber*, 22 Dec. 2016, <http://www.demokratiohaber.org/medya/alevi-kanali-yol-tv-de-kapatildi-h77216.html> (accessed 22 Mar. 2018).

39 "TV 10 yöneticileri Büyüksahin ve Güleç tutuklandı", *Artigerçek*, 18 Jan. 2018, <https://www.artigercek.com/arriti-gercek-yazari-veli-buyuksahin-tutuklandi> (accessed 22 Mar. 2018).

40 "Concerns Rise after Alevi Homes 'Marked' in Malatya Neighborhood", *Hürriyet Daily News*, 22 Nov. 2017, <http://www.hurriyetaidailynews.com/concerns-rise-after-alevi-homes-marked-in-malatya-neighborhood-122880> (accessed 22 Mar. 2018).

41 C. Gall, "Americans Jailed after Failed Coup in Turkey Are Hostages to Politics", 7 Oct. 2017, <https://www.nytimes.com/2017/10/07/world/europe/turkey-american-detainees.html> (accessed 22 Mar. 2018); "Pastor Andrew Brunson", United States Commission on International Religious Freedom, n.d., <http://www.uscirf.gov/pastor-andrew-brunson> (accessed 22 Mar. 2018).

42 U. Gültekin, "Churches of Diyarbakir also expropriated", *Agos*, 28 Mar. 2016, <http://www.agos.com.tr/en/article/14839/churches-of-diyarbakir-also-expropriated> (accessed 22 Mar. 2018).

43 U. Gültekin, "Surp Giragos'un kamulaştırılması Danıştay'dan döndü", *Agos*, 28 Feb. 2018, <http://www.agos.com.tr/tr/yazi/20275/surp-giragosun-kamulastirmasi-iptal-edildi> (accessed 22 Mar. 2018).

44 Z. Meral, "Compulsory Religious Education in Turkey: A Survey and Assessment of Textbooks", United States Commission on International Religious Freedom, 2015, <https://www.uscirf.gov/sites/default/files/TurkeyTextbookReport.pdf> (accessed 22 Mar. 2018).

45 "Euro Court Calls on Turkey to Amend Religious Courses", *Hürriyet Daily News*, 16 Sep. 2014, <http://www.hurriyetaidailynews.com/euro-court-calls-on-turkey-to-amend-religious-courses-71791> (accessed 22 Mar. 2018).

46 D. Butler, "With More Islamic Schooling, Erdogan Aims to Reshape Turkey", *Reuters Investigates*, 25 Jan. 2018, <https://www.reuters.com/investigates/special-report/turkey-erdogan-education/> (accessed 22 Mar. 2018).

47 Ö. Heval Çınar, "The Right to Conscientious Objection to Military Service and Turkey's Obligations under International Human Rights Law", *International Journal of Constitutional Law*, vol. 13, no. 1, 2015, p. 327, <https://academic.oup.com/icon/article/13/1/327/689959> (accessed 22 Mar. 2018).

Anti-Semitism, vocalised through all kinds of media, also remains a problem in Turkey.

THE RIGHT TO FREEDOM OF EXPRESSION

Although independent media outlets continue to exist in Turkey, they face tremendous political pressure and are routinely targeted through legal action. The prosecution and imprisonment of journalists have reached unprecedented levels and Turkey is known as one of the world's leading jailer of media workers. President Erdogan is waging a persistent war against the independent media through physical assaults, arrests, and intimidation of journalists. Media outlets are consistently subjected to censorship and journalists are forced into exile.

Moreover, the government-controlled media conducts regular smear campaigns against dissidents. Anyone that dissents from the official view is at risk of being charged with acting as a spy, terrorist, and/or traitor. The government and government-controlled media have adopted a discourse that criminalises human rights defenders, labelling them as “agents of foreign forces” and “terrorist lovers or supporters”.⁴⁸

According to figures from the independent news platform P24, the number of journalists behind bars in Turkey in February 2018 was 155.⁴⁹ Most of the journalists who are arrested face lengthy pre-trial detention. Recently, six journalists – including the novelist Ahmet Altan and veteran journalist Nazlı Ilıcak – were given aggravated life sentences for their writings.⁵⁰ Throughout 2016 and 2017, dozens of Kurdish journalists were also arrested and/or prosecuted on terrorism charges.⁵¹

In a joint statement, the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, David

Kaye, and the Organization for Security and Co-operation in Europe Representative on Freedom of the Media, Harlem Désir, declared that the life sentences were “unprecedented” and called “on Turkey to reverse [the] decision and release the journalists.” They stated: “Imprisonment for journalism not only silences the journalists, but it also deprives Turkish citizens of their right to access pluralistic views on issues that can directly affect their lives.”⁵²

A striking case in recent years is the freedom of the press campaign “Editor-in-Chief on Watch”. Dozens of participants in the campaign – which was supported by over 100 journalists, human rights defenders, and intellectuals – have been prosecuted for “propagandizing for” and “publishing and spreading statements of terrorist organisations”. The campaign was launched on 3 May 2016 when participants assumed responsibility as Editors-in-Chief of the *Özgür Gündem* newspaper for a day in a symbolic act of solidarity.⁵³ Around 50 of those who took part in the “Editor-in-Chief on Watch” campaign faced prosecution. Though eleven cases ended in non-prosecution, 38 human rights defenders were charged under Articles 6 and 7(2) of the anti-terror law.

In June 2016, prior to the attempted coup, Reporters Without Border's Turkey Representative and Bianet Rapporteur, Erol Önderoğlu; journalist-author Ahmet Nesin; and Human Rights Foundation of Turkey's President, Sebnem Korur Fincancı, were arrested and detained for several weeks as part of the criminal investigation launched against the “Editor-in-Chief on Watch” campaign.⁵⁴ In the summer of 2017, journalist and human rights defender Murat Çelikkan was also imprisoned for taking part in

The prosecution and imprisonment of journalists have reached unprecedented levels and Turkey is known as one of the world's leading jailer of media workers

48 H. L. Smith, “Human Rights Workers Are Western Spies, Erdogan Claims”, *The Sunday Times*, 26 July 2017, <https://www.thetimes.co.uk/article/erdogan-brands-detained-human-rights-workers-western-spies-mzft582f8> (accessed 22 Mar. 2018).

49 “Journalists in State of Emergency – 124”, Platform for Independent Journalism (P24), 27 Feb. 2018, <http://platform24.org/en/articles/594/journalists-in-state-of-emergency---124> (accessed 22 Mar. 2018).

50 “Altans Verdict Draws Global Outcry: No Longer a State of Law”, Platform for Independent Journalism (P24), 16 Feb. 2018, <http://platform24.org/en/articles/586/altans-verdict-draws-global-outcry--no-longer-a-state-of-law> (accessed 22 Mar. 2018).

51 “Record Number of Journalists Jailed as Turkey, China, Egypt Pay Scant Price for Repression”, Committee to Protect Journalists, 13 Dec. 2017, <https://cpj.org/reports/2017/12/journalists-prison-jail-record-number-turkey-china-egypt.php> (accessed on 19 March 2018).

52 “Turkey: Life Sentences for Journalists Are ‘Unprecedented Assault on Free Speech’, say UN and OSCE Experts”, Office of the United Nations High Commissioner for Human Rights, 16 Feb. 2018, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22670&LangID=E> (accessed 22 Mar. 2018).

53 E. Akgül, “Trials of Özgür Gündem Editors-in-Chief on Watch”, *Bianet English*, 23 Oct. 2017, <https://m.bianet.org/english/media/190843-trials-of-ozgur-gundem-editors-in-chief-on-watch> (accessed 22 Mar. 2018).

54 “Turkey: Özgür Gündem ‘Editors-in-Chief on Watch’ must be released”, PEN International, 20 June 2016, <http://www.pen-international.org/newsitems/turkey-ozgur-gundem-editors-in-chief-on-watch-must-be-released/> (accessed 22 Mar. 2018).

the act of solidarity.⁵⁵ The campaign ended on 7 August 2016, only weeks after the failed coup attempt and the state of emergency declaration.⁵⁶

On 16 August 2016, the Istanbul 8th Court of Peace closed down *Özgür Gündem*. The newspaper had previously been banned between 1994 and 2011. Many of its reporters, editors, and employees – including newspaper vendors – have been arrested over the years on charges of supporting the Partiya Karkeren Kurdistan (PKK). In its decision, the court declared that the newspaper would be “temporarily shut down”, but did not mention how long this measure would last.⁵⁷ Following the decision of temporary closure, the police raided the newspaper’s offices and 22 persons were taken into custody. One of Turkey’s most prominent contemporary novelists, Asli Erdogan, and well-known linguist Necmiye Alpay were among those detained, as members of the newspaper’s publishing consultant board. Erdogan and Alpay were arrested on 19 August

and 1 September 2016 respectively; they were both released on 29 December 2016. *Özgür Gündem* was permanently closed down through Statutory Decree No. 675, issued under the state of emergency on 29 October 2016.⁵⁸

By the end of 2017, the Turkish government had through a number of governmental decrees ordered the closure of almost 200 media outlets, including 67 newspapers, 37 TV channels, six news agencies, 41 radio stations, 18 magazines, and 29 publishing houses.

By the end of 2017, the Turkish government had through a number of governmental decrees ordered the closure of almost 200 media outlets, including 67 newspapers, 37 TV channels, six news agencies, 41 radio stations, 18 magazines, and 29 publishing houses.

Judicial harassment has also been extended to those who criticise the military operation that Turkey has launched in Syria. The air and ground campaign – code-named “Operation Olive Branch” – started on 20 January 2018 and targeted Syria’s Afrin enclave, controlled by Kurdish forces.⁵⁹ There have been demonstrations in Turkey both for and against the military operation. President Erdogan has made threats against those who oppose the action and says that they will pay a “heavy price”.⁶⁰ More than 800 social media users, including around a dozen journalists, have been arrested for allegedly criticising the operation.⁶¹ One may speculate that this military incursion marks a new chapter of declining democracy and respect for human rights in Turkish history.

THE RIGHT TO FREEDOM OF ASSEMBLY AND ASSOCIATION

The right to freedom of assembly and association is guaranteed under Article 33 and 34 of the Constitution of the Republic of Turkey. Article 34 specifically states: “Everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission.” Yet, peaceful demonstrations are often met with violence by state security forces. The authorities have also imposed bans on public assemblies.⁶²

The continuing state of emergency in Turkey and the crackdown on its civil society have led to the closing down of over a thousand associations and more than a hundred foundations in the country. Human rights defenders and journalists who continue their work despite the increasingly pressing situation face the risk of reprisals on a daily basis. At the end of 2017, the number of civil society organisations and associations that had been closed down by various decrees reached 1,424.⁶³ Among these groups are the foremost children’s

55 H. Kalafat, “Özgür Gündem Editor-in-Chief on Watch Çelikkan Sent Off to Prison”, *Bianet English*, 14 Aug. 2017, <https://m.bianet.org/english/human-rights/189100-ozgur-gundem-editor-in-chief-on-watch-celikkan-sent-off-to-prison> (accessed 22 Mar. 2018).

56 E. Akgül, “Trials of Özgür Gündem Editors-in-Chief on Watch”, *Bianet English*, 23 Oct. 2017, <https://m.bianet.org/english/media/190843-trials-of-ozgur-gundem-editors-in-chief-on-watch> (accessed 22 Mar. 2018).

57 E. Akgül, “Özgür Gündem Newspaper Shut down”, *Bianet English*, 16 Aug. 2016, <https://bianet.org/english/media/177853-ozgur-gundem-newspaper-shut-down> (accessed 22 Mar. 2018).

58 Ö. Öğret, “Turkey Crackdown Chronicle: Week of October 30”, *Committee to Protect Journalists*, 31 Oct. 2016, <https://cpj.org/blog/2016/10/turkey-crackdown-chronicle-week-of-october-30.php> (accessed 22 Mar. 2018).

59 K. Shaheen, “Turkey Starts Ground Incursion into Kurdish-Controlled Afrin in Syria”, *The Guardian*, 21 Jan. 2018, <https://www.theguardian.com/world/2018/jan/21/turkey-starts-ground-incursion-into-kurdish-controlled-afrin-in-syria> (accessed 22 Mar. 2018).

60 “Erdogan: Meydanlara çıkma yanlısına düşenler bedelini çok ağır öder”, *Sputnik Türkiye*, 21 Jan. 2018, <https://sptnkne.ws/g6qQ> (accessed 22 Mar. 2018).

61 “5 Arrests in 3 Cities for ‘Propaganda’ on Social Media”, *Bianet English*, 8 Mar. 2018, <http://bianet.org/english/freedom-of-expression/194971-5-arrests-in-3-cities-for-propaganda-on-social-media> (accessed 22 Mar. 2018).

62 “World Report 2018: Turkey, Events of 2017”.

63 “Olaganüstü Hal Tedbir ve Düzenlemeleri – Güncellenmiş Durum Raporu – Türkiye 21 Temmuz 2016-31 Aralık 2017”, *Insan Hakları Ortak Platformu*, 11 Jan. 2017, http://www.ihop.org.tr/wp-content/uploads/2018/01/OHALdurumraporu_31122017.pdf (accessed 22 Mar. 2018).

rights group in Turkey, two lawyers' associations focusing on human rights issues, and various women's rights organisations.⁶⁴

The government has also increased the pressure on remaining organisations. The 2004 associations law, generally seen as an improvement from the previous law from 1980, places a significant administrative and financial burden on human rights defenders and their organisations.⁶⁵ In order to receive funding instalments, organisations must submit both the relevant contracts and the contents of their projects to the authorities. Additionally, organisations must notify the authorities of every payment they make. Non-compliance is allegedly sanctioned with heavy fines, even for automatic deductions, such as banking fees. As a result, the law takes state control as its central focus rather than the internal functioning of individual organisations.

THE RIGHT TO PROTECTION AGAINST DISCRIMINATION

Since the state of emergency was officially declared, all human rights efforts in the country have been strongly affected, including those concerning the LGBT community. Fractures in society have contributed to the rise of homophobia and transphobia. Already disadvantaged groups such as women, children, LGBT persons, ethnic and religious minorities, and refugees are facing more acute problems than before the attempted coup in July 2016. Reported cases of violence against women and children have climbed rapidly and all LGBT events are banned.

The Istanbul Pride Parade has been a regular feature in Turkey since 2003. In 2015, the parade was banned for the first time. The decision was justified with reference to concerns over the "safety of citizens and participants" and the stability of the public order. Following the attacks on LGBT persons throughout 2016 and 2017, the Pride parade was banned by the local government in Istanbul. Activists who had gathered for a small and peaceful protest were violently pushed back by the police in a manner similar to events in 2016,

when members of the LGBT community were dispersed with tear gas and rubber bullets.

On 19 November 2017, the Office of the Governor of Ankara issued a statement declaring that all LGBT events – including film screenings, theatre plays, panel discussions, and exhibitions – were prohibited until further notice. The local authorities claim that the intention of the ban, which is a clear attempt to intimidate LGBT activists, is to create peace and security in Ankara as well as to protect public health and morality.

The governor's office stated that Turkey is a diverse society with significant social, cultural, racial, religious, and regional diversity, which is why LGBT activism poses an imminent danger to public safety. However, the authorities have not disclosed any particular incidents or threats to back up their claims.

Turkish LGBT organisations are important and respected human rights actors, committed to creating a more equal society. The long-term restrictive measures imposed by the authorities are now depriving LGBT activists and persons of their basic rights and freedoms, including their rights to freedom of expression, association, and participation in society. The current crackdown on all critical voices threatens the work of human rights organisations in Turkey, while rising levels of homophobia are affecting the everyday lives of LGBT persons.

Violence against women also remains a serious concern in Turkey, including deaths caused by domestic violence and so-called "honour killings". According to the We Will Stop Femicide Platform, in 2017 alone 409 women were killed, 387 minors were subjected to abuse, and 332 women became victims of sexual violence.⁶⁶ The United Nations Committee on the Elimination of Discrimination against Women has also raised serious concerns about how the Ministry of Family Affairs (formerly the Ministry of Women) is increasingly putting emphasis on women as mothers rather than human beings with equal rights and dignity.⁶⁷

64 "Çağdas Hukukçular Derneği ve Özgürlükçü Hukukçular Derneği de kapatıldı!", T24, 11 Nov. 2016, <http://t24.com.tr/haber/cagdas-hukukcular-dernegi-ve-ozgurlukcu-hukukcular-dernegi-de-kapatildi,370275> (accessed 22 Mar. 2018); U. A. Salman, "Gündem Çocuk' kapatıldı, davalar sahipsiz kaldı", Al Jazeera Turk, 23 Nov. 2016, <http://www.aljazeera.com.tr/al-jazeera-ozel/gundem-cocuk-kapatildi-davalar-sahipsiz-kaldi> (accessed 22 Mar. 2018); "Faaliyeti durdurulan bütün kadın dernekleri 'KHK' ile kapatıldı", Siyasi Haber, 22 Nov. 2016, <http://siyasihaber3.org/faaliyeti-durdurulan-kadin-dernekleri-khk-ile-kapatildi> (accessed 22 Mar. 2018).

65 Law No. 5253 on Associations, 4 Nov. 2004, https://www.dernekler.gov.tr/en/Statute/Compiled-statute-Laws/5253_Associations-Law.aspx (accessed 25 Mar. 2018).

66 "Kadın Cinayetlerini Durduracağız Platformu 2017 Veri Raporu", Kadın Cinayetlerini Durduracağız Platformu, 1 Jan. 2018, <http://kadincinayetleriniurduracagiz.net/veriler/2845/kadin-cinayetlerini-durduracagiz-platformu-2017-veri-raporu> (accessed 22 Mar. 2018).

67 "Committee on the Elimination of Discrimination against Women Examines Report of Turkey", Office of the United Nations High Commissioner for Human Rights, 13 July 2016, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20266&LangID=E> (accessed 22 Mar. 2018).

CONCLUSION AND RECOMMENDATIONS

Turkey is at a critical point in its history. The toxic climate that has prevailed since July 2016 continues to erode already fragile rights as draconian measures are imposed on all sectors of society. The growing democratic deficit and declining respect for rights and freedoms have created a hostile environment for anyone with a dissenting view. Turkish civil society and human rights defenders have been severely affected by this increasingly authoritarian atmosphere.

Turkey's derogations from the European Convention on Human rights and the International Covenant on Civil and Political Rights are deeply worrisome. Although the derogation provision allows Turkey to temporarily suspend some of its obligations in case of a threat to

the nation, it may not – even in times of emergency – derogate from its obligations to protect the right to life, prohibit torture, adhere to the fundamentals of due process and non-discrimination, and protect everyone's right to freedom of belief and opinion. Yet, the numbers of reports that show evidence of torture, ill-treatment during detention, and abuse of judicial discretion are staggering.

Turkey is departing fast from its domestic and international commitments to protecting human rights and freedoms, while democratic mechanisms and structures are being replaced by an environment rife with judicial harassment and an almost non-existent civic space.

Civil Rights Defenders calls on the Government of Turkey to:

- Put an end to the current state of emergency;
- Reinstate all those dismissed from their positions without evidence of links to the attempted coup across the media, academic, and civil society sectors as well as the judiciary;
- Immediately honour its obligations under the various human rights treaties that it is a party to, especially concerning the rights to freedom of expression, assembly, and association;
- To ensure that all judicial institutions function independently of the political influence and within the norms of the rule of law;
- To thoroughly investigate all claims of ill-treatment and torture;
- To stop prosecuting those who express criticism and dissent;
- To restrain from using a criminalising and stigmatising rhetoric that targets dissidents and human rights activists;
- To review the Anti-Terror Law, in particular Article 7 §2 about spreading propaganda on behalf of a terrorist organisation;
- To release all Members of Parliament who have been imprisoned for exercising their right to freedom of speech;
- To release all the journalists who have been charged or convicted for acting as “terrorists”, “foreign agents”, or “conspirators” on the sole basis of their regular professional activities and exercising their right to freedom of expression through, for example, writing news articles and social media posts.

ANNEX 1

INTERNATIONAL HUMAN RIGHTS TREATIES RATIFIED BY TURKEY (MARCH 2018)

No	Treaty	Signed	Ratified
1	International Convention on the Elimination of All Forms of Racial Discrimination	1972	2002
2	International Covenant on Civil and Political Rights	2000	2003
	Optional Protocol to the International Covenant on Civil and Political Rights	2004	2006
	Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty	2004	2006
3	International Covenant on Economic, Social, and Cultural Rights	2000	2003
4	Convention on the Elimination of All Forms of Discrimination against Women		1985
	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	2000	2002
5	Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment	1988	1988
	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment	2005	2011
6	Convention on the Rights of the Child	1990	1995
	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	2000	2004
	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography	2000	2002
	Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure	2012	2017
7	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	1999	2004
8	Convention on the Rights of Persons with Disabilities	2007	2009
	Optional Protocol to the Convention on the Rights of Persons with Disabilities	2009	2015

EUROPEAN HUMAN RIGHTS TREATIES RATIFIED BY TURKEY (MARCH 2018)

No	Treaty	Signed	Ratified
1	European Convention for the Protection of Human Rights and Fundamental Freedoms	1950	1954
	Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms	1952	1954
	Protocol No. 2 to the Convention for the Protection of Human Rights and Fundamental Freedoms, conferring upon the European Court of Human Rights competence to give advisory opinions	1963	1968
	Protocol No. 3 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 29, 30, and 34 of the Convention	1963	1968
	Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto	1992	2003
	Protocol No. 5 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 22 and 40 of the Convention	1971	1971
	Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty	2003	2003
	Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms	1985	2016
	Protocol No. 8 to the Convention for the Protection of Human Rights and Fundamental Freedoms	1986	1989
	Protocol No. 9 to the Convention for the Protection of Human Rights and Fundamental Freedoms	1990	1995
	Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby	1994	1997
	Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms	2001	2002
	Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances	2004	2006
	Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention	2004	2006
	Protocol No. 15 to the Convention for the Protection of Human Rights and Fundamental Freedoms	2013	2016
2	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	1988	1988
	Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	1995	1997
	Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	1995	1997

ANNEX 2:

EUROPEAN NEIGHBOURHOOD POLICY AND ENLARGEMENT NEGOTIATIONS

Date	Action
13-12-1997	European Council Summit in Luxembourg declares Turkey eligible to become EU member
11-12-1999	European Council declares Turkey a Candidate Country under the Helsinki presidency
24-03-2001	Council adopts Accession Partnership for Turkey
19-05-2003	Council adopts revised Accession Partnership for Turkey
16-12-2004	European Council declares that Turkey sufficiently fulfils the criteria for opening accession negotiations in October 2005
03-10-2005	“Screening process” begins to determine to what degree Turkey meets the membership criteria and what remains to be done
03-10-2005	Council adopts negotiating framework, and negotiations are formally opened
01-06-2006	Negotiations opened and closed on Chapter 25 – Science and research
11-12-2006	Because Turkey refused to apply the Additional Protocol to the Ankara Agreement to Cyprus, the Council decides that eight chapters will not be opened
19-02-2008	Council adopts revised Accession Partnership for Turkey
30-06-2010	Negotiations opened on Chapter 12 – Food safety, veterinary and phytosanitary policy
17-05-2012	Positive Agenda intended to bring fresh dynamics into the EU-Turkey relations launched
05-11-2013	Negotiations opened on Chapter 22 – Reg. policy and coordination of structural instruments
16-12-2013	Visa liberalisation dialogue launched and EU-Turkey Readmission Agreement signed
20-10-2014	First Implementation Report on the Visa Roadmap
29-11-2015	First EU-Turkey Summit held and Joint EU-Turkey Action Plan activated
14-12-2015	Negotiations opened on Chapter 17 – Economic and monetary policy
18-03-2016	EU-Turkey Statement
20-04-2016	First Implementation Report on Statement
04-05-2016	Third Report on Visa Roadmap
15-06-2016	Second Implementation Report
30-06-2016	Accession conference with Turkey: Talks opened on Chapter 33 – Financial and budgetary provisions
28-09-2016	Third Implementation Report



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