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Introduction

This country of origin information report was drawn up on the basis of the questions asked and points for attention mentioned in the Terms of Reference (ToR) compiled by the Ministry of Justice and Security. The ToR for this country of origin information report was defined on 28 April 2023. This ToR, together with the report, is available at the Dutch Government's website.

This general country of origin information report describes the situation in Türkiye insofar as this affects the assessment of asylum applications from persons originating from this country, and for decision-making regarding the repatriation of rejected Turkish asylum seekers. This report is an update of the general country of origin information report on Türkiye of March 2022. The reporting period covers the period from March 2022 to August 2023. At the time of writing, certain political and societal developments and dynamics were still in a state of flux. This applied in particular to the repercussions of the February 2023 earthquakes, and to the results of the presidential and parliamentary elections held in May 2023.

This report does not claim to be exhaustive with regard to individual security incidents and human rights violations; the incidents specifically mentioned are cited for the purpose of substantiating and illustrating a more general view.

This report is a factual, neutral and objective representation of the findings that were made during the period under consideration. It is not a policy document, nor does it reflect the Dutch government's vision or policy in relation to any given country or region. The report does not contain any conclusions concerning immigration policy.

This country of origin information report has been compiled on the basis of public and confidential sources, using carefully selected, analysed, and verified information. In the compilation of this report, use was made of information from various sources, including non-governmental organisations (NGOs), specialist literature, media reporting, and relevant government agencies. Except where the facts are generally undisputed or unless stated otherwise, the content in this report is based on multiple sources. The text represents a compilation of information from the various sources. Where qualifications are used, these can be traced back to the sources. The public sources that were consulted are listed in Chapter 12 of this report.

The public sources consulted included both Turkish and Arabic texts. These texts were translated into Dutch by the Dutch Ministry of Foreign Affairs' Translation Service. The translations were published concurrently with this information report, but in a separate file. No rights may be derived from these translations, which were produced solely for informational purposes.

Some of the confidential information used was obtained during a fact-finding mission to the Turkish cities of Ankara, Diyarbakır¹ and Istanbul, which took place in June 2023. In addition, some of the information used was sourced from the Netherlands' foreign diplomatic missions in Istanbul and Ankara, and from confidential discussions and correspondence beyond the immediate context of the

¹ Referred to in Kurdish as *Amed*.

fact-finding mission. The information gleaned in this way was mainly used to support and augment passages founded on publicly available information. The sources are listed as 'confidential source' in the footnotes, and are accompanied by a date.

Chapter 1 focuses on the political backdrop and unfolding events, particularly the February 2023 earthquakes, the May 2023 presidential and parliamentary elections, and the course of the armed conflict between the Turkish state and the Kurdistan Workers' Party (PKK) on Turkish soil. Chapter 2 covers the UYAP, a judiciary informatics system developed by the Turkish government. The third chapter describes the general human rights situation in Türkiye and examines issues such as compliance with – and violations of – human rights in areas such as laws and regulations, freedom of expression, freedom of the media (online), freedom of movement, judicial process and legal protection, arrests, custody and detentions, ill-treatment, and torture. Chapter 4 describes the position of Gülenists (or alleged Gülenists). Chapter 5 highlights the position of Kurds and their political representatives, especially the Democratic Peoples' Party (HDP) and its sister party the Green Left Party (YSP). Chapter 6 explores the position of women. The seventh chapter addresses the situation of unaccompanied minors. Chapter 8 gives an account of the situation regarding sexual minorities (LGBTIQ+). Chapter 9 examines the issues associated with draft evasion and desertion. Chapter 10 outlines the position of irregular migrants, asylum seekers in general, and asylum status holders, with a particular focus on Syrians and Afghans. Chapter 11 addresses the potential risks faced by Turkish citizens when returning to Türkiye (including instances of forced repatriation). In conclusion, the twelfth chapter contains a list of abbreviations, foreign terms, and a bibliography.

In December 2021, President Recep Tayyip Erdoğan issued a decree stating that Turkey should henceforth be referred to as *Türkiye* at international level. On 1 June 2022, Mevlüt Çavuşoğlu (the Minister of Foreign Affairs at that time) formally petitioned the United Nations, requesting that Turkey should henceforth be referred to as *Türkiye*, in English.² This request for a change of name was immediately granted.³ The country's Dutch name remains unchanged. Accordingly, the Dutch version of this information report uses *Turkiye*. However, the Dutch government will use the name *Türkiye* in its English communications.⁴

² This was because the English name 'Turkey' is associated with poultry.

³ Al Jazeera, *UN agrees to change Turkey's official name to 'Türkiye'*, 2 June 2022. The Guardian, *Turkey officially changes name at UN to Türkiye*, 2 June 2022. Dutch Broadcasting Foundation (NOS), *Geen 'kalkoen' meer, maar Türkiye, VN past naam Turkije aan*, 3 June 2022. UN, *Turkey's name changed to Türkiye*, 3 June 2022.

⁴ Confidential source, 16 June 2023.

1 Country information

1.1 Political context

1.1.1 Introduction

The conservative Islamic party *Adalet ve Kalkınma Partisi* (Justice and Development Party, AKP) has held power in Türkiye since 2002. The AKP emerged victorious in the 24 June 2018 elections, thanks to the backing of the ultranationalist *Milliyetçi Hareket Partisi* (Nationalist Movement Party or Nationalist Action Party, MHP). By partnering with the MHP, they were able to secure a majority in the Turkish parliament^{5, 6}.

Recep Tayyip Erdoğan, co-founder and leader of the AKP, took office as the Prime Minister of Türkiye in 2003. Erdoğan assumed the presidency of Türkiye in 2014, after serving three terms as Prime Minister.⁷ On 9 July 2018, he assumed the presidency under the new presidential system, which granted him extensive powers, including the authority to issue presidential decrees. Prior to this, the nation operated under a parliamentary system, in which the presidency had a predominantly ceremonial function.⁸ On 1 October 2021, President Erdoğan called on all political parties to collaborate in drafting a new constitution.⁹ President Erdoğan reiterated his call for the drafting of a new constitution on 14 April,¹⁰ 10 May,¹¹ and 25 July 2023.¹²

During the reporting period, Turkish politics were primarily shaped by the presidential and parliamentary elections held in May 2023. In the run up to these elections, five alliances came together. In the context of this report, it is pertinent to examine the following three alliances: the *Cumhur İttifakı* ('People's Alliance'), the *Millet İttifakı* ('Nation Alliance') and the *Emek ve Özgürlük İttifakı* ('Labour and Freedom Alliance').¹³

President Erdoğan was the presidential candidate of the People's Alliance. This alliance comprises the AKP, the MHP, and two additional parties.¹⁴ There was controversy regarding President Erdoğan's eligibility to run for office again. Some opposition parties contended that, under the Turkish constitution, no President can serve more than two terms. President Erdoğan had already been elected twice, in 2014 and in 2018. However, the government faction maintained that President Erdoğan had served his initial term under the parliamentary system, and that he had only served one term as President following the transition to the presidential

⁵ The full name of the Turkish parliament is *Türkiye Büyük Millet Meclisi* (Grand National Assembly of Türkiye, GNAT).

⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 9.

⁷ British Broadcasting Corporation (BBC), *Turkey's Erdogan fighting to stay in power after 20 years*, 8 February 2023.

⁸ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, October 2019, pp. 5 and 6.

⁹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 10.

¹⁰ Anadolu Agency (AA), *Turkish president calls for new constitution embracing all people*, published on 14 April 2023, updated on 15 April 2023. Hürriyet Daily News (HDN), *Erdoğan calls for new constitution embracing all people*, 15 April 2023.

¹¹ HDN, *Erdoğan vows new civilian, libertarian constitution*, 10 May 2023.

¹² HDN, *President Erdoğan vows new civilian charter to mark centennial*, 25 July 2023.

¹³ Referred to in Kurdish as the *Hevkariya Ked û Azadiyê*. Bianet, *How Turkey's new electoral law will affect outcome of May 14 polls*, 10 April 2023.

¹⁴ The two other parties are the *Büyük Birlik Partisi* (Great Unity Party, BBP) and the *Yeniden Refah Partisi* (New Welfare Party, YRP). The BBP is characterised by ultra-nationalist and Islamist leanings, whereas the YRP is primarily aligned with Islamist principles.

system. Consequently, he was eligible to seek a second term as President under the presidential system.¹⁵

President Erdoğan's candidacy was officially endorsed by the *Yüksek Seçim Kurulu* (Supreme Election Council, YSK) on 30 March 2023.¹⁶ A petition to invalidate President Erdoğan's candidacy was submitted to the YSK by Turgut Kazan, an attorney and former President of the Istanbul Bar Association. The YSK dismissed the petition as having no merit, prompting Kazan to submit the case to the European Court of Human Rights (ECtHR)¹⁷ in Strasbourg.¹⁸ At the time of writing, the ECtHR had not yet begun processing this petition.¹⁹

In addition to Kazan, thousands of others submitted petitions to the YSK, seeking to invalidate President Erdoğan's candidacy. One of these was a judge by the name of Ahmet Çakmak. The *Hâkimler ve Savcılar Kurulu* (Council of Judges and Prosecutors, HSK) subsequently dismissed him from his post on 6 July 2023. Çakmak appealed against his forced dismissal, arguing that he had submitted the petition as a citizen of voting age. He was suspended while his appeal was pending.²⁰

The Nation Alliance is commonly known as the 'Table of Six', because it consists of six opposition parties. The *Cumhuriyet Halk Partisi* (Republican People's Party, CHP) and the *İYİ Parti* (Good Party) are the two largest parties in this opposition bloc.²¹ Under the leadership of Kemal Kılıçdaroğlu, the CHP is committed to achieving a secular society. The Good Party – which is characterised by right-wing and nationalistic leanings – emerged as a breakaway faction from the MHP in 2017.²² The Nation Alliance unveiled its election programme on 30 January 2023. This programme's main goal was to dispense with the presidential system and revert to an 'enhanced parliamentary system'.²³ On 6 March 2023, the six opposition parties collectively endorsed CHP leader Kılıçdaroğlu as their presidential candidate.²⁴

The Labour and Freedom Alliance is led by the *Halkların Demokratik Partisi* (Democratic Peoples' Party, HDP).²⁵ After the CHP, the HDP is the largest opposition party in Türkiye. The left-wing/progressive HDP is often labelled as 'pro-Kurdish' or 'sympathetic to the Kurdish cause', as the majority of its members and supporters are Kurds (see Subsection 5.5.1 for further details about the HDP).²⁶ The Labour

¹⁵ HDN, *Erdoğan will run for president for second time, not third: Parliament speaker*, 10 February 2022. HDN, *Election watchdog OKs Erdoğan's candidacy, rejects appeals*, 30 March 2023. Duvar English, *Supreme Election Council allows Erdoğan to run for presidency again*, 30 March 2023.

¹⁶ HDN, *Election watchdog OKs Erdoğan's candidacy, rejects appeals*, 30 March 2023. Duvar English, *Supreme Election Council allows Erdoğan to run for presidency again*, 30 March 2023.

¹⁷ The ECtHR is referred to in French as the *Cour européenne des droits de l'homme* (CEDH).

¹⁸ Bianet, *Reputable lawyer brings Erdoğan's candidacy to ECtHR*, 14 April 2023.

¹⁹ Confidential source, 2 August 2023.

²⁰ Cumhuriyet, *Erdoğan'ın 3. kez adaylığına itiraz eden yargıç Ahmet Çakmak, ihraç edildi: 'HSK iktidarın emrinde' ('Judge Ahmet Çakmak, who had objected to Erdoğan's candidacy for a third term, has been dismissed: "HSK is being influenced by the government"')*, 13 July 2023. Duvar English, *Top judicial body dismisses judge who objected to Erdoğan's third-time candidacy*, 13 July 2023. Gerçek News, *Turkish judge removed with trivial reasons after daring to challenge Erdogan's candidacy*, 13 July 2023.

²¹ The other four parties were the *Demokrasi ve Atılım Partisi* (Democracy and Progress Party, DEVA), *Gelecek Partisi* (Future Party, GP), *Saadet Partisi* (Felicity Party, SP) and *Demokrat Parti* (Democrat Party, DP). The DEVA and the GP are breakaway factions of the AKP. The DEVA is a centre party, while the GP has conservative leanings. The SP is an Islamist party, while the DP has a conservative/liberal ideology.

²² Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 9.

²³ Al Jazeera, *Turkey opposition vows to cut presidential powers if it wins vote*, 30 January 2023. HDN, *Nation Alliance unveils comprehensive gov't program with 2,000 specific objectives*, 30 January 2023. Bianet, *Türkiye's main opposition bloc unveils government program*, 31 January 2023.

²⁴ Al Jazeera, *Turkey's opposition names Kılıçdaroğlu as presidential candidate*, 6 March 2023. Bianet, *Türkiye's opposition reunites, names Kılıçdaroğlu as candidate*, 6 March 2023. De Volkskrant, *Kan de 'Turkse Ghandi' het tijdperk Erdogan doorbreken?*, 7 March 2023. Nieuwe Rotterdamse Courant (NRC), *'Turkse Ghandi' moet Erdogan verslaan*, 8 March 2023. BBC, *Turkey's soft-spoken Kemal Kılıçdaroğlu takes on powerful Erdogan*, 20 April 2023.

²⁵ Referred to in Kurdish as the *Partiya Demokratik a Gelan*.

²⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 9.

and Freedom Alliance consists of a total of six left-wing parties. The HDP and the *Türkiye İşçi Partisi* (Workers' Party of Türkiye, TİP) are the two largest parties within this alliance.²⁷ On 22 March 2023, the Labour and Freedom Alliance announced that it would not be fielding a presidential candidate of its own.²⁸ On April 27, 2023, the Labour and Freedom Alliance urged its supporters to cast their votes for Kılıçdaroğlu (the presidential candidate of the Nation Alliance) in the upcoming presidential election.²⁹

In the preceding reporting period, the *Anayasa Mahkemesi* (Constitutional Court, AYM), Türkiye's highest court, reviewed a charge aimed at banning the HDP. The chief prosecutor argued that, in addition to collaborating with the *Partiya Karkerên Kurdistanê* (Kurdistan Workers' Party, PKK), which the EU has branded a terrorist organisation, the HDP posed a threat to the cohesion of the Turkish nation (see Section 1.2 for further details about the PKK).³⁰ This court case became known as the '(HDP) closure case'.³¹ During the reporting period, the HDP made two appeals to the AYM, seeking a postponement of the closure case until after the May 2023 elections. The AYM refused to grant a postponement on two occasions, initially on 26 January 2023³² and again on 22 March 2023.³³ Consult Subsection 5.5.2 for further details about the closure case.

Faced with the imminent threat of a ban just before the elections, the HDP opted to contest the parliamentary elections under the banner of the *Yeşil Sol Parti* (Green Left Party, YSP)³⁴. This wide-ranging cooperation with the YSP ensured that HDP supporters would still be able to cast their ballots even if the HDP were to be banned. The HDP and the YSP are both situated on the political left. They support causes such as environmental issues and women's rights, as well as the rights of Kurds and sexual minorities (LGBTIQ+).³⁵ At the time of writing, there was news of a merger between the two parties, but this had not yet materialised.³⁶

1.1.2 Natural disaster

During the night of 5 to 6 February 2023, south-eastern Türkiye and north-western Syria experienced severe earthquakes, followed by smaller tremors and aftershocks. On 22 April 2023, Süleyman Soylu (the Interior Minister at that time) announced that the death toll in Türkiye had reached 50,783, which included 7,302 foreigners.³⁷ Most of these foreigners were Syrians.³⁸

²⁷ Bianet, *Labor and Freedom Alliance of HDP holds its first meeting in İstanbul*, 16 January 2023. Duvar English, *Freedom and Labor Alliance parties join forces for elections*, 17 March 2023. Bianet, *How Turkey's new electoral law will affect outcome of May 14 polls*, 10 April 2023.

²⁸ Bianet, *Swing vote in hand, HDP's alliance will not put up candidate for Turkey's presidential election*, 22 March 2023. HDN, *HDP-led alliance will not run in the presidential race*, 22 March 2023. Financial Times (FT), *Pro-Kurdish party signals support for Turkey's main opposition candidate*, 22 March 2023. Reuters, *In vote setback for Erdogan, Turkey's HDP will not field candidate*, 22 March 2023.

²⁹ Al Jazeera, *Turkey's pro-Kurdish party backs Erdogan's rival for president*, 28 April 2023. Bianet, *Kurdish-left alliance declares support for Kılıçdaroğlu in presidential election*, 28 April 2023.

³⁰ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 13.

³¹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 48.

³² Al Jazeera, *Turkish court rejects delay in case over pro-Kurdish HDP closure*, 26 January 2023. Al Monitor, *Turkey's pro-Kurdish party HDP faces threat of closure after top court ruling*, 26 January 2023. Bianet, *Constitutional Court refuses to postpone HDP closure case until after elections*, 26 January 2023. HDN, *Top court rejects HDP's demand to postpone closure case*, 26 January 2023.

³³ Bianet, *Constitutional Court rejects HDP's request to plead after the elections*, 22 March 2023.

³⁴ The YSP is referred to in Kurdish as the *Partiya Çep a Kesk*.

³⁵ Trouw, *Yesil Sol Party is 'plan B' voor Turkse Koerden*, 20 March 2023. Bianet, *HDP to compete in elections under Green Left Party, co-leader confirms*, 23 March 2023. FT, *Pro-Kurdish party switches to new banner to contest Turkish elections*, 23 March 2023. Bianet, *Green Left Party releases final declaration: 'Our mission is to end the one-man regime'*, 27 March 2023. HDP, *We launched our election campaign under the banner of the Green Left Party*, 3 April 2023.

³⁶ HDN, *HDP to merge with Green Left Party soon*, 2 August 2023.

³⁷ Middle East Monitor (MEMO), *50,783 people confirmed dead in Türkiye earthquakes*, 23 April 2023.

³⁸ Bianet, *Earthquake toll rises to 48,448 in Turkey*, 13 March 2023.

Following the revelation that thousands of buildings had collapsed, President Erdoğan faced extensive criticism from various quarters, not only from the opposition but also from relatives, survivors, attorneys, engineers, and architects. His critics asserted that, during his time in office, he had failed to make adequate preparations for earthquakes of this magnitude. They also contended that the government had been lax in enforcing building regulations, and there were delays and shortcomings in the emergency response.³⁹ There was also a notable lack of transparency about how the Turkish government had allocated the earthquake tax funds⁴⁰ it had collected over the years.⁴¹

As if that were not enough, on 14 March 2023, Şanlıurfa and Adıyaman, two provinces within the disaster area, were also hit by floods.⁴² By 20 March 2023, the death toll had risen to nineteen.⁴³

The human rights situation in Türkiye has been impacted by the February 2023 earthquakes. For further details regarding the status of journalists and citizens who criticised Turkish authorities in connection with the earthquakes, please see Subsection 3.5.5. Consult Section 3.9 for details of incidents of police violence against looters (or those suspected of looting) in the disaster area. Consult Section 6.6 for details of the earthquakes' impact on the status of women in the disaster area. Consult Subsection 10.3.7 for details of the earthquakes' impact on the situation of Syrian refugees in the Turkish part of the disaster area.

1.1.3 Election results

As previously stated, presidential and parliamentary elections took place on 14 May 2023. Four candidates took part in the presidential elections. On 19 May 2023, the YSK announced the final results of the presidential elections. President Erdoğan secured 49.52% of the votes, while Kılıçdaroğlu, the Nation Alliance's presidential candidate, received 44.88%. Since none of the candidates received more than fifty percent of the votes, a runoff election was held on 28 May 2023.⁴⁴ In this second round of voting, President Erdoğan emerged as the winner. The YSK announced the final results of the runoff election on 1 June 2023. President Erdoğan secured 52.18% of the votes, while Kılıçdaroğlu received 47.82%.⁴⁵ Erdoğan was sworn in as the President of Türkiye, once again, on 3 June 2023.⁴⁶

³⁹ Het Financieel Dagblad (FD), *Ook de machtsbasis van Erdogan vertoont na de aardbeving scheuren (Fractures have also appeared in Erdogan's power base in the aftermath of the earthquake)*, 11 February 2023. NRC, *De aardbeving kan het politieke lot van Erdogan bezegelen*, 11 February 2023. Nederlands Dagblad (ND), *Na de ramp in Turkije volgt de afrekening – ook met Erdogan*, 20 February 2023. NOS, *Turkije maakt jacht op bouwbedrijven, maar critici zoeken verantwoordelijkheid hogerop*, 10 March 2023. FD, *Aardbeving doet ook Erdogans positie schudden*, 10 April 2023.

⁴⁰ This tax was implemented in the aftermath of the 1999 Izmit earthquake, which claimed the lives of over seventeen thousand people, with the aim of mitigating earthquake-related damage.

⁴¹ FD, *Ook de machtsbasis van Erdogan vertoont na de aardbeving scheuren*, 11 February 2023. NRC, *De aardbeving kan het politieke lot van Erdogan bezegelen*, 11 February 2023. ND, *Na de ramp in Turkije volgt de afrekening – ook met Erdogan*, 20 February 2023. NOS, *Turkije maakt jacht op bouwbedrijven, maar critici zoeken verantwoordelijkheid hogerop*, 10 March 2023.

⁴² Al Jazeera, *Floods in Turkey kill 13 people in earthquake-affected provinces*, 15 March 2023. AA, *Death toll from floods in southeastern Türkiye rises to 14*, 15 March 2023. NOS, *Zeker 10 doden door overstromingen in aardbevingsgebied Turkije*, 15 March 2023. The Independent, *Floods hit earthquake disaster zone in Türkiye, killing at least a dozen*, 15 March 2023.

⁴³ Bianet, *Death toll from floods in quake-hit cities rises to 19*, 20 March 2023.

⁴⁴ Daily Sabah, *Türkiye's top election authority announces official election results*, 19 May 2023. The Independent, *Turkey's electoral board confirms 1st round election results, Erdogan meets 3rd party candidate*, 19 May 2023. HDN, *Türkiye's electoral board confirms 1st round election results*, 20 May 2023.

⁴⁵ Bianet, *Supreme Election Council releases final results of presidential runoff vote*, 1 June 2023. Daily Sabah, *YSK certifies Türkiye's election results, Erdoğan's victory*, 1 June 2023. HDN, *YSK concludes presidential polls, Erdoğan to take oath Saturday*, 1 June 2023. The Independent, *Turkish election body confirms Erdogan's victory in runoff vote*, 1 June 2023.

⁴⁶ Al Jazeera, *Turkey's Erdogan takes oath as president after historic win*, 3 June 2023. HDN, *Erdoğan sworn in for third term as president*, 3 June 2023. NOS, *Erdogan opnieuw beëdigd als president van Turkije*, 3 June 2023.

On 30 May 2023, the YSK declared the definitive seat allocation arising from the presidential elections held on 14 May 2023. Under the leadership of the AKP, the People's Alliance won 323 seats, preserving its majority in the 600-seat parliament. The Nation Alliance secured 212 seats, while the Labour and Freedom Alliance won 65 seats.⁴⁷ Below is a summary of the numbers of seats obtained by each party. This table is based on the seat allocation declared by the YSK.

Alliance	Party	Number of seats
People's Alliance	Justice and Development Party (AKP)	268
	Nationalist Movement Party (MHP)	50
	New Welfare Party (YRP)	5
	<i>Total</i>	323
Nation Alliance	Republican People's Party (CHP)	169 ⁴⁸
	Good Party	43
	<i>Total</i>	212
Labour and Freedom Alliance	Green Left Party (YSP)	61
	Workers' Party of Türkiye (TİP)	4
	<i>Total</i>	65

The Organisation for Security and Co-operation in Europe (OSCE)⁴⁹ dispatched an election observation mission to Türkiye to monitor the May 2023 elections. The OSCE delivered its preliminary findings on 15 May 2023. In its assessment, this organisation stated that the elections on 14 May 2023 were generally well-organised, and that they proceeded smoothly and peacefully throughout the day.⁵⁰ Furthermore, the OSCE determined that the electoral threshold had been reduced, in line with previous recommendations. From that point on, a party or coalition could secure a place in parliament with just seven percent of the votes, as opposed to the previous threshold of ten percent.⁵¹

The OSCE noted that, although the elections ran smoothly from a technical standpoint, there was an evident lack of a level playing field between the government bloc and the opposition alliances. For instance, apart from raising concerns about the YSK's independence,⁵² they also pointed out that public broadcasters were clearly aligned with the government bloc,⁵³ and highlighted the use of public funds by the President and the governing party for their election campaign.⁵⁴ The OSCE also reported that government repression and intimidation disproportionately targeted representatives and supporters of the YSP, impeding their ability to participate freely in election campaigns.⁵⁵ Section 5.5 contains further details of the position of the HDP/YSP and their members and supporters.

⁴⁷ AA, *Türkiye's AK Party number 1 party in parliament with 268 seats: Supreme Election Council*, 30 May 2023. HDN, *YSK announces final parliamentary Poll results*, 30 May 2023.

⁴⁸ The parliamentary candidates of the DEVA, GP, SP and DP opted to contest the election via the CHP's list of candidates. When the new parliament was sworn in, a total of 38 of the CHP's seats were redistributed to these four smaller opposition parties (15 to the DEVA, 10 to the GP, 10 to the SP, and 3 to the DP). Daily Sabah, *DEVA, Future Party MPs to leave CHP ahead of swearing-in ceremony*, 1 June 2023.

⁴⁹ The OSCE is referred to in French as the *Organisation pour la sécurité et la coopération en Europe*.

⁵⁰ OSCE, *International election observation mission, Republic of Türkiye – General elections, 14 May 2023, Statement of preliminary findings and conclusions*, 15 May 2023, pp. 1, 3, 20 and 21.

⁵¹ OSCE, *International election observation mission*, 15 May 2023, pp. 1, 6, and 7.

⁵² OSCE, *International election observation mission*, 15 May 2023, pp. 1, 8 and 9.

⁵³ OSCE, *International election observation mission*, 15 May 2023, pp. 3 and 17.

⁵⁴ OSCE, *International election observation mission*, 15 May 2023, p. 14.

⁵⁵ OSCE, *International election observation mission*, 15 May 2023, pp. 4 and 13.

In relation to the unequal media landscape, *Reporters sans frontières* (Reporters Without Borders, RSF), an international NGO devoted to freedom of the press, arrived at the following conclusions. President Erdoğan controlled 85% of the Turkish media. In the period from 1 April to 1 May, 2023, the Turkish state broadcaster TRT allocated 32 hours of airtime to President Erdoğan and 32 minutes to his opponent, Kılıçdaroğlu. Thus, President Erdoğan received sixty times as much airtime as his opponent.⁵⁶

1.1.4 Aftermath of student protests

In the preceding reporting period there were student protests in Türkiye. Protests among students and academics were sparked on 1 January 2021, when President Erdoğan appointed a member of his own party as the rector of Bosphorus University.⁵⁷ They interpreted this appointment as a deliberate effort to curtail academic freedom in Türkiye.⁵⁸ On 3 February 2023, a court in Istanbul handed down prison sentences to fourteen students in the initial judgement. The convicted individuals had taken part in a protest in 2021. They were each sentenced to one year in prison: six months for 'participating in unlawful protests and demonstrations' and an additional six months for 'resisting arrest'. Moreover, a student named Ersin Berke Gök⁵⁹ was sentenced to a further eighteen months imprisonment for 'damaging public property'. It was claimed that he had jumped onto the rector's official car.⁶⁰

Starting in mid-2021, another student protest movement began to emerge throughout Türkiye. Those involved were primarily concerned about the lack of accessible accommodation and the prohibitively high rates charged by the limited number of student residences and dormitories.⁶¹ This protest movement was united under the hashtag *#Barınamıyoruz* ('We cannot find shelter').⁶² At the time of writing, legal action was being taken against 49 individuals linked to the above-mentioned movement, including three journalists. The defendants were charged with infringing the Law on Meetings and Demonstrations (Law No. 2911).⁶³

1.2 Armed conflict between the Turkish state and the PKK

1.2.1 Introduction

Since 1984, the PKK has waged an armed struggle against the Turkish authorities. Initially, the PKK wanted an independent Kurdish state, but, over time, they have shifted their focus towards Kurdish self-governance in the territories they occupy, a

⁵⁶ RSF, *Erdoğan has used his control of the media to rig Türkiye's elections*, 25 May 2023.

⁵⁷ Also known as 'Boğaziçi University'.

⁵⁸ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 10 and 11.

⁵⁹ Throughout the preceding reporting period, Gök spent a total of 94 days in pre-trial detention, from 6 October 2021 to 7 January 2022. Bianet, *Boğaziçi University protests, Arrested students Berke and Perit released*, 7 January 2022. Media and Law Studies Association (MLSA), *Journalism and freedom of expression trails, Week of January 30*, 29 January 2023.

⁶⁰ Gerçek News, *Fourteen university students sentenced to prison terms by Turkish court*, 3 February 2023. Politikol, *Boğaziçi Rektörü Naci İnci'yi protesto eden 14 öğrenciye hapis cezası verildi* ('14 students who protested against the rector of Bosphorus University, Naci İnci, sentenced to prison'), 3 February 2023.

⁶¹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 11.

⁶² Duvar English, *'We cannot find shelter' movement in Turkey*, 6 October 2021.

⁶³ MLSA, *Barınamıyoruz Davası: 'Müştekiler savunma huzurunda dinlensin' talebi reddedildi* ('Accommodation case, The petition to 'Question the defendants in the presence of the defence' is rejected'), 22 March 2023.

concept referred to as 'confederalism'.⁶⁴ The EU has officially designated the PKK as a terrorist organisation.⁶⁵

In early November 2016, the BBC reported that the conflict between the PKK and the Turkish state had resulted in over forty thousand deaths since 1984.⁶⁶ As far as could be ascertained, during the reporting period, no updated figures were produced concerning the total death toll of this conflict. The fatalities were mostly Turkish government troops, village guards,⁶⁷ PKK fighters and civilians of Kurdish descent.⁶⁸

Consult Section 5.6 for details concerning the Turkish authorities' treatment of people who are connected (or allegedly connected) with the PKK and their relatives.

1.2.2 Violence on Turkish territory

Throughout the preceding reporting period, the PKK committed relatively small-scale acts of violence on Turkish soil.⁶⁹ This situation remained unchanged throughout the current reporting period. The struggle between the Turkish armed forces and the PKK centred primarily on northern Iraq. According to one source, between 1 March 2022, and 3 July 2023, a total of 16 Turkish government troops, 2 Turkish policemen, 4 village guards, 2 civilians, and 182 PKK fighters lost their lives on Turkish soil.⁷⁰

During the current reporting period, the following acts of violence were particularly noteworthy. Two female fighters from the PKK launched an attack on a police building in the southern Turkish province of Mersin on 26 September 2022. They killed one police officer and wounded another. The two militants then detonated a bomb, killing themselves in the process.⁷¹ On 15 December 2022, a police bus was severely damaged by a car bomb in the south-eastern province of Diyarbakır. Eight police officers and one civilian were injured. The Turkish authorities arrested five suspects who were alleged to have been involved in the attack.⁷²

On 13 November 2022, a bomb exploded on İstiklal Caddesi, a bustling shopping street in Istanbul. 6 people were killed and 81 injured. The bomb had probably been concealed in a bag.⁷³ This incident marked the first attack in Istanbul since 1 January 2017, when an assailant associated with the Islamic State in Iraq and Syria (ISIS) opened fire in a nightclub, killing 39 people.⁷⁴

⁶⁴ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 12. Cengiz Gunes, *The political representation of Kurds in Turkey, New actors and modes of participation in a changing society*, published in 2022, pp. 16, 17, 165 and 166. Gönül Tol, *Erdoğan's war, A strongman's struggle at home and in Syria*, published in 2023, pp. 180 and 181.

⁶⁵ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 12. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 13.

⁶⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 13.

⁶⁷ Village guards are Kurdish paramilitaries who fight alongside the Turkish armed forces in their campaign against the PKK. They are paid and armed by the Turkish state. Village guards are referred to in Turkish as *korucular* (singular: *korucu*).

⁶⁸ Gunes, *The political representation of Kurds in Turkey*, published in 2022, p. 16.

⁶⁹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 13.

⁷⁰ Confidential source, 11 July 2023.

⁷¹ HDN, *Mersin attack organized by perpetrators in Syria: Turkish defense minister*, 28 September 2023. Rûdaw, *PKK claims responsibility for deadly attack on Turkish police building*, 29 September 2022. Voice of America (VOA), *Turkish minister says deadly gun attack was 'America-based'*, 1 October 2022.

⁷² Al Jazeera, *Car bomb in Turkey's Diyarbakir injures police officers*, 16 December 2022. Bianet, *Eight police officers, one civilian injured in Diyarbakir roadside explosion*, 16 December 2022. HDN, *Car bomb in Diyarbakir injures police officers*, 16 December 2022.

⁷³ NRC, *Zes doden na bomaanslag in het centrum van Istanbul (Six dead following bombing in centre of Istanbul)*, 13 November 2022. NOS, *Turkije: Syrische verdachte bekend aanslag in winkelstraat Istanbul*, 14 November 2022. Trouw, *Turkije zweert wraak voor bloedige aanslag in Istanbul*, 14 November 2022.

⁷⁴ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 14. NRC, *Zes doden na bomaanslag in het centrum van Istanbul*, 13 November 2022.

In the wake of the November 2022 attack, a crackdown led to the arrest of dozens of suspects.⁷⁵ The Turkish authorities blamed both the PKK and the *Yekîneyên Parastina Gel* (People's Protection Units, YPG) for this incident.⁷⁶ The YPG are Syrian-Kurdish militias that are active in north-east Syria. The Turkish authorities regard the YPG as the Syrian branch of the PKK.⁷⁷ On 14 November 2022, the Turkish police announced that the chief suspect had confessed to the attack. The police identified this suspect as a Syrian woman by the name of Ahlam Albashir.⁷⁸ For its part, the PKK denied any involvement in the attack.⁷⁹ At the time of writing, the court case against Albashir was still in progress.⁸⁰

The Turkish authorities' reports suggest that there has been a decline in the number of PKK fighters on Turkish soil. In early January 2022, the authorities stated that there were 156 PKK fighters in Türkiye.⁸¹ One year later, Soylu (the Interior Minister at that time) claimed that there were fewer than 120.⁸²

Following the earthquakes in February 2023 (see Subsection 1.1.2), the PKK declared a temporary cessation of its military activities within Türkiye, to avoid hindering rescue operations. The PKK made it clear that this was contingent on the Turkish armed forces not launching any attacks of their own. The Turkish authorities did not respond to the above-mentioned statement by the PKK.⁸³ In June 2023, the PKK announced that it had terminated its unilateral 'ceasefire'.⁸⁴

On 16 May 2023 there was a violent clash between the Turkish armed forces and the PKK in the south-eastern province of Şırnak. Three gendarmes⁸⁵ died and one village guard was severely wounded. Two PKK fighters were killed in the incident.⁸⁶

On 8 June 2023, *Bianet*, an independent news platform renowned for its comprehensive investigations into human rights issues, reported the death of a Turkish government soldier in a clash with the PKK in Siirt, another province in south-eastern Türkiye.⁸⁷

⁷⁵ NOS, *Turkije: Syrische verdachte bekennt aanslag in winkelstraat Istanbul*, 14 November 2022. Reuters, *Turkey blames deadly bomb on Kurdish militants, PKK denies involvement*, 14 November 2022. Trouw, *Turkije zweert wraak voor bloedige aanslag in Istanbul*, 14 November 2022.

⁷⁶ NOS, *Turkije: Syrische verdachte bekennt aanslag in winkelstraat Istanbul*, 14 November 2022. Reuters, *Turkey blames deadly bomb on Kurdish militants, PKK denies involvement*, 14 November 2022. Trouw, *Turkije zweert wraak voor bloedige aanslag in Istanbul*, 14 November 2022.

⁷⁷ William Gourlay, *The Kurds in Erdoğan's Turkey, Balancing identity, resistance and citizenship*, published in 2020, pp. 157 and 158. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Syria*, June 2021, pp. 13 and 14.

⁷⁸ AA, *PKK terrorists in Syria ordered deadly bomb attack in Istanbul, admits perpetrator*, 14 November 2022. NOS, *Turkije: Syrische verdachte bekennt aanslag in winkelstraat Istanbul*, 14 November 2022. Reuters, *Turkey blames deadly bomb on Kurdish militants, PKK denies involvement*, 14 November 2022.

⁷⁹ Reuters, *Turkey blames deadly bomb on Kurdish militants, PKK denies involvement*, 14 November 2022.

⁸⁰ HDN, *Bomb attack perpetrator recants previous statements*, 19 July 2023.

⁸¹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 14.

⁸² AA, *Türkiye 'neutralized' 129 terrorists in 2022 in rural operations: Interior minister*, 4 January 2023.

⁸³ Agence France-Presse (AFP), *Kurdish militants suspend 'operations' after Turkey quake*, 10 February 2023.

⁸⁴ Bianet, *PKK umbrella group announces end of 'ceasefire'*, 14 June 2023.

⁸⁵ The gendarmerie (In Turkish: *Jandarma*), which operates within the Turkish Ministry of the Interior's jurisdiction, is tasked with a combination of civil, judicial, and military duties. NATO Stability Policing Centre of Excellence (NATO SP COE), *Republic of Turkey, Turkish Gendarmerie, Task & Mission*, undated, consulted on 25 August 2023.

⁸⁶ Daily Sabah, *3 soldiers killed in operation against PKK terrorists in Türkiye*, 16 May 2023. Rûdaw, *Three Turkish soldiers killed in Şırnak clashes blamed on PKK*, 16 May 2023.

⁸⁷ Bianet, *One soldier loses his life in armed combat in Siirt*, 8 June 2023.

2 UYAP

The National Judiciary Informatics System (UYAP, or *Ulusal Yargı Ağı Projesi* in Turkish) was developed by the Turkish government. Various client groups can access the UYAP system, each via their own portal. For instance, members of the public have a Citizen Portal (*Vatandaş UYAP*) and there is an Attorney Portal (*Avukat UYAP*) for members of the legal profession.⁸⁸

In the course of criminal investigations, any information obtained is stored in the UYAP system. Attorneys can only access this information if they have been granted authorisation to do so by the public prosecutor. This is contingent on the attorney possessing a notarial power of attorney and on the documents in question not being classified as confidential.⁸⁹ During the investigative phase, suspects are not permitted to access any documents in UYAP.⁹⁰

According to one source, during the investigative phase (when suspects have not yet been formally charged), there are cases in which all of the documents can be accessed, while in others nothing is displayed. This is contingent on the nature of the case and on the prosecutor's discretion. Here, the source cites two hypothetical examples to illustrate this point. In cases involving high-ranking Gülenists or Kurdish militants or politicians, there is a possibility that attorneys may be unable to access any documents during the investigative phase. If the investigation concerns an obscure social media user who has posted a phrase such as 'I love Öcalan; I hate Erdoğan', the prosecutor is likely to grant access to all documentation during the investigative phase.⁹¹

Once the suspect has been formally charged and legal proceedings have commenced, both the attorney⁹² and the defendant can access the documents in UYAP.⁹³

It is possible for an individual to be the subject of a criminal investigation or legal proceedings and have documents stored in UYAP, yet still be legally entitled to enter and exit Türkiye. This distinction arises from the fact that criminal proceedings and permission to leave the country are separate matters. Only when the government imposes an official travel ban is the individual in question unable to leave the country legally.⁹⁴ During the investigative phase, judges have the authority to impose a travel ban at the request of the public prosecutor. In the course of legal proceedings, the court is authorised to impose a travel ban.⁹⁵

Consult Section 3.6 for further details on travel bans.

⁸⁸ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, pp. 28 and 33. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 16 and 17.

⁸⁹ Confidential source, 27 April and 13 May 2023. Confidential source, 3 May 2023. Confidential source, 13 June 2023.

⁹⁰ Confidential source, 31 July 2023. Confidential source, 1 August 2023.

⁹¹ Confidential source, 3 May 2023.

⁹² Confidential source, 3 May 2023. Confidential source, 13 June 2023.

⁹³ Confidential source, 31 July 2023. Confidential source, 1 August 2023. Confidential source, 16 August 2023.

⁹⁴ Confidential source, 27 April 2023. Confidential source, 3 May 2023. Confidential source, 13 June 2023.

⁹⁵ Confidential source, 3 May 2023. Confidential source, 13 May 2023.

3 Human rights (general)

3.1 Introduction

This chapter describes the general human rights situation in Türkiye. As in the two preceding reporting periods, the human rights situation remained under pressure.⁹⁶ Section 3.2 lists laws – passed or amended during the current reporting period – that are related to the human rights situation, including the recent Anti-Disinformation Law enacted in October 2022. Section 3.3 explores the current status of human rights organisations and of human rights defenders. Section 3.4 sheds light on the status of those attorneys who represent dissidents. Section 3.5 examines freedom of expression and the freedom of online media, with a specific focus on the situation of Kurdish media and journalists, the repercussions of the recently implemented Anti-Disinformation Law, and prosecutions under Article 299 of the Turkish Penal Code (defamation of the President). Section 3.6 explores the topic of travel bans. Section 3.7 examines the composition and operation of the Constitutional Court (AYM), the highest court in the country. Section 3.8 gives an account of the reality of arrests and of the prevailing conditions within detention centres and prisons. Section 3.9 delves into the topic of ill-treatment and torture, assessing the effectiveness of legal protections designed to safeguard citizens from such practices.

3.2 Amended laws and regulations

During the current reporting period, there were several amendments to laws and regulations linked to the human rights situation in Türkiye. These amendments are explained below.

3.2.1 *Anti-Stalking Act*

In May 2022, new legislation designed to combat stalking entered into force. This was the first time that stalking had been legally defined as a criminal offence. Stalking is defined as a type of unwanted and repetitive contact or attention. Stalking is punishable by a term of imprisonment ranging from six months to two years. In instances of aggravated stalking, such as when the victim has divorced the stalker or no longer cohabits with them, the term of imprisonment can vary from one to three years.⁹⁷ Under this new act, good behaviour in court does not constitute grounds for giving stalkers a reduced sentence. The act was purportedly designed to offer women better protection against gender-related violence.⁹⁸

Consult Chapter 6 for details of the status of women in Türkiye. Sections 6.2 and 6.3 focus on legal remedies designed to shield women from gender-related violence.

3.2.2 *New Anti-Disinformation Law*

The two previous country of origin information reports stated that social media legislation had been amended. With effect from 1 October 2020, any international

⁹⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 18. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 18.

⁹⁷ BalkingInsight, *Turkey passes law to curb violence against women and medics*, 27 May 2022. Bıçak Law Firm, *Crime of stalking in Turkey*, 17 June 2022.

⁹⁸ BalkingInsight, *Turkey passes law to curb violence against women and medics*, 27 May 2022.

social media companies with more than one million daily users were required to appoint a legal representative in Türkiye. These representatives were subsequently required to comply with court orders concerning the removal of specific content from a social media platform. Private individuals are also entitled to submit a request, via a representative, for the removal of any posts that infringe upon their rights (including their right to privacy). If foreign social media companies fail to observe the above-mentioned rules, the Turkish government can respond by reducing their bandwidth (a practice known as 'throttling'), imposing a fine, or introducing an ad blockade. The Information and Communication Technologies Authority is tasked with implementing and enforcing the above-mentioned legislation. This public authority is referred to in Turkish as the *Bilgi Teknolojileri ve İletişim Kurumu* (BTK).⁹⁹

In 2022, the Turkish government tightened its social media legislation. Prompted by the AKP/MHP alliance, the Turkish parliament passed a series of amendments in October of that year. This package of measures is known as the 'Anti-Disinformation Law'. This series of amendments made the public dissemination of disinformation a punishable offence. This applies not only to personally posting disinformation but also to sharing it. The public dissemination of disinformation is punishable by a term of imprisonment of up to three years. The wording of this act does not specify the definition of 'disinformation'. Furthermore, social media platforms are required to comply with any instructions from the BTK to remove or block specific content and to supply information about social media users. Both the political opposition and civil society voiced criticism and apprehension regarding the Anti-Disinformation Law. They described it as a 'censorship law', expressing concerns that it would further curtail freedom of expression and freedom of the press in Türkiye.¹⁰⁰

The Venice Commission, an advisory body of the Council of Europe (CoE),¹⁰¹ also voiced criticism and concern regarding the Anti-Disinformation Law. On the one hand, this commission acknowledged the necessity of combating the dissemination of disinformation. On the other hand, it cautioned that measures to counter the dissemination of information should not cross the line into censorship.¹⁰² The Venice Commission raised several objections with respect to the Anti-Disinformation Law. They pointed out, for example, that critical terms such as 'disinformation' and 'public dissemination' were not clearly defined.¹⁰³ In addition, the Commission concluded that the dissemination of disinformation was already addressed by other items of Turkish legislation.¹⁰⁴ Furthermore, the Venice Commission drew the attention of the Turkish authorities to the fact that there were alternative means of combating disinformation.¹⁰⁵ The Commission further noted that public discourse in Türkiye was already facing significant challenges. It feared that this new act might bring about a deterrent effect, causing people to practice self-censorship.¹⁰⁶

Subsection 3.5.2 analyses the impact of the aforementioned act on freedom of expression and freedom of the press to date.

⁹⁹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 21. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 24.

¹⁰⁰ Human Rights Watch (HRW), *Turkey, Dangerous, dystopian new legal amendments, New censorship threat with elections looming*, 14 October 2022. NOS, *Nieuwe wet in Turkije: tot drie jaar cel voor verspreiden 'desinformatie'*, 14 October 2022. Confidential source, 4 November 2022. NOS, *Zorgen om desinformatiewet Turkije: 'Wat kunnen we nog zeggen?'*, 3 December 2022.

¹⁰¹ The CoE is referred to in French as the *Conseil de l'Europe*.

¹⁰² CoE, *Türkiye, Urgent joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the draft amendments to the Penal Code regarding the provision on "false or misleading information"*, 7 October 2022, pp. 10, 11, 15 and 22.

¹⁰³ CoE, *Türkiye*, 7 October 2022, pp. 12-14 and 22.

¹⁰⁴ CoE, *Türkiye*, 7 October 2022, pp. 16 and 22.

¹⁰⁵ CoE, *Türkiye*, 7 October 2022, pp. 17, 18, and 22.

¹⁰⁶ CoE, *Türkiye*, 7 October 2022, pp. 18-20 and 22.

3.2.3 Powers of neighbourhood guards curbed

In June 2020, the Turkish parliament enacted a new law regulating neighbourhood guards (which are known as *bekçi* in Turkish). The neighbourhood guards function as an auxiliary police force, operating within the Ministry of the Interior's jurisdiction. This new law gave them wider powers, including the authority to bear and use firearms, and to conduct identity checks. The opposition and human rights organisations expressed concern, fearing that the neighbourhood guards lacked sufficient training to carry out the same duties as fully trained and seasoned police officers. Moreover, a significant number of newly recruited neighbourhood guards had links with the AKP's youth wing, raising concerns among critics that they might evolve into a pro-government militia.¹⁰⁷

During the current reporting period, the AYM, the highest court in Türkiye, ruled that neighbourhood guards were no longer authorised to take measures designed to prevent demonstrations that could potentially disrupt public order. The AYM ruled that such powers constituted a breach of the right of assembly and demonstration. The AYM also affirmed that neighbourhood guards would retain their authority to bear and use firearms, and to conduct identity checks. The AYM issued this ruling in response to a petition from the Republican People's Party (CHP), the largest opposition party in the country. The ruling was published in 1 June 2023, in the Turkish Government's Official Gazette.^{108 109} The AYM gave the Turkish parliament nine months in which to codify the above-mentioned ruling into law. According to one source, this had not yet been accomplished at the time of writing.¹¹⁰

3.3 The situation regarding human rights organisations and human rights defenders

3.3.1 Introduction

This section takes a closer look at the status of human rights organisations and of human rights defenders. It starts by examining the social latitude afforded to human rights organisations. The rest of the section details how Turkish authorities treat human rights defenders and their relatives.

3.3.2 Human rights organisations

In December 2020, the Turkish parliament enacted the Law on Preventing the Spread and Financing of Weapons of Mass Destruction (Law No. 7262 for short). According to the Turkish government, this law was designed to prevent the potential misuse of NGOs for financing terrorism or money laundering. Against this backdrop, the Turkish authorities indicated that they were endeavouring to comply with anti-terrorism agreements established within the framework of the UN. Human rights organisations criticised the law, which grants far-reaching powers to the Turkish authorities.¹¹¹ For instance, the government is authorised to replace an NGO's board

¹⁰⁷ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, pp. 19 and 20. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 19.

¹⁰⁸ The Turkish Government's Official Gazette is referred to in Turkish as *Resmî Gazete*.

¹⁰⁹ Bianet, *Neighborhood guards can carry weapons, perform ID checks, rules top court*, 1 June 2023. HDN, *Top court puts restrictions on night watchmen's authority*, 3 June 2023.

¹¹⁰ Confidential source, 1 August 2023.

¹¹¹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 23. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 20 and 21.

members with trustees, to suspend an NGO's activities, and to freeze an NGO's assets.¹¹²

During the preceding reporting period, Amnesty International (hereinafter referred to as 'Amnesty') found that Law No. 7262 had instilled a climate of fear among NGOs. Concerns about rigorous financial audits, hefty fines, and lengthy prison sentences made it difficult for NGOs to retain existing board members and to recruit new ones. These same concerns made Turkish NGOs less willing to cooperate with international partner organisations and to seek international funding. They pre-emptively replaced any board members who were the subject of criminal proceedings, fearing that the authorities might otherwise decide to appoint trustees.¹¹³

According to information gathered from various sources, the above-mentioned law adversely impacted NGOs in the current reporting period. According to one source, the audits conducted under Law No. 7262 predominantly impacted the time and operational capacity of smaller NGOs. The collaboration required for such audits was incredibly time-consuming and labour-intensive, leaving little room for small NGOs to pursue their normal activities and projects.¹¹⁴ Another source emphasised that the law continued to cause significant concern, as NGOs could be subjected to audits at any given moment.¹¹⁵

3.3.3 *Human rights defenders and their relatives*

Human rights defenders attracted the negative attention of the Turkish authorities during the two preceding reporting periods.¹¹⁶ This situation remained the same throughout the current reporting period.¹¹⁷ The examples provided below are used solely for illustrative purposes. This should certainly not be regarded as a comprehensive list.

Osman Kavala, an activist, philanthropist and businessman, had been held in pre-trial detention since 2017. There were allegations that he instigated and financed the anti-government protests in 2013¹¹⁸ and that he was involved in the failed coup d'état in 2016. In December 2019, the European Court of Human Rights (ECtHR) declared Kavala's detention unlawful and ordered his immediate release. However, a Turkish court ruled that Kavala should remain in detention.¹¹⁹

¹¹² Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 21.

¹¹³ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 21.

¹¹⁴ Confidential source, 12 June 2023.

¹¹⁵ Confidential source, 12 June 2023.

¹¹⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, pp. 31 and 32. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 22.

¹¹⁷ Confidential source, 12 June 2023. Confidential source, 12 June 2023. Confidential source, 12 June 2023.

¹¹⁸ In 2013, environmental activists launched a local protest against urban development plans for Gezi Park, one of the few green spaces in the heart of Istanbul. This protest ignited a wave of anti-government demonstrations throughout the country, involving countless people with a wide range of beliefs, backgrounds, and motivations. The protests were met with a heavy-handed response from the Turkish security apparatus, resulting in the deaths of eleven people and leaving thousands of others injured. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 11. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 11.

¹¹⁹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 31. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 12.

On 25 April 2022, a Turkish court sentenced him to life imprisonment without the possibility of parole.¹²⁰ Kavala himself described this as a 'judicial murder'.¹²¹ International human rights organisations condemned the verdict and called for Kavala to be released.¹²² His attorneys launched an appeal, but at the end of December 2022 this was dismissed as having no merit,¹²³ after which the case was sent to the Court of Cassation¹²⁴ (the supreme appellate court).¹²⁵

Human rights defender Taner Kılıç also faced a prolonged legal battle. Kılıç, the honorary chair of the Turkish branch of Amnesty, was arrested in 2017 on suspicion of membership of the Gülen movement. It was alleged that he had downloaded and used the ByLock app.¹²⁶ The Turkish authorities have associated this messaging app with the Gülen movement (see Section 4.3 for further details on how the ByLock criterion was applied in the criminal prosecution of Gülenists). Moreover, his sister's husband was the deputy editor of the Gülenist newspaper *Zaman* ('Time'),¹²⁷ his children had attended Gülen schools, and he had held bank accounts at Bank Asya, a financial institution connected to the Gülen movement.¹²⁸ On 3 July 2020, Kılıç received a prison sentence of six years and three months.¹²⁹

In May 2022, the ECtHR ruled that Kılıç's pre-trial detention was unlawful and was directly linked to his human rights activism. The court also ruled that Kılıç's rights, including the right of freedom of expression, had been infringed.¹³⁰ In November 2022, the Court of Cassation ruled that the case should be retried, stating that the investigation had not been conducted properly.¹³¹ For instance, a forensic analysis of Kılıç's phone failed to find any trace of the ByLock app.¹³² On 6 June 2023, he was acquitted.¹³³ Amnesty expressed its satisfaction with the verdict while also highlighting the politically motivated nature of the case against Kılıç.¹³⁴

During the preceding reporting period, Öztürk Türkdoğan, co-chair of the *İnsan Hakları Derneği* (Human Rights Association, İHD), also encountered problems with the Turkish authorities, stemming from his human rights activism. He faced legal action on charges of belonging to a terrorist organisation, defaming a public official in the performance of their duty, and defaming the Turkish nation, the Turkish Republic, as well as its state institutions and bodies.¹³⁵

¹²⁰ Al Jazeera, *Turkish court sentences activist Osman Kavala to life in prison*, 25 April 2022. Amnesty International, *Turkey, Conviction of Osman Kavala a 'devastating blow' for human rights*, 25 April 2022. NOS, *Turkse zakenman Kavala veroordeeld tot levenslange gevangenisstraf*, 25 April 2022. BBC, *Osman Kavala, Turkish activist sentenced to life in prison*, 26 April 2022. HRW, *Turkey, Life sentence for rights defender Osman Kavala*, 26 April 2022.

¹²¹ Al Jazeera, *Turkish court sentences activist Osman Kavala to life in prison*, 25 April 2022. NOS, *Turkse zakenman Kavala veroordeeld tot levenslange gevangenisstraf*, 25 April 2022. BBC, *Osman Kavala, Turkish activist sentenced to life in prison*, 26 April 2022.

¹²² Amnesty International, *Turkey, Conviction of Osman Kavala a 'devastating blow' for human rights*, 25 April 2022. HRW, *Turkey, Life sentence for rights defender Osman Kavala*, 26 April 2022.

¹²³ Bianet, *Appeals court upholds sentences in Gezi Park case*, 29 December 2022. HDN, *US 'deeply troubled' as Kavala's life sentence upheld*, 29 December 2022. Trouw, *Ook in hoger beroep levenslang voor Osman Kavala*, 29 December 2022.

¹²⁴ In Turkish, this court is colloquially known as *Yargıtay*.

¹²⁵ Bianet, *Appeals court upholds sentences in Gezi Park case*, 29 December 2022.

¹²⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 32.

¹²⁷ Balkan Insight, *European Court: Turkey broke law by arresting Amnesty campaigner*, 31 May 2022.

¹²⁸ Kılıç's sister and brother-in-law were Ömür and Mehmet Kamlı. Amnesty, *Briefing, The Taner Kılıç prosecution*, 13 September 2017, p. 17.

¹²⁹ Balkan Insight, *European Court: Turkey broke law by arresting Amnesty campaigner*, 31 May 2022.

¹³⁰ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 32.

¹³¹ ECtHR, *Unlawful and arbitrary pre-trial detention of the Chair of the Turkish branch of Amnesty International, Several violations*, 31 May 2022.

¹³² Front Line Defenders, *Turkey, Four human rights defenders acquitted six years after their arrest*, undated, consulted on 17 July 2023.

¹³³ Amnesty International, *Good news: Taner Kılıç, İdil Eser and others acquitted*, 7 June 2023.

¹³⁴ Gerçek News, *Turkey, Four rights defenders acquitted after six years of trial and retrial*, 6 June 2023. Amnesty International, *Good news: Taner Kılıç, İdil Eser and others acquitted*, 7 June 2023. Front Line Defenders, *Turkey, Four human rights defenders acquitted six years after their arrest*, undated, consulted on 17 July 2023.

¹³⁵ Amnesty International, *Good news: Taner Kılıç, İdil Eser and others acquitted*, 7 June 2023.

¹³⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 22.

The indictment, which pertained to membership of a terrorist organisation, highlighted issues such as his critical comments about the conditions under which Abdullah Öcalan, the imprisoned leader of the Kurdistan Workers' Party (PKK), was being held. Türkdoğan was acquitted of this charge on 19 April 2022, due to a lack of evidence. The charge of defaming a public official in the performance of their duty centred on a verbal exchange with Soylu (the Interior Minister at the time). Soylu had accused the İHD of sympathising with the PKK, describing the Association as a 'damned organisation'. The İHD had responded to this by posting a press release on its website. The charge concerning the defamation of the Turkish nation (Article 301 of the Penal Code) was linked to the İHD's call for the massacres of Armenians between 1915 and 1917 to be recognised as genocide.¹³⁶ Türkdoğan was also acquitted of these two charges. With regard to the call concerning the issue of the Armenian genocide, the judges issued a decision on 8 June 2023 stating that this came under the umbrella of freedom of expression. Concerning the acquittal on charges of PKK membership and defaming former Minister Soylu, the Public Prosecution Service filed an appeal.¹³⁷

According to information gathered from various sources, the actions of the Turkish authorities also had detrimental consequences for the relatives of human rights defenders. According to one source, the spouses of human rights defenders encountered obstacles when seeking employment within the Turkish government. This source observed that the relatives of human rights campaigners often found work in civil society.¹³⁸ No information was available concerning the scale of the above-mentioned practice. Another source emphasised that the relatives of human rights defenders lived in a state of perpetual fear. In addition to worrying about the human rights defender in their family, they also found themselves squarely in the sights of both the judicial authority and the security apparatus. Anyone who attracted the interest of such entities might, for instance, become the subject of a criminal investigation.¹³⁹

3.4 Attorneys

In the two previous country of origin information reports, it was stated that the government sometimes attempted to link attorneys to the alleged crimes of their clients, despite the absence of concrete evidence to support such allegations. This principle of guilt by association was primarily employed against attorneys representing clients who were accused of belonging to the Gülen movement, ISIS, or the PKK.¹⁴⁰ The effects of this dynamic persisted throughout the reporting period.¹⁴¹

For instance, one source had knowledge of an attorney who had represented an alleged member of the PKK. The attorney in question had been detained and, in the ensuing interrogation, was asked questions such as 'Why did you have an appointment with this person [the alleged member of the PKK]?' and 'Why are you defending this person?'¹⁴²

¹³⁶ Bianet, *Human Rights Association Co-Chair Öztürk Türkdoğan acquitted*, 19 April 2022. Fédération internationale des ligues des droits de l'Homme (FIDH), *Turkey, Acquittal of Mr Öztürk Türkdoğan*, 21 April 2022.

¹³⁷ Confidential source, 8 June 2023. Confidential source, 12 June 2023.

¹³⁸ Confidential source, 12 June 2023.

¹³⁹ Confidential source, 12 June 2023. Confidential source, 19 July 2023.

¹⁴⁰ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 29. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 29.

¹⁴¹ Confidential source, 14 June 2023. Confidential source, 14 June 2023. Confidential source, 16 June 2023. Confidential source, 16 June 2023.

¹⁴² Confidential source, 14 June 2023.

According to another source, 121 attorneys belonging to the Diyarbakır Bar Association had been the subject either of a criminal investigation or legal action. In most cases, these attorneys were charged with membership of a terrorist organisation. The bar association in question had a total membership of two thousand two hundred. Thus, at the time of writing, 5.5% of the Diyarbakır bar association's total membership faced criminal proceedings.¹⁴³

Yet another source had knowledge of an attorney who was arrested because they had represented someone belonging to the *Ezilenlerin Sosyalist Partisi* (Socialist Party of the Oppressed, ESP), a Marxist-Leninist party primarily backed by Alevis¹⁴⁴ and Marxist Turks, which openly supported the Kurdish cause.¹⁴⁵

3.5 Freedom of expression and freedom of the media (online)

3.5.1 Threat to freedom of the press

The two previous country of origin information reports made clear that freedom of expression and media freedom were subject to restrictions.¹⁴⁶ Freedom of the press remained a cause for concern throughout the current reporting period. On the World Press Freedom Index maintained by Reporters Without Borders (RSF), Türkiye's ranking dropped from 149th to 165th place between 2022 and 2023. This ranking system covers a total of one hundred and eighty countries.¹⁴⁷ The Centre for Media Pluralism and Media Freedom conducted a survey to identify those European countries in which media pluralism and media freedom were most at risk. In 2022, when compared to 31 other countries, Türkiye came top in terms of the risk to media pluralism.¹⁴⁸

Although the figures for imprisoned journalists in Türkiye are inconsistent, they clearly show that press freedom in that country is under pressure. The Media and Law Studies Association (MLSA), a Turkish non-profit organisation dedicated to promoting freedom of the press and freedom of expression,¹⁴⁹ reported that, from September 2021 to July 2022, 59 journalists and media workers were serving prison terms.¹⁵⁰ The Committee to Protect Journalists (CPJ), an American NGO committed to freedom of the press and journalists' rights, reported that, in 2022, a total of forty journalists were serving prison terms in Türkiye. This means that Türkiye had incarcerated more journalists than any other country, aside from Iran, China, and Myanmar.¹⁵¹ The Council of Europe (CoE) determined that, as of 31 December 2022, Türkiye had imprisoned 51 journalists.¹⁵² According to a report from the *Türkiye Gazeteciler Sendikası* (Journalists' Union of Türkiye, TGS), a union that

¹⁴³ Confidential source, 14 June 2023.

¹⁴⁴ Alevism has its roots in both Shiite Islam and pre-Islamic beliefs. Opinions vary on whether Alevism can be considered a branch of Islam. Trouw, *Alevieten blieden geen eigen Turks ministerie*, 28 January 2023. Al Monitor, *Will Turkish opposition leader's Alevi faith be hindrance at polls?*, 23 May 2022.

¹⁴⁵ Confidential source, 16 June 2023.

¹⁴⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, pp. 23 and 24. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 23.

¹⁴⁷ RSF, *Türkiye, Country fact-file*, undated, consulted on 10 July 2023.

¹⁴⁸ CoE, *War in Europe and the fight for the right to report, Annual report, 2023*, March 2023, p. 67.

¹⁴⁹ The MLSA monitors various trends, such as the number of journalists facing criminal proceedings in Türkiye. It also provides journalists with legal support. The MLSA is referred to in Turkish as the *Medya ve Hukuk Çalışmaları Derneği*.

¹⁵⁰ MLSA, *299 years, 2 months and 24 days, The cost of freedom of expression in Turkey, 1 September 2021 – 20 July 2022, Trial monitoring report*, 5 December 2022, p. 3.

¹⁵¹ CPJ, *Number of jailed journalists spikes to new global record*, 14 December 2022.

¹⁵² CoE, *War in Europe and the fight for the right to report*, March 2023, pp. 48 and 49.

champions the rights and interests of journalists and media workers, there were twenty journalists in Turkish prisons on 12 July 2023.¹⁵³

The Kurdish media in particular attracted the negative attention of the Turkish authorities. Kurdish journalists were constantly being subjected to criminal investigations and detention.¹⁵⁴ The examples provided below are used solely to illustrate the challenges encountered by Kurdish media and journalists in the current reporting period. This should certainly not be regarded as a comprehensive list.

On 8 June 2022, in Diyarbakır (a town predominantly inhabited by Kurds in the south-east of the country), the Turkish police detained 22 people, 20 of whom were Kurdish journalists. On 16 June 2022, sixteen of them were placed in pre-trial detention. The other six individuals who had been detained were granted conditional release. The journalists were alleged to have produced terrorist propaganda or to have links with the PKK.¹⁵⁵ The criminal case, involving a total of eighteen journalists, commenced on 11 July 2023. At that point in time, fifteen of them were being held in pre-trial detention.¹⁵⁶ The following day, they were released pending trial.¹⁵⁷

In relation to the above case, Fırat Can Arslan, a journalist at the *Mezopotamya Agency* (MA),¹⁵⁸ tweeted that one of the presiding judges was married to the prosecutor who had filed the charges. On 25 July 2023, Arslan was arrested for marking an official as a target, a violation of Article 6(1) of the anti-terror law. Moreover, the police detained four other journalists for re-tweeting Arslan's tweet.¹⁵⁹ At the time of writing, these four journalists had been released. They were all given a travel ban. However, Arslan remained in pre-trial detention.¹⁶⁰ The treatment of the five journalists drew condemnation from many Turkish and international human rights organisations and press associations. These included the Turkish branches of Amnesty and RSF, Human Rights Watch (HRW), the MLSA and the TGS.¹⁶¹

In October 2022, the Turkish authorities remanded a further nine Kurdish journalists in pre-trial detention. They were accused of membership of the PKK. These journalists were on the staff of the MA and *JinNews*, two media outlets with a strong focus on the situation of Kurds in Türkiye.¹⁶² They were granted conditional release on 16 June 2023. At the time of writing, their court case was still pending. These criminal prosecutions were based on statements from anonymous witnesses.¹⁶³

¹⁵³ TGS, *20 journalists jailed in Turkey*, 12 July 2023.

¹⁵⁴ Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the European Centre for Press & Media Freedom, ECPMF), 23 June 2023. Correspondence with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 30 June 2023.

¹⁵⁵ Rudâw, *Turkey remands 16 Kurdish journalists for alleged PKK ties*, 16 June 2022. Bianet, *Sixteen journalists imprisoned in Diyarbakir waiting for indictment for five months*, 15 November 2022.

¹⁵⁶ Bianet, *'There is a single newspaper in Kurdish at the moment and it is standing trial'*, 11 July 2023.

¹⁵⁷ Bianet, *Court releases fifteen journalists in Diyarbakır*, 12 July 2023. Duvar English, *Turkish court releases 15 Kurdish journalists at first hearing after one year in jail*, 12 July 2023.

¹⁵⁸ The MA is referred to in Turkish as the *Mezopotamya Ajansı*. In Türkiye, identity-conscious Kurds habitually refer to their ancestral homeland as 'Mesopotamia'. This name is rooted in antiquity. People use it to show that the Kurds have been living in this part of Türkiye since ancient times. It features in the names of various Kurdish TV and radio stations, cultural centres, and arts organisations, and the same goes for the MA. Gourlay, *The Kurds in Erdoğan's Turkey*, published in 2020, pp. 128-131.

¹⁵⁹ Al Monitor, *Turkey arrests journalist over social media post, sparking outcry from civic groups*, 25 July 2023.

Bianet, *Five journalists, including bianet editor, detained over 'retweets', lawyer reveals*, 25 July 2023. Duvar English, *Turkish police detain five journalists over 'targeting public officials'*, 25 July 2023.

¹⁶⁰ Duvar English, *Turkish police detain five journalists over 'targeting public officials'*, 25 July 2023. Bianet, *Bianet editor Evrim Kepenek released after 'retweet' detention*, 26 July 2023.

¹⁶¹ Al Monitor, *Turkey arrests journalist over social media post, sparking outcry from civic groups*, 25 July 2023.

Bianet, *Journalism groups condemn detention of five journalists in house raids*, 25 July 2023. Bianet, *Detention of journalists over report on judicial members draws international condemnation*, 26 July 2023.

¹⁶² Rudâw, *Turkey jails nine Kurdish journalists for terror charges*, 29 October 2022. Bianet, *Anonymous witness in Kurdish journalists' case admits 'working for state'*, 5 July 2023.

¹⁶³ Bianet, *Anonymous witness in Kurdish journalists' case admits 'working for state'*, 5 July 2023.

On 25 April 2023, there were mass arrests throughout the country, resulting in the detention of 126 individuals suspected of PKK membership. Subsection 5.5.4 contains further details of this event. The detainees included ten Kurdish journalists employed by media outlets such as the MA, *JinNews*, and *Xwebûn*, the only Kurdish-language newspaper in the country.¹⁶⁴ In late July 2023, one of these individuals, Mehmet Şah Oruç, was charged with membership of a terrorist organisation and with disseminating terrorist propaganda. He was potentially facing a sentence of twenty-two years and six months imprisonment. The prosecutor had filed charges based on evidence such as Oruç's news articles and social media posts.¹⁶⁵ According to one source (and as far as could be ascertained), there are no indications that the other nine journalists were charged (or have yet to be charged).¹⁶⁶

On 17 July 2023, the independent news platform *Bianet* reported that the Turkish authorities had, for the fourth time, blocked access to the web address of *Yeni Yaşam* ('New Life'), a newspaper that primarily focuses on Kurdish rights. The newspaper responded by changing its internet address, to ensure that it remained accessible to its online readers.¹⁶⁷ Consult Subsection 3.5.4 for further details about the practice of blocking websites.

3.5.2 *Repercussions of the new Anti-Disinformation Law*

As previously indicated in Subsection 3.2.2, the Turkish parliament enacted the Anti-Disinformation Law in October 2022. At the time of writing, one source indicated that it was too soon to gauge the impact of this new law on freedom of expression and freedom of the press. However, it is worth noting that a great deal of use was made of this new law in the aftermath of the February 2023 earthquakes, a topic that will be revisited in Subsection 3.5.5.¹⁶⁸ According to another source, the Anti-Disinformation Law had a deterrent effect. This source had knowledge of various journalists and citizens who had sought legal advice prior to publishing material or posting messages.¹⁶⁹

Sinan Aygül was the first journalist to be arrested, criminally prosecuted, and convicted under the Anti-Disinformation Law. He took to Twitter in December 2022, posting several tweets about the purported sexual abuse of a fourteen-year-old girl by members of the security forces. Several hours later he deleted these tweets and apologised for posting unverified news. Nonetheless, he was arrested and subsequently placed in pre-trial detention for eight days on 14 December 2022. On 28 February 2023, a court sentenced him to ten months' imprisonment for the public dissemination of disinformation. In protest, Aygül had opted not to mount a defence during the criminal case.¹⁷⁰ Towards the end of this reporting period the case went to appeal.¹⁷¹ According to one source (and as far as could be

¹⁶⁴ *Bianet, Ten journalists among detainees after massive crackdown across Turkey*, 25 April 2023. HRW, *Turkey, Pre-election crackdown on Kurds, Free, end harassment of journalists, party officials, lawyers*, 25 April 2023.

¹⁶⁵ *Bianet, Kurdish journalist Mehmet Şah Oruç faces 22 years in prison on 'terrorism' charges*, 27 July 2023. *Gerçek News, Prominent Kurdish journalist faces 22 years in prison with news stories cited as "evidence"*, 27 July 2023.

¹⁶⁶ Correspondence with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 24 August 2023.

¹⁶⁷ *Bianet, Access to Kurdish rights-focused Yeni Yaşam newspaper's website blocked for fourth time*, 17 July 2023.

¹⁶⁸ Correspondence with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 30 June 2023.

¹⁶⁹ Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the European Centre for Press & Media Freedom, ECPMF), 23 June 2023.

¹⁷⁰ *Bianet, Journalist Sinan Aygül becomes first person to be arrested under 'disinformation law'*, 15 December 2022. *Bianet, Sinan Aygül becomes first journalist indicted under 'disinformation law'*, 1 February 2023. *Bianet, Türkiye sentences a journalist under 'disinformation law' for first time*, 1 March 2023.

¹⁷¹ International Federation of Journalists (IFJ), *Turkey, International groups condemn attack against journalist Sinan Aygül*, 20 June 2023.

ascertained), up to that point, Aygöl was the only person to have been convicted of disseminating disinformation.¹⁷²

3.5.3 Defamation of the President

During the preceding reporting period, many people were investigated, prosecuted, and convicted under Article 299 of the Penal Code (defamation of the President). In 2020, according to the Turkish Ministry of Justice, there were 31,297 criminal investigations linked to defamation of the President. These investigations resulted in 7,790 criminal cases and 3,325 convictions.¹⁷³

In 2021, there was a further increase in the number of criminal investigations, prosecutions, and convictions under Article 299 (defamation of the President). In that year, 33,973 new investigations were conducted. These investigations resulted in 9,168 criminal cases and 4,112 convictions. It was not possible to provide a similar summary for 2022.¹⁷⁴

In September 2022, *Cumhuriyet* ('Republic'), a pro-opposition and secular newspaper and associated with the CHP, released data indicating that between 2014 and September 2022, a total of 194,142 criminal investigations into instances of alleged presidential defamation had been carried out. These investigations resulted in 44,675 cases and 16,993 convictions. In 4,864 cases, the conviction involved a term of imprisonment. The newspaper did not give details of these prison sentences.¹⁷⁵ In the remaining cases, the convicted individuals had to pay a fine or serve a period of community service. In the latter case, the individuals in question were required to study and summarise books about the life of the President, for example.¹⁷⁶ Following the introduction of the presidential system in 2018, *Cumhuriyet* reported a surge in the number of investigations and court cases related to presidential defamation.¹⁷⁷

From September 2021 to July 2022, the MLSA, a Turkish association dedicated to upholding freedom of the press and freedom of expression, monitored 29 separate criminal cases in which 34 individuals were accused of defaming the President. This group consisted of eighteen journalists, five activists, four politicians, four artists, and three authors. In most cases, the prosecution presented messages posted by the defendants on social media as evidence.¹⁷⁸

During the preceding reporting period, the following case of presidential defamation was particularly noteworthy. On 22 January 2022, the renowned journalist Sedef Kabaş was held in pre-trial detention for using the following proverb in reference to President Erdoğan: 'When an ox comes to the palace, it does not become a king, but the palace becomes a stable'.¹⁷⁹ On 11 March 2022, a court sentenced Kabaş to two years and four months imprisonment for defaming the President. Kabaş lodged an

¹⁷² Correspondence with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 24 August 2023.

¹⁷³ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 24.

¹⁷⁴ Correspondence with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 30 June 2023 and 10 July 2023.

¹⁷⁵ *Cumhuriyet*, *Son 8 yılda cumhurbaşkanına hakaret soruşturma sayısı 200 bine dayandı: 305 çocuk davalık* ('In the past 8 years the number of investigations into presidential defamation has soared to two hundred thousand: three hundred and five children were also prosecuted'), 15 September 2022.

¹⁷⁶ Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the European Centre for Press & Media Freedom, ECPMF), 23 June 2023. Correspondence with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the European Centre for Press & Media Freedom, ECPMF), 31 July 2023.

¹⁷⁷ *Cumhuriyet*, *Son 8 yılda cumhurbaşkanına hakaret soruşturma sayısı 200 bine dayandı: 305 çocuk davalık*, 15 September 2022.

¹⁷⁸ MLSA, *299 years, 2 months and 24 days*, 5 December 2022, pp. 11 and 21.

¹⁷⁹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 24.

appeal and was released pending the verdict.¹⁸⁰ At the time of writing, the appeal was still pending.¹⁸¹

3.5.4 *Increased threat to internet freedom*

During the two preceding reporting periods, internet freedom was under pressure.¹⁸² For instance, by October 2021, the Turkish authorities had blocked around five hundred thousand websites.¹⁸³ The repression of internet freedom has continued during the current reporting period. For instance, the number of blocked websites had risen to 712,558 by the end of 2022.¹⁸⁴

In addition, more government agencies were granted the power to block websites. In the preceding reporting period, over 15¹⁸⁵ agencies were authorised to do so, but this number rose to well over 25 in the current reporting period.¹⁸⁶ The Information and Communication Technologies Authority (BTK) maintained its position as the government agency with the highest tally of blocked websites.¹⁸⁷

During the current reporting period, the following two instances of website blocking were particularly noteworthy. The *Radyo ve Televizyon Üst Kurulu* (Radio and Television Supreme Council, RTÜK) is a government committee tasked with assessing the suitability of content for broadcasting in Türkiye. On 30 June 2023, RTÜK blocked the Turkish-language news page of *Voice of America* (VOA) and the entire internet domain of *Deutsche Welle* (DW) in Türkiye.¹⁸⁸ This was because both news platforms had declined to apply for a broadcasting licence from the Turkish government, fearing that this could compromise their independence.¹⁸⁹

3.5.5 *The prosecution of critics in practice*

The preceding two country of origin information reports noted that individuals who posted critical and dissenting messages on social media were targeted by Turkish authorities if their content touched upon the following subjects: President Erdoğan and his family, the Turkish government's COVID-19 policy, operations conducted by the Turkish armed forces, the political and cultural rights of the Kurdish minority, the Turkish state's conflict with the PKK, Gülen and his movement, Islam, and LGBTIQ+. Posts of this kind were blocked or removed, and anyone who posted or

¹⁸⁰ Bianet, *Journalist Sedef Kabaş released after receiving prison sentence for 'insulting president'*, 11 March 2022. Duvar English, *Turkish court releases journalist Sedef Kabaş from jail*, 11 March 2022. HDN, *Journalist Sedef Kabaş released after trial*, 11 March 2022. VOA, *Turkish journalist to appeal 2-year jail term*, 11 March 2022.

¹⁸¹ Correspondence with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 12 July 2023.

¹⁸² Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 24. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 25.

¹⁸³ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 25.

¹⁸⁴ Correspondence with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 30 June 2023.

¹⁸⁵ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 26.

¹⁸⁶ Correspondence with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 30 June 2023.

¹⁸⁷ Interview with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 7 July 2023.

¹⁸⁸ Reuters, *Turkey blocks access to Deutsche Welle, Voice of America for not getting licenses – official*, 30 June 2022. Associated Press (AP), *Turkey blocks access to Deutsche Welle and Voice of America*, 1 July 2022. Bianet, *Turkey blocks access to Voice of America, Deutsche Welle websites*, 1 July 2022. Correspondence with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 30 June 2023.

¹⁸⁹ Reuters, *Turkey blocks access to Deutsche Welle, Voice of America for not getting licenses – official*, 30 June 2022. Associated Press (AP), *Turkey blocks access to Deutsche Welle and Voice of America*, 1 July 2022. Bianet, *Turkey blocks access to Voice of America, Deutsche Welle websites*, 1 July 2022.

shared messages of this kind faced criminal proceedings.¹⁹⁰ This situation remained more or less the same throughout the current reporting period.¹⁹¹

According to one source, the level of persecution against members of the Gülenist movement on social media had lessened since many of their accounts had already been blocked. Furthermore, according to the same source, Turkish authorities were intensifying their focus on social media accounts used by the LGBTIQ+ community. This source did not provide figures to substantiate their claims concerning the reduced targeting of members of the Gülenist movement and the increasing focus on the LGBTIQ+ community on social media.¹⁹²

When asked, one source stated that the Turkish government's COVID-19 policy was no longer a prominent topic on social media, because the pandemic was essentially over.¹⁹³ Conversely, according to another source, in the current reporting period the Turkish government was still using COVID-19 measures as a pretext for banning any gatherings deemed undesirable, such as demonstrations, beach parties, or concerts. Consequently, according to this source, the Turkish authorities' COVID-19 policy continued to be a contentious topic on social media.¹⁹⁴ In June 2023, the Turkish government lifted the final COVID-19 restriction, which was the prohibition on playing music after midnight.¹⁹⁵

Any journalists and citizens who posted critical messages about the Turkish government's actions in response to the February 2023 earthquakes were also targeted.¹⁹⁶ In this context, Mir Ali Koçer, a freelance Kurdish journalist from Diyarbakır, was arrested. On Twitter, he had posted reports of the stories told by the rescue workers involved, and by the survivors of that natural disaster. By doing so, according to the Turkish authorities, he had infringed the new Anti-Disinformation Law (see Subsections 3.2.2 and 3.5.2 for further details about this law). Koçer was potentially facing a sentence of up to three years' imprisonment.¹⁹⁷ At the time of writing, it remains uncertain whether any criminal charges are to be brought against him.¹⁹⁸

The following illustrates how critical messages on social media about the Turkish authorities' emergency response in the disaster area were targeted. On 20 March 2023, according to one source, 746 social media accounts were under criminal investigation. Moreover, up to that same day, 185 people had been detained and 46 placed in pre-trial detention. The above-mentioned investigations, arrests, and pre-

¹⁹⁰ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 26. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 26.

¹⁹¹ Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the European Centre for Press & Media Freedom, ECPMF), 23 June 2023. Correspondence with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 30 June 2023.

¹⁹² Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the European Centre for Press & Media Freedom, ECPMF), 23 June 2023.

¹⁹³ Interview with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 7 July 2023.

¹⁹⁴ Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the European Centre for Press & Media Freedom, ECPMF), 23 June 2023.

¹⁹⁵ Bianet, *Turkey finally lifts midnight music ban, which had been in place since pandemic*, 23 June 2023.

¹⁹⁶ De Standaard, *Turkije werkt met censuur de reddingsoperaties tegen*, 11 February 2023. BBC, *Turkish journalists detained over earthquake reports*, 25 February 2023. The Independent, *Turkish journalists under fire for reporting on the aftermath of devastating earthquakes*, 25 February 2023. NRC, *Kritiek op hulpverlening is link*, 9 March 2023. Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the European Centre for Press & Media Freedom, ECPMF), 23 June 2023. Correspondence with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 30 June 2023.

¹⁹⁷ BBC, *Turkish journalists detained over earthquake reports*, 25 February 2023. The Independent, *Turkish journalists under fire for reporting on the aftermath of devastating earthquakes*, 25 February 2023. JAMnews, *How Erdogan suppresses free speech and intimidates critics using 'Disinformation' Law*, 25 April 2023.

¹⁹⁸ Correspondence with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 13 July 2023.

trial detentions were all tied to social media posts concerning the government's actions in the disaster area, which the authorities deemed 'provocative'.¹⁹⁹

The timing of the Turkish authorities' decisions to launch criminal investigations, make arrests, or initiate criminal proceedings hinged on factors such as the topic and the fame and popularity of the individual in question. Turkish authorities usually responded promptly when a well-known individual posted a critical message on social media or when a prominent government official called for criminal proceedings against a social media user. When it comes to ordinary people, the Turkish government still acted, but it could sometimes take months or even years to do so.²⁰⁰ No information was available about how often the authorities intervened following a prolonged period of inaction.

Below are two examples in which the authorities rapidly instigated criminal proceedings once famous individuals had made their views known in the media. These examples should not be regarded as a comprehensive list.

In April 2022, during a concert, pop star Gülşen Bayraktar Çolakoğlu cracked a joke about Islamic schools in Türkiye. In August 2022, *Sabah* (a pro-government newspaper) stirred controversy by sharing a video of her joke online. Gülşen was immediately detained and held in detention for several days. On 3 May 2023, a court sentenced her to a ten month term of imprisonment for insulting the public or inciting hatred and enmity. This was a suspended sentence, which meant that Gülşen would be incarcerated if she committed the same offence again within a period of five years. Critics argued that this case had political motives, pointing to President Erdoğan's unstinting support for Islamic education as a key factor.²⁰¹

Şebnem Korur Fincancı was another prominent figure whose statements got her into trouble with the Turkish authorities during the current reporting period. Fincancı is head of the *Türk Tabipleri Birliği* (Turkish Medical Association, TTB).²⁰² In the past, she investigated cases of torture in her capacity as a forensic physician. During an interview on 19 October 2022, Fincancı called for an independent inquiry into allegations of chemical weapon use by the Turkish military in its campaign against the PKK in northern Iraq. The Turkish armed forces strongly refuted any claims that they possessed weapons of this kind. On 26 October 2022, she was detained on suspicion of disseminating terrorist propaganda. On 11 January 2023, a court sentenced her to a term of imprisonment of two years, eight months and fifteen days. Fincancı lodged an appeal and was released pending the verdict. International human rights groups saw this case as a move to suppress dissents against the Turkish government.²⁰³ At the time of writing, Fincancı's appeal was pending.²⁰⁴

¹⁹⁹ Correspondence with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 30 June 2023.

²⁰⁰ Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the European Centre for Press & Media Freedom, ECPMF), 23 June 2023. Correspondence with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 30 June 2023.

²⁰¹ De Volkskrant, *Een grap over islamitisch onderwijs komt de Turkse powervrouw Gülşen duur te staan*, 27 August 2022. Al Monitor, *Turkey hands pop star Gulsen jail sentence over religious schools joke*, 3 May 2023. Duvar English, *Turkish court sentences pop star Gülşen to 10 months in prison over joke about Islamic Imam Hatip schools*, 3 May 2023. Nu.nl, *Turkse artieste Gülşen krijgt voorwaardelijke celstraf voor 'beledigende' uitspraken*, 3 May 2023. The Independent, *Turkish singer sentenced over joke on religious schools*, 3 May 2023.

²⁰² The TTB is a professional association for physicians.

²⁰³ HRW, *Turkey, Free rights defender, Forensic expert faces trial over terrorism propaganda charge*, 22 December 2022. Al Jazeera, *Turkish Medical Association chief convicted on 'terror' charge*, 11 January 2023. BBC, *Turkey doctors' chief sentenced over call for chemical weapons inquiry*, 11 January 2023. FT, *Turkish court convicts medical expert on terror charges*, 11 January 2023. The Independent, *Turkish Medical Association chief convicted of terror charge*, 11 January 2023.

²⁰⁴ Confidential source, 13 June 2023.

This was not the first time that Financı had clashed with the Turkish authorities. In early 2016, she signed a petition calling for a peaceful solution to the armed conflict between the Turkish state and the PKK. As a result, she was arrested in June 2016 and charged with disseminating terrorist propaganda. Financı was acquitted in July 2019. The TTB's criticism of the government's COVID-19 policy led President Erdoğan to brand her 'a terrorist'.²⁰⁵

The conviction of Ekrem İmamoğlu, the mayor of Istanbul, is also noteworthy. On 14 December 2022, a court sentenced him to a term of imprisonment of two years, seven months and fifteen days for defaming members of the Supreme Election Council (YSK).²⁰⁶ İmamoğlu was the CHP's mayoral candidate in March 2019. He emerged as the winner in the Istanbul municipal elections. Claiming that the electoral process had been marred by irregularities, the AKP launched an appeal. In response, the YSK declared the election result invalid and a new election was held in June 2019. This time İmamoğlu won by an even wider margin.²⁰⁷ When the YSK declared the result of the March 2019 election invalid, İmamoğlu dismissed this decision as 'foolishness'. The court found that, by doing so, he had defamed the YSK. İmamoğlu filed an appeal and, while it was pending, he was permitted to remain in his post.²⁰⁸ The CoE described İmamoğlu's conviction as a 'direct attack on local democracy'.²⁰⁹ At the time of writing, the appeal was still pending.²¹⁰

Social media posts also had the potential to cause problems for ordinary people, especially when these statements rapidly went viral.²¹¹ This dynamic persisted throughout the preceding reporting period.²¹² For instance, on 7 April 2023, in the city of Izmir in western Türkiye, Mahir Akkoyun, a graphic designer, was arrested on charges of defaming the President and interfering with the electoral process. He had designed stickers with a caption referring to the soaring rate of inflation: 'Is this product too expensive for you? Thanks to Erdoğan...'. His design rapidly went viral on Twitter, leading to his detainment. Akkoyun was interrogated and then released.²¹³ At the time of writing, he had been acquitted.²¹⁴

According to one source, individuals or groups who strayed from the AKP government's established norms were the primary targets. The source indicated that this spectrum included atheists, LGBTIQ+ individuals, Kurds, journalists, academics, women's rights activists, and the political opposition, notably the Democratic

²⁰⁵ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, pp. 22 and 23.

²⁰⁶ Al Jazeera, *Istanbul mayor sentenced to prison for insulting public officials*, 14 December 2022. HDN, *Court sentences Istanbul mayor to prison for insulting state officials*, 14 December 2022. The Guardian, *Istanbul mayor Ekrem Imamoglu sentenced to jail over 'fools' insult*, 14 December 2022. NOS, *Duizenden Turken demonstreren in Istanbul na veroordeling Erdogan-rivaal*, 15 December 2022). Trouw, *Veroordeelde burgemeester van Istanbul als een held toegejuicht* 15 December 2022.

²⁰⁷ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, October 2019, p. 8

²⁰⁸ Al Jazeera, *Istanbul mayor sentenced to prison for insulting public officials*, 14 December 2022. HDN, *Court sentences Istanbul mayor to prison for insulting state officials*, 14 December 2022. The Guardian, *Istanbul mayor Ekrem Imamoglu sentenced to jail over 'fools' insult*, 14 December 2022. NOS, *Duizenden Turken demonstreren in Istanbul na veroordeling Erdogan-rivaal*, 15 December 2022). Trouw, *Veroordeelde burgemeester van Istanbul als een held toegejuicht* 15 December 2022.

²⁰⁹ CoE, *Istanbul Mayor Ekrem İmamoğlu sentence a direct attack on local democracy, says Congress President*, 16 December 2022.

²¹⁰ Confidential source, 23 August 2023.

²¹¹ Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the European Centre for Press & Media Freedom, ECPMF), 23 June 2023.

²¹² Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 27.

²¹³ Bianet, *Graphic designer detained over anti-Erdoğan sticker campaign*, 7 April 2023. Duvar English, *Turkish police temporarily detain designer of viral stickers criticising Erdoğan for inflation*, 7 April 2023. Gercek News, *Graphic artist detained for Erdogan criticism: "I received support from all segments of society"*, 10 April 2023.

²¹⁴ Duvar English, *Turkish court acquits designer of viral stickers criticizing Erdoğan for inflation*, 24 July 2023.

Correspondence with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the European Centre for Press & Media Freedom, ECPMF), 24 July 2023.

Peoples' Party (HDP).²¹⁵ Another source noted that the main targets were Kurdish and left-wing news websites, as well as the social media accounts of journalists, activists (including human rights activists) and opponents of the Turkish government.²¹⁶

The consensus among various sources was that the Turkish authorities were monitoring social media accounts, both in Türkiye and elsewhere, but no-one knew exactly how this was being done.²¹⁷ One source doubted whether the Turkish authorities' could intercept content data, such as the contents of SMSs, emails, and WhatsApp messages. The same source noted that Turkish authorities were unquestionably capable of accessing traffic data. Data of this kind includes the times at which a mobile phone call started and finished, for example, and how long it lasted. For instance, the source had knowledge of various court cases where, at the instructions of the court, the BTK had requested traffic data from the internet provider in question. In accordance with the Turkish Data Protection Law, data of this kind can be stored for 24 hours. However, this source revealed that, in certain instances, the BTK had provided traffic data dating back to the period preceding the failed coup of July 2016.²¹⁸

Despite the restrictions on social media freedom, these platforms continued to be a vibrant arena for critical and dissenting viewpoints and voices. In this context, critical social media users made personal decisions about how far they were willing to push the boundaries.²¹⁹ One source also asserted that the Turkish authorities needed a valid reason to investigate someone's social media history. According to the source, the authorities saw no need to scrutinise the social media history of individuals involved in traffic violations or suspected tax fraud. However, when, in the eyes of the Turkish authorities, someone had committed a political crime, such as defaming the President, there was every reason to investigate their social media history.²²⁰

Little information was available about the treatment of the relatives of critical social media users by the Turkish authorities. One source had knowledge of instances in which Turkish authorities exerted pressure on the parents of minors. For instance, they were warned that a tax penalty might be imposed if they failed to keep their children in line.²²¹

²¹⁵ Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the European Centre for Press & Media Freedom, ECPMF), 23 June 2023.

²¹⁶ Slate, *Elon Musk is playing a risky game with the Turkish government*, 18 May 2023.

²¹⁷ Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the European Centre for Press & Media Freedom, ECPMF), 23 June 2023. Correspondence with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 30 June 2023.

²¹⁸ Interview with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 7 July 2023.

²¹⁹ Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the European Centre for Press & Media Freedom, ECPMF), 23 June 2023. Correspondence with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 30 June 2023.

²²⁰ Interview with Yaman Akdeniz (cyber-rights activist and co-founder of the Freedom of Expression Association, İFÖD), 7 July 2023.

²²¹ Interview with Gürkan Özturan (Media Freedom Rapid Response Coordinator at the European Centre for Press & Media Freedom, ECPMF), 23 June 2023.

3.6 Travel bans

The consensus among various sources was that criminal proceedings with a political dimension typically involved the imposition of a travel ban.²²² This might involve political opponents, for example, as well as Kurdish activists, LGBTIQ+ activists, and women's rights activists.²²³

The MLSA, a Turkish association dedicated to upholding freedom of the press and freedom of expression, monitored 1,398 court cases from September 2021 to July 2022, all involving individuals²²⁴ who were facing criminal charges for expressing their views. Travel bans were imposed on 315 defendants. This group included 104 students, 81 activists, and 69 journalists. In most cases, the charges were related to terrorism (typically involving the production of terrorist propaganda or membership of a terrorist organisation).²²⁵

The following incident also serves to illustrate the practice of imposing travel bans in political cases. Opposition politicians, lawyers, and journalists were among those detained in a nationwide mass arrest on 25 April 2023 (see Subsection 5.5.4 for further details about this incident). The *Özgürlük için Hukukçular Derneği* (Freedom for Lawyers Association, ÖHD)²²⁶ reported that the group of detainees included 25 of its members.²²⁷ According to one source, a travel ban was imposed on all 25 attorneys (see Section 3.4 for further details about the status of attorneys who represented dissidents).²²⁸

According to another source, the defendants in political cases were never assessed to determine whether they were really a flight risk. According to the source, travel bans were routinely imposed on those involved.²²⁹

3.7 Constitutional Court (AYM)

As previously stated, the AYM is the highest court in Türkiye. It has fifteen members. Three are appointed by the Turkish parliament and the remaining twelve by the country's President.²³⁰ Members of the AYM have a twelve-year term of office.²³¹

One source voiced concern about the independence of the AYM.²³² Nonetheless, it is important to acknowledge that, in several cases, the AYM ruled in favour of citizens who were in dispute with the Turkish authorities. This is illustrated by the examples shown below. These are used solely for illustrative purposes and should certainly not be regarded as a comprehensive list.

²²² Confidential source, 12 June 2023. Confidential source, 14 June 2023. Confidential source, 14 June 2023.

Confidential source, 14 June 2023. Confidential source, 16 June 2023.

²²³ Confidential source, 12 June 2023. Confidential source, 14 June 2023.

²²⁴ This group consisted of 391 activists, 318 journalists, 292 students, 135 other individuals, 124 politicians, 39 attorneys, 25 unemployed individuals, 23 writers, 21 human rights defenders, 16 artists, 6 media workers, 6 academics, and 2 physicians. MLSA, *299 years, 2 months and 24 days*, 5 December 2022, p. 6.

²²⁵ MLSA, *299 years, 2 months and 24 days*, 5 December 2022, pp. 2 and 57.

²²⁶ The ÖHD lawyers association has a reputation for being pro-Kurdish and socialist. The ÖHD is referred to in Kurdish as the *Komeleya Hîqûqnasên Ji Bo Azadiyê*.

²²⁷ Lawyers for Lawyers (L4L), *Concerns over detention of lawyers, journalists, politicians, and artists in Türkiye*, 25 May 2023.

²²⁸ Confidential source, 14 June 2023.

²²⁹ Confidential source, 16 June 2023.

²³⁰ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 28.

Confidential source, 13 June 2023. Constitutional Court (AYM), *Constitutional Court of Turkey, Introductory booklet*, undated, consulted on 17 July 2023, pp. 12 and 13.

²³¹ Confidential source, 13 June 2023. Constitutional Court (AYM), *Constitutional Court of Turkey*, undated, consulted on 17 July 2023, p. 12.

²³² Confidential source, 13 June 2023.

On 7 December 2022, the AYM ruled in favour of a citizen by the name of Nazan Bozkurt. During the state of emergency (July 2016 – July 2018), she was among the tens of thousands of public officials who lost their jobs. On 11 November 2019, she took part in a demonstration in Ankara to protest the forced dismissal of public officials. During this demonstration she was punched by a police officer, sustaining an orbital fracture in the process.²³³ After the public prosecutors declined to act on the complaint she had filed, she submitted a petition to the AYM. In December 2022, this court ruled that the police had used excessive force, and that the incident merited further investigation.²³⁴

On 23 December 2023, the AYM ruled in favour of a citizen by the name of Narin Kurt. In 2014, she lost her husband, Uğur Kurt, as a result of police violence. Her husband had wanted to attend a funeral ceremony in Okmeydanı, but it coincided with the day on which police used violence to quell an anti-government protest in that same suburb of Istanbul. As a consequence, Uğur Kurt was fatally shot by a police officer. The police officer responsible was fined 12,100 Turkish lira, payable in 10 instalments.²³⁵ Kurt's widow objected to this and submitted a petition to the AYM. In March 2023, this court ruled that the fine imposed would not be effective in deterring police officers from using excessive force. Consequently, the AYM ruled that the case should be retried and that Narin Kurt should receive compensation in the amount of 90,000²³⁶ Turkish lira.²³⁷

During the current reporting period, the following two rulings by the AYM were also particularly noteworthy. Despite an ongoing court case seeking to ban the HDP, the Constitutional Court ruled that this opposition party was entitled to government funding (see Subsection 5.5.2 for further details about this ruling). Furthermore, the Constitutional Court limited the powers of the neighbourhood guards (see Subsection 3.2.3 for further details about this ruling). Consult Section 4.3 for details of the AYM's rulings in cases related to the Gülen movement.

The country of origin information report of March 2021 gave details of a case in which a lower court ignored the AYM's ruling.²³⁸ In the current reporting period, too, another lower court refused to review a conviction in the light of a ruling by the AYM. For example, at the end of December 2022, *Bianet* published a report about a journalist named Haçı Boğatekin. In 2011, he penned a column about a politician who had switched political affiliations several times: 'Are you a renegade or a cow?' The politician, Mehmet Metiner, filed a lawsuit against the journalist. In 2013, the journalist was found guilty and ordered to pay the politician 3,500 Turkish lira²³⁹ in compensation for defamation. In response, Boğatekin submitted a petition to the AYM. In 2017, the Constitutional Court ruled that Metiner was a public figure, and argued that Boğatekin's conviction might deter other critics from engaging in political criticism. As a result, a retrial was required and Boğatekin was awarded compensation in the amount of 3,600 Turkish lira.²⁴⁰ However, the lower court chose to ignore the AYM's ruling, prompting Boğatekin's attorney to once again seek

²³³ An orbital fracture involves a break in one of the bones of the eye socket.

²³⁴ *Bianet, Constitutional Court says punching protester not lawful*, 24 January 2023.

²³⁵ According to CoinMill.com (an online exchange rate calculator), on 17 July 2023, 12,100 Turkish lira was worth precisely 510.82 euros.

²³⁶ According to CoinMill.com (an online exchange rate calculator), on 17 July 2023, 90,000 Turkish lira was worth precisely 3,799.49 euros.

²³⁷ *Bianet, Police officer to be retried in the case of protest bystander shot dead during Gezi Park protests*, 23 March 2023.

²³⁸ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 30.

²³⁹ According to CoinMill.com (an online exchange rate calculator), on 17 July 2023, 3,500 Turkish lira was worth precisely 147.76 euros.

²⁴⁰ According to CoinMill.com (an online exchange rate calculator), on 17 July 2023, 3,600 Turkish lira was worth precisely 151.98 euros.

redress from the Constitutional Court.²⁴¹ At the time of writing, the situation remained unclear.²⁴²

Another ruling by the AYM that did not produce the desired effect pertained to Maside Ocak. She was a member of the Saturday Mothers.²⁴³ This advocacy group holds peaceful gatherings in Istanbul's Galatasaray Square every Saturday. Their goal is to raise awareness about relatives who disappeared during the 1980s and 1990s.²⁴⁴ After being detained by police on 25 August 2018, she lodged an individual petition with the AYM. In February 2023, this court ruled that Ocak's right to freedom of assembly and demonstration had been infringed.²⁴⁵

In defiance of this ruling, the police continued to detain, handcuff, and remove the Saturday Mothers, only to release them later without pursuing any criminal proceedings.²⁴⁶ On 25 July 2023, three civil society organisations jointly denounced the repeated arrests of the Saturday Mothers. The Human Rights Association (İHD), the Turkish Medical Association (TTB), and the *Türkiye İnsan Hakları Vakfı* (Human Rights Foundation of Türkiye, TİHV)²⁴⁷ issued a joint declaration accusing the Turkish authorities of ill-treatment and of violating the right to freedom of assembly and demonstration.²⁴⁸

In May 2023, the *İfade Özgürlüğü Derneği* (Freedom of Expression Association, İFÖD) published a report clearly showing that lower courts often disregarded rulings issued by the AYM and the Court of Cassation with regard to petitions filed under Article 9 of Law No. 5651. Pursuant to this statutory provision, individuals, legal entities, and public bodies have the right to petition a court to block access to an online news article or other kinds of content, or to have said article or content deleted entirely.²⁴⁹ Petitions of this kind invoke the right to be forgotten.²⁵⁰ In the past, the AYM and the Court of Cassation have issued legally binding rulings designed to clarify the circumstances under which such petitions may be granted. In this context, it is essential to maintain a delicate balance between the personal interests of the petitioner on the one hand, and the collective interest of being able to access information on the other.²⁵¹

İFÖD reviewed 548 court rulings from the period between 2020 and 2021 pertaining to petitions filed under Article 9 of Law No. 5651. The judiciary received petitions to either block a total of 10,441 news articles and other types of content, or have them deleted. The judges ruled that a total of 9,913 news articles and other types of content (94.94%) should be blocked or deleted.²⁵² The same study found 351 rulings (64.05%) that made no reference at all to previous decisions by the AYM and the Court of Cassation. In essence, the lower courts predominantly exercised their own discretion when rendering judgment. Moreover, it remained unclear why the personal interests of the petitioner were prioritised over the collective interest with regard to accessing information.²⁵³ Much of the content that was blocked or deleted

²⁴¹ Bianet, *Journalist goes to top court once again after local court refuses to recognize its ruling*, 12 December 2022.

²⁴² Confidential source, 3 August 2023.

²⁴³ The Saturday Mothers are referred to in Turkish as the *Cumartesi Anneleri*.

²⁴⁴ Amnesty International, *Türkiye, Arrestaties tijdens 900^{ste} wake van Zaterdagmoeders*, 25 June 2022. Bianet, *Preventing Saturday Mothers/People gathering not lawful, rules top court*, 23 February 2023.

²⁴⁵ Bianet, *Preventing Saturday Mothers/People gathering not lawful, rules top court*, 23 February 2023.

²⁴⁶ Confidential source, 12 June 2023. Confidential source, 12 June 2023. Confidential source, 16 June 2023.

²⁴⁷ The TİHV is referred to in Kurdish as *Weqfa Mafên Mirovan a Tirkiyê*.

²⁴⁸ Bianet, *Three organizations condemn detention conditions Saturday People are made subject to*, 25 July 2023.

²⁴⁹ İFÖD, *The right not to be forgotten on the internet, Freedom of expression assessment of the application of the Turkish right to be forgotten measures under Law No. 5651*, May 2023, p. 16.

²⁵⁰ This right empowers petitioners to request the deletion of specific outdated or inaccurate privacy-sensitive information.

²⁵¹ İFÖD, *The right not to be forgotten on the internet*, May 2023, pp. 19-39.

²⁵² İFÖD, *The right not to be forgotten on the internet*, May 2023, pp. 13, 53, 88 and 90.

²⁵³ İFÖD, *The right not to be forgotten on the internet*, May 2023, pp. 92 and 93.

pertained to court news, investigations, court cases involving the Gülen movement, instances of sexual misconduct, cases of corruption and fraud within the public sector, and incidents of gender-related violence.²⁵⁴ İFÖD concluded that this practice posed a threat to both freedom of the press and freedom of expression.²⁵⁵

3.8 Arrests, custody, and detentions

3.8.1 Introduction

This section takes a closer look at the practice of arrests and the conditions under which detainees are held (see Subsection 3.8.2). It also addresses prison conditions, with a particular focus on overcrowding in prisons, access to medical care, and early release on medical grounds (see Subsection 3.8.3). This section focuses purely on detainees and prison inmates who were apprehended or incarcerated due to their political beliefs and/or activism.

In the Turkish context, the term ‘detention centre’ is used to describe a short-term holding facility for detainees, such as a police station. A ‘prison’ on the other hand, is a facility where convicted individuals serve their term of imprisonment or where detainees are held in pre-trial detention for extended periods of time.²⁵⁶

A variety of groups were at particular risk of being apprehended, held in pre-trial detention, or imprisoned. This could include human rights defenders (see Subsection 3.3.3), attorneys representing dissidents (see Section 3.4), critical journalists (see Subsection 3.5.1), Gülenists (or alleged Gülenists) (see Chapter 4), Kurdish dissidents (see Sections 5.4 and 5.5), women’s rights activists (see Section 6.4) and LGBTIQ+ rights activists (see Section 8.2).²⁵⁷

The exact number of individuals held in pre-trial detention or imprisoned due to their political beliefs and/or activism was unknown. This is because the figures provided by the Turkish Ministry of Justice shed no light on this matter.²⁵⁸

President Erdoğan issued a decree on 25 August 2017, when the state of emergency was still in effect. Based on this decree, anyone suspected of committing a criminal offence can be held in pre-trial detention for up to five years. Anyone suspected of crimes involving state security, constitutional order, espionage, leaking state secrets, or terrorism can be held in pre-trial detention for up to seven years.²⁵⁹

3.8.2 Arrests and detentions

The two previous country of origin information reports noted that procedural safeguards concerning the detention of individuals were not consistently upheld. For instance, some detainees reported instances of mistreatment and of police officers or gendarmes who remained in the room while medical examinations were being conducted in detention centres. Furthermore, in some instances, these procedures

²⁵⁴ İFÖD, *The right not to be forgotten on the internet*, May 2023, pp. 53, 56, 59, 95 and 100.

²⁵⁵ İFÖD, *The right not to be forgotten on the internet*, May 2023, p. 103.

²⁵⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 30.

Confidential source, 16 June 2023. Confidential source, 16 June 2023.

²⁵⁷ Confidential source, 12 June 2023. Confidential source, 12 June 2023. Confidential source, 12 June 2023.

Confidential source, 16 June 2023. Confidential source, 16 June 2023. Confidential source, 16 June 2023.

²⁵⁸ Confidential source, 12 June 2023. Confidential source, 16 June 2023.

²⁵⁹ Confidential source, 16 June and 1 August 2023.

did not involve genuine medical examinations.²⁶⁰ This situation remained the same in the current reporting period.²⁶¹

For instance, one source stated that medical reports would ascribe detainees' wounds to falls, when they were actually the result of police violence. The same source had knowledge of various students who had participated in a Pride event at the Middle East Technical University (METU)²⁶² in Ankara in 2023. The police struck the students to disperse them, but the medical reports made no mention of this.²⁶³ Another source had knowledge of approximately fifteen Kurdish construction workers who had participated in a Green Left Party (YSP) election event in Kadıköy, a district in the metropolis of Istanbul, ahead of the May 2023 elections. They were detained and beaten in a police station, but the medical examination reports made no mention of this. Finally, a single member of the group dared to file a complaint against the police. The others decided not to do so, due to concerns about the potential repercussions (see Section 3.9 for further details about the scope for legal protection).²⁶⁴

The Turkish police had a system of 'prearranged' days, on which protesters were detained and temporarily placed in detention. Some notable examples are International Women's Day on 8 March (see Section 6.4), Kurdish New Year, which falls around 21 March (see Section 5.4), Labour Day on 1 May,²⁶⁵ the Pride month in June (see Section 8.2) and the International Day for the Elimination of Violence against Women on 25 November (see Section 6.4).²⁶⁶

Demonstrators supporting LGBTIQ+ and women's rights were often released after a brief period of detention without facing criminal charges.²⁶⁷ However, according to one source, if a detained individual was found to have organised the protest or to be affiliated with an LGBTIQ+ rights organisation, their arrest was likely to result in criminal proceedings.²⁶⁸

3.8.3 Prison conditions

The two previous country of origin information reports noted that Turkish prisons were overcrowded.²⁶⁹ Overcrowding in Turkish prisons increased during the reporting period. According to data from the Turkish Ministry of Justice, in January 2023 the prison system had a capacity of 286,797 inmates, while the actual prison population stood at 341,497. This meant that there was a surplus of 54,700 prison inmates.²⁷⁰ In July 2020, there were 12,845 surplus prison inmates,²⁷¹ while the figure for October 2021 was 43,701.²⁷²

²⁶⁰ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 34. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 30 and 31.

²⁶¹ Confidential source, 12 June 2023. Confidential source, 12 June 2023. Confidential source, 16 June 2023.

²⁶² This university is referred to in Turkish as *Orta Doğu Teknik Üniversitesi* (ODTÜ).

²⁶³ Confidential source, 12 June 2023.

²⁶⁴ Confidential source, 12 June 2023.

²⁶⁵ On 1 May 2023, various trades unions, youth organisations, and political parties attempted to hold a demonstration on Taksim Square in Istanbul, but were prevented from doing so by the police. An unspecified number of demonstrators were detained. The year before, no fewer than 164 individuals were arrested in Istanbul while celebrating Labour Day. Bianet, *Labor Day rallies in Istanbul lead to detentions*, 1 May 2023.

²⁶⁶ Confidential source, 12 June 2023.

²⁶⁷ Confidential source, 12 June 2023. Confidential source, 12 June 2023.

²⁶⁸ Confidential source, 12 June 2023.

²⁶⁹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 34.

Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 31.

²⁷⁰ Bianet, *Drug offenses account for one-third of Turkey's prison population*, 17 April 2023.

²⁷¹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 34.

²⁷² Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 31.

During the COVID-19 crisis, prison authorities reduced the number of permitted visits for inmates' relatives and legal representatives. The authorities announced that they were implementing this measure in an effort to control the coronavirus.²⁷³ This measure was scrapped in the reporting period.²⁷⁴ However, one source noted that the prison authorities remained selective about admitting visitors. For instance, one source had knowledge of a political prisoner who wanted to see a human rights activist. The authorities refused this request, because the visitor in question was considered to be *istenmeyen* ('undesirable').²⁷⁵

The two previous country of origin information reports stated that prison inmates had limited access to medical care. For instance, prison inmates remained handcuffed during medical examinations, these examinations were conducted in the presence of police officers or gendarmes, and there were frequent delays in transporting sick inmates to and from hospitals. Moreover, it was reported that some physicians had refused to treat Gülenists (or alleged Gülenists) and members (or alleged members) of the PKK.²⁷⁶ The above-mentioned situation remained the same in the current reporting period.²⁷⁷ No information was available about how often physicians refused to treat Gülenists (or alleged Gülenists) and members (or alleged members) of the PKK.

In some instances, for example, sick political prisoners were subjected to a strip search²⁷⁸ or were handcuffed to a gendarme, before being taken to hospital. If they refused to comply, their hospital visit was cancelled and their health problems went untreated.²⁷⁹ One source had knowledge of a Kurdish woman who had been imprisoned for her advocacy of political and cultural rights for the Kurds. Her attending physician told her: 'I hate looking at you; I hate your beliefs'.²⁸⁰

According to one source, there were around 1,600 terminally ill prison inmates in Türkiye in the current reporting period. Their medical conditions included cancer, cardiac diseases, and dementia.²⁸¹ The two previous country of origin information reports gave the same figure for the number of seriously ill prison inmates.²⁸² The *Adli Tıp Kurumu* (Council of Forensic Medicine, ATK) is authorised to draw up reports that enable prison inmates to be released early, on medical grounds. In the recent past, there were concerns about the autonomy of the ATK.²⁸³ These concerns persisted throughout the current reporting period.²⁸⁴ According to one source, ATK staff were hesitant about recommending early release for political prisoners with health problems, as they feared this might cost them their jobs.²⁸⁵

During the preceding reporting period, there was some controversy surrounding the following ruling by the ATK. This concerned Aysel Tuğluk, a female Kurdish politician who had been incarcerated since 2016. Her Alzheimer's diagnosis notwithstanding,

²⁷³ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 32.

²⁷⁴ Confidential source, 16 June 2023. Confidential source, 16 June 2023.

²⁷⁵ Confidential source, 16 June 2023.

²⁷⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, pp. 34 and 35. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 31 and 32.

²⁷⁷ Confidential source, 12 June 2023. Confidential source, 16 June 2023. Confidential source, 16 June 2023.

²⁷⁸ Strip searching, as the term suggests, involves prison staff removing a prisoner's clothing to search for unauthorised items such as drugs. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 19.

²⁷⁹ Confidential source, 16 June 2023. Confidential source, 16 June 2023.

²⁸⁰ Confidential source, 12 June 2023.

²⁸¹ Confidential source, 12 June 2023.

²⁸² Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 35. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 32.

²⁸³ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 35.

²⁸⁴ Confidential source, 12 June 2023. Confidential source, 13 June 2023. Confidential source, 16 June 2023.

²⁸⁵ Confidential source, 16 June 2023.

the ATK concluded that she was fit enough to complete her term of imprisonment. During the preceding reporting period, this led to protests by the HDP, human rights organisations, women's rights groups, and various attorneys.²⁸⁶ On 26 October 2022, the ATK ruled that, because of her dementia, Tuğluk could no longer be held in prison. The court ordered her release the very next day.²⁸⁷ In May 2023, the Turkish government announced a one-year suspension of her prison sentence.²⁸⁸

During the current reporting period, another seriously ill prisoner, Mehmet Emin Özkan, was released. He had been convicted of the murder of a Turkish Brigadier General in 1993 in Lice, a district in the south-eastern province of Diyarbakır, and was serving a life sentence. Özkan was suffering from various chronic illnesses, and a 2015 medical report had clearly stated that 87% of his bodily functions were compromised. On 17 July 2023, he was released on the basis of a report from the ATK.²⁸⁹

According to two sources, there were cases in which political prisoners had their parole postponed because they had not borrowed any books from the prison library or had failed to attend Islamic courses conducted by a prison imam.²⁹⁰ No information was available concerning the scale of the above-mentioned practice.

3.9 Ill-treatment, torture, and legal protection

The two previous country of origin information reports included accounts of ill-treatment and torture in detention centres, in prisons, and out on the streets, especially during demonstrations and gatherings.²⁹¹ The above situation remained unchanged throughout the current reporting period.²⁹² For instance, one source had knowledge of a human rights organisation that had received 1,079 reports of torture in detention in 2022. Many of these reports concerned detainees who had been detained on International Women's Day (8 March) and during the Pride month (June).²⁹³

In the wake of the February 2023 earthquakes, a state of emergency was declared in the disaster area in south-eastern Türkiye. Reports emerged of incidents in the disaster area in which ordinary citizens had been ill-treated or tortured by police officers, gendarmes, soldiers, or neighbourhood guards. The international human rights organisations Amnesty and HRW have documented 13 cases of ill-treatment or torture, in which 34 ordinary citizens suffered state-sponsored violence. Most of these people were suspected looters. In four cases, the victims were Syrian refugees. These incidents involved an element of xenophobia, as the perpetrators had made explicit comments to the victims concerning their Syrian nationality. Complaints were filed against the authorities' use of force in six of the thirteen cases. In the other seven cases, the victims and their relatives refrained from taking this course of action, due to their lack of trust in the effectiveness of the legal

²⁸⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 51 and 52.

²⁸⁷ Bianet, *Aysel Tuğluk released after Forensic Medicine Institute report*, 27 October 2022. Duvar English, *Kurdish politician suffering from severe illness finally released from prison*, 27 October 2022.

²⁸⁸ Bianet, *Kurdish politician Aysel Tuğluk's sentence suspended for one year for health reasons*, 26 May 2023.

²⁸⁹ Bianet, *Seriously ill prisoner released from prison after 27 years*, 17 July 2023.

²⁹⁰ Confidential source, 13 June 2023. Confidential source, 16 June 2023.

²⁹¹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, pp. 35 and 36. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 33 and 34.

²⁹² Confidential source, 16 June 2023. Confidential source, 16 June 2023. Confidential source, 16 June 2023.

²⁹³ Confidential source, 16 June 2023.

system, concerns about potentially adverse consequences, or the emotional toll exacted by the loss of loved ones or possessions.²⁹⁴

On 15 June 2023, the left-wing/liberal news platform *Gerçek News* published details of instances of abuse in a prison in the eastern province of Iğdır. This article quoted an attorney by the name of Ridvan Sahin. One of his clients had told Sahin that prison officers turned off their body cameras before assaulting prison inmates. Sahin himself alleged that he had been assaulted by prison officers after he and some of his colleagues had voiced criticism of the use of force by prison officers. In relation to this incident, Sahin and his colleagues filed an official complaint. The same attorney also stated that any written complaints submitted by prison inmates were not taken seriously by the prison authorities.²⁹⁵

The two previous country of origin information reports noted that while the victims of ill-treatment or torture did have recourse to formal complaints procedures, these mechanisms were not particularly effective. This gave rise to concerns about the autonomy of government agencies such as the *Türkiye İnsan Hakları ve Eşitlik Kurumu* (Human Rights and Equality Institution of Türkiye, TİHEK) and the Ombudsman.²⁹⁶

This situation remained the same in the current reporting period.²⁹⁷ For instance, according to several sources, the TİHEK was neither efficient nor autonomous when dealing with reports of ill-treatment and torture.²⁹⁸ One source added that this institution refrained from dealing with cases involving LGBTIQ+ individuals and instead focused on less politically charged issues, such as landlord-tenant disputes or access to healthcare. The same source noted that, while the TİHEK did indeed conduct official prison visits, these were primarily related to hygiene-related issues rather than cases of ill-treatment and torture.²⁹⁹

According to one source, officers at police stations often demonstrated a lack of interest in handling complaints related to state-sponsored violence. Victims stood a better chance of success if they directly submitted their complaints to the Public Prosecution Service, particularly when these were backed by hard evidence such as a medical report or video clip. According to the same source, citizens who reported incidents of state-sponsored violence risked being charged with slander.³⁰⁰ No information is available concerning the scale of this practice.

According to another source, prison inmates were hesitant to report any abuses to the prison authorities, fearing that this might result in their term of imprisonment being extended.³⁰¹ This dynamic persisted already throughout the preceding reporting period.³⁰²

²⁹⁴ Amnesty International, *Türkiye, Police and gendarmerie commit abuses in earthquake zone*, 5 April 2023.

²⁹⁵ *Gerçek News*, *Prison guards accused of turning off cameras and torturing inmates in Turkey's Iğdir province*, 15 June 2023.

²⁹⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 36.

²⁹⁷ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 34.

²⁹⁸ Confidential source, 12 June 2023. Confidential source, 16 June 2023. Confidential source, 16 June 2023.

²⁹⁹ Confidential source, 12 June 2023. Confidential source, 16 June 2023. Confidential source, 16 June 2023.

³⁰⁰ Confidential source, 12 June 2023.

³⁰¹ Confidential source, 16 June 2023.

³⁰² Confidential source, 16 June 2023.

³⁰³ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 34 and 35.

4 Gülenists

4.1 Introduction

This chapter explores the position of Gülenists (or alleged Gülenists). These are adherents of Fethullah Gülen, an Islamic preacher who resides in Pennsylvania (in the United States). They refer to their movement as the *Hizmet Hareketi* ('Servitude Movement'). The Turkish authorities refer to the Gülen movement as the *Fethullahçı Terör Örgütü* (Fethullah Terrorist Organisation, FETÖ). The Turkish government blames the Gülen movement for the unsuccessful coup attempt on 15 July 2016, in which at least 241 people died. The failed coup led to a state of emergency in Türkiye, which lasted from 21 July 2016 to 19 July 2018.³⁰³

Verifying the status of Gülenists (or alleged Gülenists) in Türkiye was problematic because the movement had been outlawed in this country. Even though they, too, experienced government repression, the societal movements representing Kurds, women, and LGBTIQ+ individuals still had some room to voice their grievances, concerns and demands. In Türkiye, however, people refrained from openly disclosing their affiliation with the Gülen movement. As a result, information about the status of Gülenists (or alleged Gülenists) continued to be scarce, piecemeal, and anecdotal in nature.³⁰⁴

For instance, at the time of writing, no-one was sure exactly how many Gülenists were in Türkiye.³⁰⁵ Even when the Gülen movement was still a legal entity, determining its precise membership count was challenging, as it did not issue membership cards to new members.³⁰⁶ Because Gülenists in Türkiye were condemned to a covert existence, it was impossible to gauge the current size of this movement in the country.³⁰⁷

Section 4.2 explores the persecution of Gülenists (or alleged Gülenists), and aims to reveal its intensity. Section 4.3 explores the methods employed by Turkish authorities to establish individuals' involvement with the Gülen movement, and identifies the criteria involved. Section 4.4 describes the Turkish authorities' attempts to get Gülenists back to Türkiye. Section 4.5 describes the societal status of Gülenists (or alleged Gülenists), and Section 4.6 explores the potential problems faced by their relatives.

4.2 Persecution of Gülenists (or alleged Gülenists)

Throughout the preceding two reporting periods, regular small scale or large scale arrests of Gülenists (or alleged Gülenists) took place.³⁰⁸ This situation remained the same in the current reporting period. There were frequent (sometimes daily) media reports concerning the arrests of Gülenists (or alleged Gülenists).³⁰⁹ In early 2022,

³⁰³ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 38.

Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 37.

³⁰⁴ Confidential source, 12 June 2023. Confidential source, 16 June 2023.

³⁰⁵ Confidential source, 12 June 2023.

³⁰⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 40.

³⁰⁷ Confidential source, 12 June 2023.

³⁰⁸ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, pp. 38 and 39. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 37.

³⁰⁹ Confidential source, 12 June 2023. Confidential source, 16 June 2023. Confidential source, 7 July 2023.

Soylu (the Interior Minister at the time) announced that a total of 22,458 suspected Gülenists had been apprehended in 2021.³¹⁰

As in the preceding reporting period,³¹¹ there were only a handful of follow-up reports concerning the fate of those who had been arrested. Accordingly, it remained unclear how many detainees remained in pre-trial detention or were granted conditional release, and how many cases went to trial.³¹² From time to time, the Turkish authorities issued updates about the number of Gülenists in pre-trial detention or serving prison sentences.³¹³ For instance, in November 2021, Soylu stated that 22,340 Gülenists were either being held in pre-trial detention or serving prison sentences.³¹⁴ According to Soylu, this number had fallen to 19,252 by July 2022.³¹⁵

When asked, several sources indicated that the persecution of Gülenists (or alleged Gülenists) during the current reporting period had decreased in intensity compared to the situation in the immediate aftermath of the failed coup in July 2016.³¹⁶ In this context, one source concluded that thousands of judges and prosecutors were no longer susceptible to compulsory dismissal, as had been the case in the immediate aftermath of the failed coup, because the majority of Gülen movement members in these professions had already been removed from their positions.³¹⁷ The sources were unable to provide concrete data to support the claimed decrease in intensity. This was because little verifiable information was available concerning the current situation of Gülenists, as explained in Section 4.1.

Various sources attributed the claimed reduction in intensity to a range of factors. According to two sources, the majority of Gülenists (or alleged Gülenists) were either facing criminal proceedings or had left the country.³¹⁸ According to another source, the Turkish government had shifted its focus away from the Gülen movement and was now targeting the Kurdish movement and the LGBTIQ+ community.³¹⁹

4.3 Involvement with the Gülen movement

In the past, the Gülen movement was deeply rooted in every corner of Turkish society. This encompassed a wide range of institutions, such as schools, student accommodation, and hospitals, as well as cultural and charitable organisations. The outstanding quality and reputations of these organisations attracted both dedicated Gülenists and those who were not affiliated with the movement. Hence, in the past, millions of people in Türkiye were linked to the Gülen movement in one way or another.³²⁰ Given the previous scale of this movement, it was not always clear how the Turkish authorities decided which Gülenists to target.³²¹

³¹⁰ International Crisis Group (ICG), *An enduring challenge, ISIS-linked foreigners in Türkiye*, 28 February 2023, p. 18.

³¹¹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 38.

³¹² Confidential source, 16 June 2023.

³¹³ Confidential source, 7 July 2023.

³¹⁴ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 38.

³¹⁵ TRT Haber, *Bakan Soylu: FETÖ'den 332 bin 884 kişi gözaltına alındı* ('Minister Soylu: A total of 332,884 individuals are being detained due to their relationship with FETÖ'), 5 July 2022.

³¹⁶ Confidential source, 12 June 2023. Confidential source, 16 June 2023. Confidential source, 16 June 2023.

Confidential source, 7 July 2023.

³¹⁷ Confidential source, 12 June 2023. Confidential source, 23 August 2023.

³¹⁸ Confidential source, 16 June 2023. Confidential source, 7 July 2023.

³¹⁹ Confidential source, 16 June 2023.

³²⁰ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 40 and 41.

³²¹ Confidential source, 16 June 2023.

The situation described below made it more difficult to identify those Gülenists who were most at risk. As in the two preceding reporting periods³²² individuals who were not Gülenists, such as opposition politicians, human rights defenders, and left-wing trades union members, faced accusations of having ties to the Gülen movement. In this context, one source noted that anyone who made statements sympathetic to the opposition or who accused the Turkish authorities of fraud could also find themselves branded as Gülenists.³²³

The two previous country of origin information reports noted that individuals could be singled out by the Turkish authorities based on a range of criteria, such as holding a bank account with Bank Asya or downloading the ByLock app. The Turkish authorities claimed that Gülenists had used this application to send encrypted messages to one another.³²⁴ According to one source, these criteria were applied throughout the current reporting period.³²⁵

According to the same source, these criteria were applied in a more refined way in case law. For instance, on 13 February 2020, the Constitutional Court (AYM) issued a ruling stating that having a bank account at Bank Asya could only be construed as an action in support of the Gülen movement if this had been done at the movement's instructions. Based on a Court of Cassation ruling in January 2022, it was established that routine transactions conducted in a Bank Asya account could not be deemed as actions in support of the Gülen movement. No information was available about whether anyone had actually been acquitted on the basis of this ruling. Furthermore, a ruling by the AYM on 30 March 2023 was particularly noteworthy. This concerned a woman who was dismissed from her job at a government company because she held two accounts at Bank Asya. These accounts contained a total of eight hundred Turkish lira.³²⁶ The court ruled that the woman had been unfairly dismissed.³²⁷

In 2021, the Court of Cassation established guidelines on how the ByLock criterion should be used. This criterion can only be used against suspects if there is conclusive proof that they themselves used the application, and not someone else. This should take the form of a police report or a report by an expert. According to one source, lower courts frequently disregarded this assessment. As a result, numerous individuals found guilty of Gülen movement affiliation subsequently had their verdicts overturned by either the Court of Cassation or the AYM. For instance, on 12 April 2023, the AYM ruled that a lower court had failed to check whether the ByLock app had actually been used by a suspected Gülenist, and not by someone else instead. Hence, the AYM overturned the lower court's ruling, which was that the defendant was guilty of affiliation with the Gülen movement.³²⁸

Despite these developments in the judicial process, people could still be relatively easily suspected of involvement in the Gülen movement. For instance, one source had knowledge of a case concerning the owner of a hospitality establishment. Without that person's knowledge, individuals linked to the Gülen movement had visited their establishment. Following that visit, the owner was summoned to the police station to make a statement, after which they were subjected to two

³²² Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 38.

Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 37.

³²³ Confidential source, 12 June 2023.

³²⁴ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 41.

Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 39.

³²⁵ Confidential source, 16 June 2023.

³²⁶ According to CoinMill.com (an online exchange rate calculator), on 21 July 2023, 800,00 Turkish lira was worth precisely 33.79 euros.

³²⁷ Confidential source, 16 June and 23 August 2023.

³²⁸ Confidential source, 16 June 2023.

interrogations. However, the owner was able to produce evidence that the Gülenists had paid a bill, after which they were no longer troubled by the authorities. The individual in question believed that the settled bill led the authorities to conclude that they had no personal ties to the Gülenists.³²⁹ Another source had knowledge of some housewives who had been arrested for providing assistance to the relatives of incarcerated Gülenists. According to the source, this assistance aroused suspicions that these housewives had ties to, and supported, the Gülen movement.³³⁰

4.4 Gülenists outside Türkiye

As previously stated, the Turkish authorities classify the Gülen movement as a terrorist organisation. The two previous country of origin information reports made it clear that the Turkish authorities' efforts to combat this movement extended beyond the borders of Türkiye. In this context, there were instances in which the *Millî İstihbarat Teşkilatı* (national security service, MİT) brought back suspected Gülenists to Türkiye, possibly in collaboration with foreign security services.³³¹ For instance, in the preceding reporting period, the MİT brought Orhan İnandı, the director of a school network who had been living in Kyrgyzstan, back to Türkiye. The school network that he headed had ties to the Gülen movement. İnandı held both Turkish and Kyrgyz nationality.³³² In June 2023, he received a 21-year prison sentence for his involvement in founding an armed terrorist group.³³³

In the current reporting period, too, the Turkish authorities made every effort to bring Gülenists residing in other countries to Türkiye. For instance, on 14 April 2023, it became evident that the MİT had transported Mehmet Cintosun, a senior member of the Gülen movement, from Iraq to Türkiye. He was accused of financing the Gülen movement.³³⁴

On 15 July 2023, at the commemoration marking the seventh anniversary of the failed coup of 15 July 2016, the Turkish government urgently called upon the international community to take coordinated action against the Gülen movement. It expressed concern that Gülenists residing in countries such as the US and Germany had not been extradited to the Turkish authorities.³³⁵

4.5 The societal status of Gülenists (or alleged Gülenists)

The two previous country of origin information reports noted that Gülenists (or alleged Gülenists) faced societal challenges, and that non-Gülenist citizens tended to distance themselves from them.³³⁶ According to one source, this situation remained the same in the current reporting period. Individuals who were detained and

³²⁹ Confidential source, 13 June 2023.

³³⁰ Confidential source, 7 July 2023.

³³¹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, pp. 43 and 44. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 42 and 43.

³³² Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 43.

³³³ Radio Free Europe/Radio Liberty (RFE/RL), *Abducted Turkish-Kyrgyz educator handed lengthy prison term in Turkey on terrorism charge*, 16 June 2023.

³³⁴ Daily Sabah, *Intelligence brings fugitive FETÖ member to Türkiye from abroad*, 14 April 2023. Trend News Agency, *Detention details of head of FETO terrorist organization cell in Azerbaijan disclosed (Exclusive)*, 14 April 2023.

³³⁵ TRT World, *Seven years on, FETO terrorists continue to find refuge in US, Germany*, 15 July 2023.

³³⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, pp. 44 and 45. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 43 and 44.

sentenced for having ties with the Gülen movement faced stigmatisation, and those within their social circles severed all connections with them.³³⁷

During the two-year state of emergency (July 2016 – July 2018), government decrees led to the dismissal of public officials believed to have connections with terrorist organisations or to be involved in activities that posed a threat to state security. The Turkish government then appointed a commission to deal with any complaints regarding these forced dismissals. This Inquiry Commission on the State of Emergency (SoE) Measures (or SoE Commission for short) was commonly known as 'OHAL' in Turkish, which stands for *Olağanüstü Hal* ('State of Emergency').³³⁸ These forced dismissals not only affected suspected Gülenists but also officials with alleged connections to other groups classified as terrorist organisations by the Turkish authorities, including the Kurdistan Workers' Party (PKK).³³⁹

On 30 August 2018, *Associated Press* (AP) reported that, since the failed coup of July 2016, more than 130,000 public officials had been forcibly dismissed.³⁴⁰ By 12 January 2023, the SoE Commission had received a total of 127,292 requests for the review of forced dismissals. A total of 17,960 such requests (14.11%) were granted, while 109,322 (85.89%) were denied. After stating that it had completed its mission, the SoE Commission was dissolved on 22 January 2023.³⁴¹

When asked how often the forced dismissal of public officials suspected of having ties with a terrorist organisation led to criminal investigations and potential convictions, the source offered the following response. A criminal investigation could lead to forced dismissal, not the reverse. For example, the forced dismissal of some public officials was based on evidence provided by the state security apparatus or the Public Prosecution Service, even in the absence of a judicial ruling.³⁴²

4.6 The position of relatives of Gülenists (or alleged Gülenists)

The two previous country of origin information reports noted that the relatives of high-ranking Gülenists were at particular risk of being targeted by the Turkish authorities.³⁴³ For instance, in May 2021, the MİT transported Selahaddin Gülen, a nephew of the leader of the Gülen movement, from Kenya to Türkiye.³⁴⁴ On 21 March 2022, he was sentenced to three years and four months imprisonment for membership of a terrorist organisation.³⁴⁵

The above situation remained the same in the current reporting period. For instance, *Anadolu Agency* (AA) (the Turkish government's press agency),³⁴⁶ reported that Asiye Gülen (a niece of the Gülen movement's leader) and her husband had been detained in Istanbul on 24 June 2023. Among the items confiscated during the arrest were US one-dollar bills with serial numbers starting

³³⁷ Confidential source, 12 June 2023.

³³⁸ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 45. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 44.

³³⁹ Confidential source, 12 June 2023.

³⁴⁰ AP, *A look at Turkey's post-coup crackdown*, 30 August 2018.

³⁴¹ SoE Commission, *Announcement on the decisions of the Inquiry Commission on the State of Emergency Measures*, 12 January 2023.

³⁴² Confidential source, 16 June 2023.

³⁴³ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, pp. 45 and 46. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 45.

³⁴⁴ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 42 and 43.

³⁴⁵ AFP, *Turkey jails nephew of cleric Fethullah Gülen on terrorism charges*, 22 March 2022.

³⁴⁶ The AA is referred to in Turkish as *Anadolu Ajansı*.

with the letter 'F'.³⁴⁷ Possession of a one-dollar bill featuring an 'F' serial number was regarded by the Turkish authorities as evidence of links to the Gülen movement. In this context, the letter 'F' was claimed to symbolise Fethullah Gülen's first name. He had reportedly blessed these bills from the US, before distributing them among his followers.³⁴⁸

On 14 July 2023, *Yeni Şafak* ('New Dawn'), a newspaper known for its Islamic perspective and support for the government, reported the detention of Selman Gülen, his wife, and her parents in Istanbul. Selman is a nephew of the leader of the Gülen movement. At the time, according to the Turkish police, these four individuals had deposited money into a Bank Asya account, at the instructions of Gülen and others.³⁴⁹

Previously there were reports of actions taken by the Turkish government that had detrimental consequences for the relatives of Gülenists (or alleged Gülenists). In some instances, a family member had their passport confiscated, or their passport application was denied.³⁵⁰ Based on the available information, according to one source, few, if any, relatives had their passport confiscated or their passport applications denied in the current reporting period.³⁵¹

According to one source, the relatives of Gülenists (or alleged Gülenists) could encounter challenges in the labour market, potentially missing out on job opportunities or promotions.³⁵² No information was available concerning the scale of the above-mentioned practice.

³⁴⁷ AA, *Turkish security forces nab niece of FETO terror leader in Istanbul*, 24 June 2023.

³⁴⁸ AA, *FETO's 'one-dollar bill' mystery solved*, published on 23 July 2016 and updated on 25 July 2016. Al Monitor, *Why are Turks disposing of \$1 bills?*, 18 August 2016. Confidential source, 2 November 2021.

³⁴⁹ *Yeni Şafak*, *FETO leader's nephew fugitive Selman Gulen arrested in Istanbul*, 14 July 2023.

³⁵⁰ Dutch Ministry of Foreign Affairs, *General country of origin information report on Türkiye*, March 2021, p. 46.

³⁵¹ Confidential source, 16 June 2023.

³⁵² Confidential source, 12 June 2023.

5 Kurds

5.1 Introduction

This chapter examines the situation of Kurds in Türkiye, with a specific focus on those who are actively working to promote the political and cultural rights of their community. Section 5.2 introduces the Turkish-Kurdish population, offering insights into their numbers and delving into the diverse religious and political affiliations found within Türkiye's Kurdish community. Section 5.3 focuses on a range of incidents (and alleged incidents) involving anti-Kurdish violence that occurred in the current reporting period. Section 5.4 illustrates instances where certain Turkish government representatives displayed intolerance towards any expressions of Kurdish identity and culture. Section 5.5 delves into the positions of the Democratic Peoples' Party (HDP) and the Green Left Party (YSP), and those of their members and supporters. Finally, Section 5.6 examines the treatment of the members (or alleged members) of the Kurdistan Workers' Party (PKK) and their relatives.

Consult Section 1.2 for details of the ongoing armed struggle between the Turkish state and the PKK on Turkish soil. Consult Subsection 3.5.1 for details of the situation of Kurdish journalists and media. Consult Subsection 3.8.3 for details of the situation of imprisoned Kurds. Consult Section 9.4 for details of the situation of Kurdish conscripts.

5.2 Introduction to the Turkish-Kurdish community

Geographically, the Kurdish population is concentrated in an area that includes parts of Türkiye, Iran, Iraq, and Syria.³⁵³ Traditionally, Kurds in Türkiye have made their homes in the south-eastern and eastern parts of the country. Due to migration and displacement, a significant number of Kurds now reside outside their ancestral territories. As a result, large Kurdish communities are to be found in cities like Adana, Ankara, Antalya, Bursa, Istanbul, Izmir, Kocaeli, and Mersin.³⁵⁴

Kurds are the largest ethnic minority group in Türkiye, but no details are available about the exact size of their population. This is due to a variety of factors. Firstly, Turkish censuses do not record people's ethnicity.³⁵⁵ Secondly, some Kurds conceal their ethnicity, fearing discrimination based on their Kurdish heritage.³⁵⁶ In addition, determining who belongs to the Kurdish section of the population is not always straightforward. Some speakers of Zazaki – a language variant related to *Kurmandji* ('Kurdish') – identify as part of the Kurdish community, while others view themselves as an entirely separate section of the population.³⁵⁷ Estimates of the size of the Kurdish population in Türkiye range from 18% to 25%.³⁵⁸

³⁵³ Gourlay, *The Kurds in Erdoğan's Turkey*, published in 2020, p. 4. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 47. Gunes, *The political representation of Kurds in Turkey*, published in 2022, p. xiii. Tol, *Erdoğan's war*, published in 2023, p. 65.

³⁵⁴ Gunes, *The political representation of Kurds in Turkey*, published in 2022, p. 11.

³⁵⁵ Gourlay, *The Kurds in Erdoğan's Turkey*, published in 2020, p. 5. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 47. Gunes, *The political representation of Kurds in Turkey*, published in 2022, p. 10.

³⁵⁶ Gunes, *The political representation of Kurds in Turkey*, published in 2022, p. 10.

³⁵⁷ Gunes, *The political representation of Kurds in Turkey*, published in 2022, p. 65.

³⁵⁸ Gunes, *The political representation of Kurds in Turkey*, published in 2022, p. 10.

In religious terms, the Kurds in Türkiye are not uniform. Most of them are adherents of Sunni Islam.³⁵⁹ According to one estimate, seventy percent of the Kurds are Sunnis, while the remaining thirty percent are Yazidis³⁶⁰ and Alevis.³⁶¹

In the realm of politics, too, Turkish Kurds are not monolithic. While most Kurds back the HDP, the Justice and Development Party (AKP) has also managed to garner significant Kurdish support.³⁶² Among the Turkish-Kurdish community, the AKP holds a special appeal for conservative Sunnis³⁶³ and businesspeople.³⁶⁴

On 24 July 2023, various political parties and civil society organisations dedicated to advancing Kurdish political and cultural rights called for a new constitution that would formally acknowledge the Kurds as a national minority. They pointed out that one hundred years ago, when the Treaty of Lausanne³⁶⁵ was signed, only the Jews, Armenians, and Greeks were officially recognised as minorities in Türkiye, despite the fact that the Kurds constituted the largest non-Turkish segment of the population. This call was jointly organised by the HDP and the YSP.³⁶⁶

On 31 July 2023, a court in Istanbul ruled in favour of the *Mezopotamya Kültür Merkezi* (Mezopotamya Cultural Center, MKM). The MKM, which promotes Kurdish culture, had scheduled an event for 16 October 2021, featuring performances by Kurdish musicians. At that time, the authorities had banned the event due to concerns regarding national security and public order. The court ruled that the ban was not legal and that it constituted a violation of freedom of expression.³⁶⁷

5.3 Alleged incidents of anti-Kurdish violence within society

The two previous country of origin information reports documented several incidents of violence which (it is alleged) had an anti-Kurdish dimension.³⁶⁸ In the current reporting period, too, the media reported acts of violence which (it is alleged) were directed against the Kurdish community. The following examples are presented solely for the purpose of illustrating (purported) anti-Kurdish violence within the Turkish community and should certainly not be regarded as a comprehensive list.

On 1 April 2022, in the southern province of Karaman, a group of university students were assaulted by members of the contentious 'Grey Wolves' group, the youth wing and paramilitary branch of the ultranationalist Nationalist Movement Party (MHP). The assault was triggered by the students' performance of a traditional folk dance to Kurdish music the day before. The HDP and the Diyarbakır Bar Association both condemned the violent incident, and the latter called for an investigation.³⁶⁹ At the time of writing, it remains unclear whether the Turkish

³⁵⁹ Gourlay, *The Kurds in Erdoğan's Turkey*, published in 2020, pp. 85, 89, and 224. Gunes, *The political representation of Kurds in Turkey*, published in 2022, p. 82.

³⁶⁰ Yazidis constitute a distinct ethno-religious minority. Most of them speak the Kurmandji variant of the Kurdish language and practice syncretic religious traditions.

³⁶¹ Gourlay, *The Kurds in Erdoğan's Turkey*, published in 2020, p. 106.

³⁶² Gunes, *The political representation of Kurds in Turkey*, published in 2022, pp. 5 and 73.

³⁶³ Gunes, *The political representation of Kurds in Turkey*, published in 2022, pp. 37 and 39. Tol, *Erdoğan's war*, published in 2023, p. 104.

³⁶⁴ Gunes, *The political representation of Kurds in Turkey*, published in 2022, p. 100.

³⁶⁵ This treaty, which established the borders of present-day Türkiye, was signed on 24 July 1923, in the Swiss city of Lausanne.

³⁶⁶ Bianet, *On the centennial of the Treaty of Lausanne, Kurdish political groups call for recognition*, 24 June 2023.

³⁶⁷ Bianet, *Court rules against ban on Kurdish cultural event*, 1 August 2023.

³⁶⁸ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, pp. 48 and 49. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 46 and 47.

³⁶⁹ Evrensel, *Kürtçe müzik dinleyip halay çeken öğrencilere yönelik ülkücü saldırıya tepki yağdı* ('The idealists assaulted students who were enjoying Kurdish music and participating in the halay, a Turkish folk dance. The

authorities have taken any action against the attackers. According to one source, incidents of this kind often went unpunished.³⁷⁰

In early May 2023, a street musician by the name of Cihan Aymaz was stabbed to death in Istanbul.³⁷¹ The Labour and Freedom Alliance attributed the fatal stabbing to the singer's Kurdish ethnicity. According to this opposition bloc, which is headed by the HDP, Aymaz (who sang mainly in Kurdish) was approached by a man in the crowd who asked him to perform *Ölürüm Türkiyem* ('I would die for my Türkiye'). This song is popular among ultranationalist Turks. Aymaz purportedly refused to perform the song, after which the man stabbed him to death.³⁷² The *Hürriyet Daily News* (HDN; a pro-government newspaper) also reported Aymaz's violent death, but made no mention of a possible anti-Kurdish motive for the killing.³⁷³ Be that as it may, the suspect was detained³⁷⁴ on suspicion of manslaughter.³⁷⁵

5.4 Government actions targeting any expressions of Kurdish identity and culture

During the reporting period, Turkish government representatives targeted any expressions of Kurdish identity and culture. The examples provided below are used solely for illustrative purposes. This should certainly not be regarded as a comprehensive list. No information was available about whether this practice had increased, decreased, or remained consistent since the preceding reporting periods.

During the night of 31 December 2022, in the south-eastern province of Mardin, two young Kurdish men were assaulted by three police officers. The two young people were wearing traditional Kurdish clothing. According to the Mardin Bar Association and the Freedom for Lawyers Association (ÖHD), the assault was prompted by 'hate and discrimination'. A court convicted the officers of abuse of power under Article 86(3) of the Penal Code. Initially, each officer received a prison sentence of 385 days. Ultimately, their prison sentence was commuted to a fine of 18,000 Turkish lira,³⁷⁶ to be paid in 20 instalments.³⁷⁷

Since around 1990, the celebration of Kurdish New Year (*Newroz*) has become increasingly important to Kurds in Türkiye.³⁷⁸ This holiday is celebrated every year around 21 March. While traditionally a spring celebration, the Kurdish New Year has become highly politicised in the Turkish context. Many Turkish Kurds see *Newroz* as an opportunity to express their Kurdish consciousness and to push for political and cultural rights.³⁷⁹

incident prompted a reaction from the public.), 10 April 2022. Duvar English, *Fascist group attacks students for dancing halay to Kurdish music in southern Turkey*, 11 April 2022.

³⁷⁰ Confidential source, 14 June 2023.

³⁷¹ Bianet, *Pain and anger for young street singer killed in Kadıköy*, 4 May 2023. Duvar English, *Kurdish street musician killed for refusing nationalist song request in Istanbul*, 4 May 2023. HDN, *Street musician stabbed to death during dispute*, 5 May 2023.

³⁷² Bianet, *Pain and anger for young street singer killed in Kadıköy*, 4 May 2023. Duvar English, *Kurdish street musician killed for refusing nationalist song request in Istanbul*, 4 May 2023.

³⁷³ HDN, *Street musician stabbed to death during dispute*, 5 May 2023.

³⁷⁴ Duvar English, *Kurdish street musician killed for refusing nationalist song request in Istanbul*, 4 May 2023. HDN, *Street musician stabbed to death during dispute*, 5 May 2023.

³⁷⁵ Duvar English, *Kurdish street musician killed for refusing nationalist song request in Istanbul*, 4 May 2023.

³⁷⁶ According to CoinMill.com (an online exchange rate calculator), on 1 June 2023, 18,000 Turkish lira was worth precisely 843.36 euros.

³⁷⁷ Bianet, *Police officers ordered to pay fine in installments for beating two people, including a minor*, 26 May 2023.

³⁷⁸ The name derives from the Persian *Noo-rooz*, which literally means 'New Day'. This celebration is referred to in Turkish as *Nevruz*.

³⁷⁹ Gourlay, *The Kurds in Erdoğan's Turkey*, published in 2020, pp. 71-79.

On 19 March 2023, thousands of people celebrated Newroz in an Istanbul square. The participants in these celebrations included the HDP. The Turkish authorities detained more than two hundred people.³⁸⁰ According to the authorities, they had been carrying 'illegal banners' and shouting 'illegal slogans'.³⁸¹ Züleyha Gülüm, an HDP member of parliament, attended the event in Istanbul. She told the independent news medium *Bianet* that the Turkish police had barred individuals wearing red, yellow, and green clothing (symbolic of the Kurdish flag) from entering the square. According to Gülüm, the police associated these colours with the PKK. Moreover, she stated that it was forbidden for anyone attending this event to carry photographs of Selahattin Demirtaş, an HDP politician who has been imprisoned since 2016.³⁸² Based on the available information, it seems that all of the detainees were subsequently released.³⁸³

On 21 May 2023, there was a violent confrontation between Turkish police and a gathering of young Kurds in an Istanbul park. These young people had been performing a traditional folk dance, to the accompaniment of Kurdish music. The police detained four young people and confiscated the loudspeakers. Their hands were handcuffed behind their backs and they were compelled to listen to Ottoman³⁸⁴ marching music.³⁸⁵ The Diyarbakır Bar Association called for the incident to be investigated.³⁸⁶ As far as could be ascertained, at the time of writing, no investigation had yet been instigated into the conduct of the police.³⁸⁷

5.5 Democratic Peoples' Party (HDP)

5.5.1 *The HDP in brief*

The HDP is an opposition party with left-wing/progressive leanings, and is frequently characterised as 'pro-Kurdish'. That is hardly surprising, given that the nucleus of this party and its membership are made up largely of Kurds.³⁸⁸ While the majority of its members are Kurds, the HDP is not an exclusively Kurdish party.³⁸⁹ In addition to its focus on the political and cultural rights of the Kurds, the HDP also champions the rights of other minority groups and communities. The HDP comprises a diverse membership, including Alevi, Yazidi, Arab, Armenian, Assyrian, Circassian,³⁹⁰ Turkish socialist, feminist, environmental activist, and members of the LGBTIQ+ community, in addition to Kurds.³⁹¹ Some members of the HDP combine several of the above-mentioned identities. For instance, Tülay Hatimoğulları Oruç, the Green

³⁸⁰ *Bianet, Over 200 detained after Istanbul Newroz celebrations*, 19 March 2023. Duvar English, *Thousands celebrate Newroz across Turkey, 224 detained in Istanbul*, 20 March 2023.

³⁸¹ Duvar English, *Thousands celebrate Newroz across Turkey*, 20 March 2023.

³⁸² *Bianet, Over 200 detained after Istanbul Newroz celebrations*, 19 March 2023.

³⁸³ Confidential source, 3 July 2023.

³⁸⁴ The Ottoman Empire lasted from 1299 to 1922. At its zenith, it included parts of Asia Minor, the Balkans, the Caucasus, North Africa, and the Arabian Peninsula. Among nationalist and conservative Turks, there is a tendency to idealise the Ottoman era.

³⁸⁵ *Bianet, Police detain, torture young people enjoying Kurdish music in Istanbul*, 22 May 2023. Duvar English, *Istanbul police detain four youth after brawl over dancing halay to Kurdish music*, 22 May 2023.

³⁸⁶ Duvar English, *Istanbul police detain four youth after brawl over dancing halay to Kurdish music*, 22 May 2023.

³⁸⁷ Confidential source, 14 June 2023.

³⁸⁸ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 9.

³⁸⁹ Gourlay, *The Kurds in Erdoğan's Turkey*, published in 2020, pp. 203 and 227. Tol, *Erdoğan's war*, published in 2023, p. 184.

³⁹⁰ The Caucasus is the ancestral homeland of the Circassians. During the nineteenth century, Czarist Russia expelled a large part of the Circassian population, forcing them to relocate to the Ottoman Empire. Some of their descendants still live in Türkiye. Historisch Nieuwsblad, *Rusland en Turkije vinden elkaar in hun rancune*, 28 June 2022. *Bianet, Circassians on 159th anniversary of Tsitsekun, 'The name of this is genocide'*, 23 May 2023.

³⁹¹ Gourlay, *The Kurds in Erdoğan's Turkey*, published in 2020, p. 210. Gunes, *The political representation of Kurds in Turkey*, published in 2022, pp. 23, 24, 48, and 55. Tol, *Erdoğan's war*, published in 2023, p. 184.

Left Party's (YSP) member of parliament for Adana, identifies as an Arab, Alevi, socialist and feminist.³⁹²

Following the May 2023 elections, Demirtaş took to Twitter to announce his withdrawal from active politics. From 2014 to 2018, he had served as the Co-chair of the HDP.³⁹³ Since November 2016, he has been incarcerated on suspicion of terrorism. In his tweet, Demirtaş emphasised that he would continue to be a member of the HDP.³⁹⁴ As previously stated in Subsection 1.1.3, the YSP secured 61 seats in the May 2023 parliamentary elections. In the June 2018 parliamentary elections, the HDP won 67 seats. The loss of six seats prompted Mithat Sancar and Pervin Buldan, the current co-chairs of the HDP, to step down.³⁹⁵ They also expressed their regret that the YSP had been unable to enlist any candidates for the May 2023 parliamentary elections from among the Armenian,³⁹⁶ Yazidi, and disabled communities.³⁹⁷ The same applied to the number of YSP members of parliament who were openly LGBTIQ+.³⁹⁸

Throughout the preceding two reporting periods, the Turkish government curtailed the HDP's political latitude.³⁹⁹ That trend continued throughout the current reporting period. This section examines the various methods used to exert pressure on the HDP, its representatives, members, and supporters. For instance, the HDP's survival (Subsection 5.5.2) was cast into doubt by two legal cases: the closure case and the 'Kobani case'. Moreover, party representatives, including members of parliament and mayors, were banned from engaging in political activities (Subsection 5.5.3). Furthermore, HDP members and supporters were also targeted by the Turkish authorities (Subsection 5.5.4).

5.5.2 Court cases

As previously indicated in Subsection 1.1.1, the Constitutional Court (AYM) reviewed a charge aimed at banning the HDP. At the time of writing, this closure case was still pending.⁴⁰⁰ As previously stated in the above-mentioned subsection, prior to the May 2023 parliamentary elections, the HDP continued under the banner of the YSP. With this in mind, the combined abbreviation 'HDP/YSP' will be used throughout the remainder of this chapter. Where the text specifically relates to HDP politicians who were detained, criminally prosecuted, convicted and/or imprisoned before the collaboration with the YSP in March 2023, then only the abbreviation 'HDP' will be used.

³⁹² Bianet, *Arap, Alevi, Sosyalist, Feminist Bir Vekil Adayı* ('A parliamentary candidate who identifies as a feminist, socialist, and Arab Alevi'), 18 June 2018. Bianet, *'Ghadir Khumm should be a public holiday'*, 5 July 2023.

³⁹³ In the pursuit of gender equality, the HDP has male and female co-chairs at the helm. HDP, *HDP Women's Assemblies*, undated, consulted on 5 July 2023.

³⁹⁴ Bianet, *Demirtaş announces retirement from active politics*, 31 May 2023. Bianet, *Demirtaş steps back from active politics but says 'I belong and I will continue to belong to HDP'*, 1 June 2023. HDN, *Demirtaş says he quits active politics after polls*, 1 June 2023.

³⁹⁵ Bianet, *HDP co-chairs to step down, conceding disappointing election results*, 5 June 2023. Daily Sabah, *HDP co-chairs quit by citing 'accountability' after Türkiye polls*, 5 June 2023. HDN, *HDP co-chairs won't rerun for leadership*, 6 June 2023.

³⁹⁶ Before then, Garo Paylan, a well-known member of parliament of Armenian descent, had been linked to the HDP. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 55. Duvar English, *HDP MP Garo Paylan says lack of Armenian MP candidate is a 'shortcoming'*, 19 April 2023.

³⁹⁷ Bianet, *HDP co-chairs to step down, conceding disappointing election results*, 5 June 2023. HDN, *HDP co-chairs won't rerun for leadership*, 6 June 2023.

³⁹⁸ Confidential source, 14 June 2023.

³⁹⁹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, pp. 50-52. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 47-49.

⁴⁰⁰ Confidential source, 13 June 2023.

All political parties in Türkiye receive a subsidy from the Turkish government. On 5 January 2023, as a consequence of the closure case, a court suspended the HDP's government funding. The stated reason was to avoid government funds intended for the HDP being channelled into the hands of the PKK.⁴⁰¹ The suspension of this subsidy was seen as the first move in a process leading to the definitive closure of the HDP.⁴⁰² On 9 March 2023, the AYM annulled the suspension. After that, government funding for the party was resumed.⁴⁰³ In June 2023, the Court of Cassation asked the AYM to reinstate the funding freeze on the HDP. This request stemmed from the fact that the party had contested the May 2023 elections under the YSP's banner rather than its own.⁴⁰⁴ The AYM rejected this request.⁴⁰⁵

The preceding reporting period saw the start of the Kobanî case. This case involved a total of 108 defendants. Among these defendants were numerous HDP members, notably Demirtaş and Figen Yüksekdağ, the former co-chairs, both of whom had been imprisoned since 2016. Among other allegations, the Turkish authorities charged the defendants with responsibility for the deaths of 37 people during the 'Kobanî protests' in October 2014. These protests were linked to the siege of the town of Kobanî in northern Syria at that time.⁴⁰⁶ The HDP, on the other hand, attributed the violence during the Kobanî protests to the Turkish police.⁴⁰⁷ At the time of writing, the Kobanî case was still pending.⁴⁰⁸

5.5.3 *HDP members of parliament and mayors*

In the recent past, the Turkish authorities revoked the parliamentary immunity of HDP members of parliament.⁴⁰⁹ During the preceding reporting period, Semra Güzel, an HDP member of parliament, became the subject of controversy after photographs of her posing with an armed PKK fighter were leaked to the media.⁴¹⁰ On 1 March 2022, the Turkish parliament revoked her parliamentary immunity. In September 2022, she was placed in pre-trial detention. Güzel was accused of supporting terrorism and membership of a terrorist organisation.⁴¹¹ At the time of writing, she was still in pre-trial detention and a criminal case was pending, according to one source.⁴¹²

Another way in which the Turkish government curtailed the HDP's political latitude was by replacing democratically elected HDP mayors with pro-government trustees. In the March 2019 municipal elections, the HDP secured 65 mayoral seats in south-eastern and eastern Türkiye.⁴¹³ By October 2021, only six municipalities remained under HDP control, as most of the HDP mayors had been replaced by pro-government trustees.⁴¹⁴ At the time of writing, the number of HDP municipalities

⁴⁰¹ Al Jazeera, *Turkish court suspends funding for main pro-Kurdish party*, 5 January 2023. BBC, *Turkey freezes pro-Kurdish party funds before vote*, 5 January 2023. FT, *Turkish court freezes opposition party's campaign funds ahead of elections*, 5 January 2023. NOS, *Hoogste rechtbank in Turkije bevriest rekeningen van oppositiepartij HDP*, 5 January 2023.

⁴⁰² NOS, *Hoogste rechtbank in Turkije bevriest rekeningen van oppositiepartij HDP*, 5 January 2023.

⁴⁰³ Bianet, *Constitutional Court lifts blocking of Treasury aid to HDP*, 9 March 2023.

⁴⁰⁴ HDN, *Supreme Court demands blockage on HDP's election aid*, 13 June 2023. Confidential source, 13 June 2023.

⁴⁰⁵ HDN, *Top court rejects request to block treasury aid to HDP*, 20 June 2023.

⁴⁰⁶ In October 2014, Turkish Kurds in several cities took to the streets, calling on the Turkish government to lift the siege of Kobanî (*Ayn al-Arab* in Arabic). At that time, this mainly Kurdish town was being besieged by ISIS.

⁴⁰⁷ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 48 and 49.

⁴⁰⁸ Bianet, *Keeping up with the Kobanî trial*, 8 November 2022. Confidential source, 13 June 2023.

⁴⁰⁹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 50.

⁴¹⁰ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 47.

⁴¹¹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 49.

⁴¹² Bianet, *Semra Güzel of HDP stripped of MP status*, 22 December 2022. HDN, *HDP MP stripped of her status as parliamentarian*, 23 December 2022.

⁴¹³ Confidential source, 9 August 2023.

⁴¹⁴ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 50.

Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 47.

⁴¹⁴ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 47.

had fallen to five, following the 9 June 2023 arrest of the co-mayors of Patnos on suspicion of procurement fraud.⁴¹⁵ Patnos is a municipality in the eastern Turkish province of Ağrı. The HDP/YSP described this as a politically motivated decision.⁴¹⁶

5.5.4 *The repression of the HDP in practice*

The previous country of origin information report noted that roughly five thousand HDP members were behind bars. It was difficult to keep track of the precise tally of imprisoned HDP members, due to the ongoing cycle of arrests and releases.⁴¹⁷ According to one source, this situation remained the same throughout the current reporting period. According to this source, there were over five thousand HDP members in prison. Meanwhile, the cycle of HDP members being placed in pre-trial detention, temporarily released, and later convicted continued. The same source reported that close to five hundred HDP members were either apprehended or placed in pre-trial detention between 14 May and 13 June 2023.⁴¹⁸

In May 2023, the Organisation for Security and Cooperation in Europe's (OSCE) election observation mission reported that the Turkish authorities had subjected representatives and supporters of the YSP to intimidation, pressure, and what it termed 'systematic arrests' throughout the election period.⁴¹⁹ This finding was consistent with information received from confidential sources. For example, one source personally witnessed members of the Turkish police's counterterrorism unit filming YSP election gatherings. According to this source, the footage later formed part of criminal investigations that resulted in criminal charges.⁴²⁰ Another source noted that the repression of the HDP was so 'systematic' that the number of HDP members or activists who had not been criminally prosecuted or convicted was virtually zero. This remark had no bearing on the election-related developments.⁴²¹

Reports in the media also showed that Kurdish politicians, attorneys, journalists and activists were specifically targeted for arrests (sometimes involving mass arrests). As an illustration, on the morning of 25 April 2023, just 19 days before the elections, Turkish police apprehended 126 individuals across 21 different provinces. They were alleged to have links with the PKK. The detainees included members of the HDP's leadership, YSP parliamentary candidates, attorneys, journalists, human rights defenders, and theatre actors.⁴²² According to one source, some of the detainees were released after two weeks, while others were placed in pre-trial detention. The same source was unable to provide exact figures for the number of people in pre-trial detention at the time of writing.⁴²³ Another source stated that the majority of the detainees were in pre-trial detention at the time of writing. No charges had been brought against them nor had any criminal cases been instigated.⁴²⁴ The mass arrests of 25 April 2023 were condemned by 33 bar associations in Türkiye⁴²⁵ and 26 international human rights organisations.⁴²⁶

⁴¹⁵ Their names were Müşerref Geçer and Emrah Kılıç.

⁴¹⁶ Bianet, *Patnos Belediyesi Eşbaşkanları tutuklandı* ('Co-mayors of Patnos municipality taken into custody'), 13 June 2023. HDP, *HDP's Patnos co-mayors arrested on bogus charges*, 19 June 2023.

⁴¹⁷ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 50.

⁴¹⁸ Confidential source, 13 June 2023.

⁴¹⁹ OSCE, *International election observation mission*, 15 May 2023, p. 13.

⁴²⁰ Confidential source, 13 June 2023.

⁴²¹ Confidential source, 13 June 2023.

⁴²² Al Jazeera, *Turkey arrests 110 over suspected PKK ties ahead of elections*, 25 April 2023. BBC, *Turkish mass arrests target Kurdish areas ahead of election*, 25 April 2023. Bianet, *Journalists, lawyers, politicians detained across Turkey in raids targeting pro-Kurdish groups*, 25 April 2023. Confidential source, 13 June 2023. Confidential source, 14 June 2023.

⁴²³ Confidential source, 13 June 2023.

⁴²⁴ Confidential source, 13 June 2023.

⁴²⁵ Bianet, *Bar associations condemn detention of lawyers*, 26 April 2023.

⁴²⁶ Media Freedom Rapid Response (MFRR), *Turkey, International groups demand release of Kurdish journalists, lawyers, political party officials detained in pre-election crackdown*, 26 April 2023.

Two sources reported that members of the HDP's youth wing, in particular, were placed in extrajudicial detention and coerced, sometimes by means of torture, into becoming an *ajan* ('informant'). In exchange for informing on other individuals within the Kurdish movement, these informants were either granted reduced sentences or were released. According to both sources, many of the testimonies given by these informants, some of which were provided anonymously, were often general in nature, yet Turkish police and public prosecutors still made use of them.⁴²⁷ No information is available concerning the scale of the above-mentioned practice.

The previous country of origin information report listed specific circumstances and activities that might cause individuals to be targeted by the Turkish authorities. In this context, 'targeted' means arrests, detentions, criminal investigations, prosecutions, and convictions.⁴²⁸ Interviews with various sources indicated that, during the current reporting period, certain circumstances and activities, in particular, were likely to result in individuals being targeted by the Turkish authorities.

- Participating in YSP election gatherings;⁴²⁹
- Participating in demonstrations (such as those opposing the replacement of democratically elected HDP mayors with trustees);⁴³⁰
- Posting, sharing and liking messages sympathetic to the YSP on social media;⁴³¹
- Making statements to the press (in support of Kurdish-language education for native speakers, for example);⁴³²
- Sending money to an imprisoned relative (which could be construed as providing financial aid to the PKK).⁴³³

5.5.5 *The treatment of the relatives of HDP members*

The two previous country of origin information reports noted that the Turkish authorities harboured suspicions about relatives of HDP members who themselves were not formally part of the HDP. This could pose challenges for them in their social interactions. In some cases, the Turkish authorities denied the relatives of HDP members access to specific services and products.⁴³⁴ The authorities also searched the homes of some HDP members' relatives.⁴³⁵

The above-mentioned situation remained unchanged throughout the current reporting period. For instance, one source stated that if a person was active within the HDP, the Turkish authorities automatically assumed that their entire family supported that party. The same source reported that the relatives of HDP members and supporters were subjected to police interrogations and their homes were searched. Especially in rural villages, searches of people's homes involved intimidation and aggression. According to the source, gendarmes and units in camouflage uniforms arrived at people's homes bearing firearms and accompanied by dogs. They placed their weapons against the heads of the occupants, who were

⁴²⁷ Confidential source, 7 July 2023. Confidential source, 12 July 2023.

⁴²⁸ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 50.

⁴²⁹ Confidential source, 13 June 2023.

⁴³⁰ Confidential source, 13 June 2023. Confidential source, 7 July 2023.

⁴³¹ Confidential source, 13 June 2023. Confidential source, 13 June 2023.

⁴³² Confidential source, 14 June 2023. Confidential source, 14 June 2023.

⁴³³ Confidential source, 13 June 2023.

⁴³⁴ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 53.

Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 52.

⁴³⁵ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 52.

relatives of HDP members and supporters.⁴³⁶ As before, no information was available concerning the scale of the above-mentioned practice. Another source stated that non-political relatives of HDP/YSP members and supporters could be subjected to criminal investigations, arrest, detention, and criminal proceedings.⁴³⁷ As before, no information was available concerning the scale of the above-mentioned practice.

5.5.6 Societal intolerance towards the HDP

During the preceding reporting period, besides facing repression from the Turkish authorities, the HDP also encountered aggression from within society. For instance, on 17 June 2021, there was an attack on the provincial HDP office in Izmir, a city in western Türkiye on the coast of the Aegean Sea. The assailant, an ultranationalist by the name of Onur Gencer, shot and killed Deniz Poyraz, a member of the HDP.⁴³⁸ In late December 2022, Gencer received a nine-year prison sentence involving an aggravated prison regime.⁴³⁹

During the reporting period, the HDP once again encountered intolerance from certain elements within Turkish society. For instance, on the night of 12 December 2022, a vandal (or vandals) attacked an HDP office in Ankara. They smashed windows and ripped party flags. The doors had also been defaced with various sexist swear words, and some bore the following text: 'How fortunate are those who can proudly proclaim: I am a Turk'.⁴⁴⁰ Four months previously, on 16 August 2022, some HDP flags had been stolen from the same office.⁴⁴¹ In April 2023, a vandal (or vandals) attacked the YSP party's offices in Istanbul, Ankara, and Izmir, stealing party flags in the process.⁴⁴²

5.6 The treatment of the members (or alleged members) of the PKK and their relatives.

The two previous country of origin information reports noted that the Turkish authorities sometimes raided the homes of relatives of PKK members (or alleged members) or deliberately tried to make their lives difficult in other ways.⁴⁴³

According to information gathered from various sources, this situation remained unchanged in the current reporting period. For instance, the *Nieuwe Rotterdamse Courant* (NRC; a Dutch daily newspaper) documented the story of a young Kurdish man whose brother had died while serving in the PKK. The young man asserted that, as a consequence of his brother's actions, he was unable to find work as an academic or as a physician.⁴⁴⁴ One source reported that the relatives of PKK members were constantly being harassed, for instance, and their telephones were bugged. This source also reported that the police searches of people's homes were particularly frightening for women and children.⁴⁴⁵ Another source had knowledge of a woman whose brother had been imprisoned for membership of the PKK. After

⁴³⁶ Confidential source, 13 June 2023.

⁴³⁷ Confidential source, 13 June 2023.

⁴³⁸ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 49.

⁴³⁹ Bianet, *Deniz Poyraz murder case, Assailant sentenced to aggravated life imprisonment*, 27 December 2022.

⁴⁴⁰ This is an extract from the oath of allegiance (*Andımız* in Turkish) to the Turkish nation. Tol, *Erdoğan's war*, published in 2023, pp. 110 and 111.

⁴⁴¹ Bianet, *HDP office vandalized in Ankara*, 14 December 2022.

⁴⁴² Bianet, *Green Left Party election offices vandalized in Ankara, İzmir*, 12 April 2023.

⁴⁴³ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 54.

⁴⁴⁴ NRC, *Turkse jongeren willen af van Erdogan*, 13 May 2023.

⁴⁴⁵ Confidential source, 12 June 2023.

discussing the political situation in Türkiye with her brother during a prison telephone call, she herself became the subject of a criminal investigation. The same source had knowledge of a father whose son had been killed while fighting for the PKK. After attending his son's funeral, he too was charged with being a member of the PKK.⁴⁴⁶

The two previous country of origin information reports documented an incident that took place in September 2020, in the eastern Turkish province of Van. Two local residents, Servet Turgut and Osman Şiban were seriously wounded in the incident. Turgut eventually succumbed to his injuries. The same area had previously been the scene of an armed confrontation between Turkish government forces and PKK fighters. The Turkish military had apprehended Turgut and Şiban on suspicion of supporting the PKK. According to the Turkish authorities, the two fell from a high crag while resisting arrest. However, these explanations were met with scepticism by the HDP and various human rights organisations. They base their suspicions on the statements of eye witnesses who saw both men board an army helicopter, seemingly fit and well. They, therefore, called for an independent investigation.⁴⁴⁷ In early December 2021, Şiban, who had survived the incident, was charged with membership of a terrorist organisation.⁴⁴⁸ On 12 April 2023, Şiban was sentenced to seven years and six months imprisonment for membership of a terrorist organisation. His attorneys intended to lodge an appeal.⁴⁴⁹

One source reported that an investigation was in progress regarding the Turkish military's conduct in the September 2020 incident in Van. However, this investigation was kept confidential, and no information was made available to members of the legal profession or the public. As far as could be ascertained, at the time of writing, not a single suspect had been identified.⁴⁵⁰

Towards the end of the reporting period a video clip showing four shepherds in the company of Turkish government troops started circulating on TikTok. It was claimed that the video clip had been recorded on 3 June 2023, in Lice, a district in the south-eastern province of Diyarbakır. According to one of the shepherds, an armed confrontation between Turkish government forces and the PKK had just taken place. Following that skirmish, the troops apprehended the shepherds on suspicion of supporting the PKK. As the shepherd described it, the men were handcuffed, kicked, and subjected to verbal abuse. They then had to make a statement at the police station, after which they were released. The Diyarbakır Bar Association and the ÖHD filed an official complaint about the troops involved. The YSP voiced concern regarding the incident.⁴⁵¹

⁴⁴⁶ Confidential source, 13 June 2023.

⁴⁴⁷ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 54.

⁴⁴⁸ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 53.

⁴⁴⁹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 53.

⁴⁵⁰ Bianet, *Kurdish man thrown out of military helicopter given jail sentence on 'terror' charges*, 13 April 2023.

⁴⁵¹ Confidential source, 13 June 2023.

⁴⁵² Bianet, *Soldiers torture shepherds in Diyarbakır, share video on TikTok*, 13 July 2023.

6 Women

6.1 Introduction

In Türkiye, men and women are equal before the law. Nonetheless, gender inequality remains a concern for women, particularly in areas such as public administration and the labour market.⁴⁵² In 2022, Türkiye ranked 124th out of the 146 countries listed in the World Economic Forum's (WEF) gender equality rankings.⁴⁵³ There were some signs that the position of women in Türkiye, a traditionally patriarchal society, had improved in certain areas. For instance, there were more girls and women in education, and young people in particular attached great importance to the equality of men and women.⁴⁵⁴

As stated above, the position of women in the area of education had improved. For instance, in March 2022, the *Daily Sabah* reported that the proportion of female academics had risen to well over 45%, while women accounted for 49% of the student population. This newspaper, which is sympathetic to the Justice and Development Party (AKP), based its article on data from the *Yükseköğretim Kurulu* (Council of Higher Education, YÖK).⁴⁵⁵ From 2008 to 2012, the AKP government gradually lifted the ban on headscarves in politics and higher education. This made university education accessible to veiled Muslim women, and it significantly contributed to the rise in female student numbers.⁴⁵⁶

It was not possible to gain a clear understanding of the position of women in the Turkish labour market. According to the WEF, from 2021 to 2022, the percentage of female legislators, senior staff, and managers rose from 16.2% to 18.19%. By contrast, the percentage of women in the workforce fell from 38.5% to 31.84% during this period.⁴⁵⁷ According to one source, this drop in the percentage of working women was not exclusively due to gender inequality.⁴⁵⁸ In fact, the WEF's figures indicate that the country's economic difficulties had an impact on men as well. For instance, from 2021 to 2022, the percentage of men in the workforce fell from 78% to 69.41%.⁴⁵⁹ Nevertheless, the source included two caveats to the percentages published by the WEF. Firstly, women bore the brunt of the economic problems, as employers tended to dismiss women rather than men. Secondly, the percentages of women in the workforce may have been artificially high, due to the AKP government's practice of classifying female informal carers, who received subsidies for looking after a relative or neighbour, as part of the working population.⁴⁶⁰

⁴⁵² Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 54.

⁴⁵³ WEF, *Global gender gap report, 2022, Insight report*, July 2022, pp. 10 and 342.

⁴⁵⁴ Rob Vreeken, *Een heidens karwei, Erdogan en de mislukte islamisering van Turkije*, published in 2023, pp. 27-29.

⁴⁵⁵ *Daily Sabah*, *Ratio of female academics in Turkey surpasses 45%*, 6 March 2022.

⁴⁵⁶ *De Volkskrant*, *In Turkije ging de strijd juist om het recht om het hoofd te bedekken: 'Vrouwen met een hoofddoek voelden zich tweederangsburgers'*, 18 October 2022. Vreeken, *Een heidens karwei*, published in 2023, pp. 41 and 259.

⁴⁵⁷ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 54. WEF, *Global gender gap report, 2022, Insight report*, July 2022, p. 342.

⁴⁵⁸ Confidential source, 14 April 2023.

⁴⁵⁹ WEF, *Global gender gap report, 2021, Insight report*, March 2021, p. 377. WEF, *Global gender gap report, 2022, Insight report*, July 2022, p. 342.

⁴⁶⁰ Confidential source, 14 April 2023.

The underrepresentation of women in Turkish politics was reflected in the list of candidates for the May 2023 parliamentary elections.⁴⁶¹ 113 of the AKP's 600 candidates were women. In the case of the Republican People's Party (CHP), the largest opposition party, 147 of the 600 candidates were women.⁴⁶² The AKP fielded 126 female candidates in the June 2018 parliamentary elections, while the CHP had 137 women on their candidate roster.⁴⁶³ In a nutshell, the governing party had fewer female candidates, while the largest opposition party had more women running for office than ever before. Various sources noted that female candidates were often assigned to seats that are not directly elected by individual voters.⁴⁶⁴

After the May 2023 parliamentary elections, women were still underrepresented in the 600-seat parliament, although the number of female members of parliament had increased from 103 to 121. This was a new record in Turkish parliamentary history.⁴⁶⁵ On 3 June 2022, after being sworn in as President once again, Erdoğan unveiled his new cabinet. This cabinet included one woman, Mahinur Özdemir Göktaş, who was born in Belgium. She became the new Minister for Family and Social Services.⁴⁶⁶

On 9 June 2023, President Erdoğan appointed Hafize Gaye Erkan the new governor of the Turkish central bank. Erkan was the first woman to take on this role.⁴⁶⁷

President Erdoğan also appointed twenty new university rectors. These included one woman, by the name of Rana Kibar. Details of these appointments were published in the Official Gazette on 1 August 2023.⁴⁶⁸

6.2 Legal framework

During the preceding reporting period, Türkiye withdrew from the 'Convention on Preventing and Combating Violence Against Women and Domestic Violence' (the Istanbul Convention for short), a treaty established by the Council of Europe (CoE). According to the AKP, this convention would erode traditional family values and structures, opening the door to homosexuality and extramarital relationships.⁴⁶⁹ Women's rights organisations submitted a petition to the Turkish Council of State,⁴⁷⁰ seeking to nullify Türkiye's withdrawal from this treaty. In early January 2023, the Council of State ruled that the petition had no merit.⁴⁷¹ However, the Law to Protect the Family and Prevent Violence against Women (Law No. 6284), also known as

⁴⁶¹ HDN, *Low number of female MP candidates stirs reaction*, 12 April 2023. Bianet, *MP candidate lists reveal lack of women's representation, warns rights group*, 21 April 2023. Al Jazeera, *Women face political barriers ahead of elections*, 10 May 2023.

⁴⁶² HDN, *Low number of female MP candidates stirs reaction*, 12 April 2023.

⁴⁶³ Daily Sabah, *Turkey enters electoral process with highest ratio of female parliamentary candidates ever*, 23 May 2018.

⁴⁶⁴ Confidential source, 14 April 2023. Confidential source, 11 May 2023.

⁴⁶⁵ HDN, *121 female MPs elected in May 14 election*, 16 May 2023. Bianet, *Turkey's parliamentary election outcomes: more women, conservatives, and nationalists*, 17 May 2023.

⁴⁶⁶ De Standaard, *Belgische politica wordt minister onder Erdogan*, 4 June 2023. Duvar English, *Turkey's new government, Erdoğan changes almost all cabinet members*, 4 June 2023. HDN, *Türkiye announces new cabinet*, 4 June 2023. RTL Nieuws, *Enige vrouw in nieuw Turks kabinet is geboren in België*, 4 June 2023.

⁴⁶⁷ Al Monitor, *Turkey names Gaye Erkan as first female Central Bank governor*, 8 June 2023. HDN, *Erkan becomes first female governor of Türkiye's Central Bank*, 9 June 2023. De Volkskrant, *De eerste vrouw aan het hoofd van de Turkse centrale bank*, 21 June 2023.

⁴⁶⁸ Bianet, *Erdoğan appoints one woman and 19 men as new rectors*, 1 August 2023.

⁴⁶⁹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 54 and 55. HRW, *Combating domestic violence in Turkey, The deadly impact of failure to protect*, May 2022, pp. 4 and 5.

⁴⁷⁰ The Council of State is the highest administrative court in Türkiye. It is referred to in Turkish as *Danıştay*. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 18.

⁴⁷¹ Bianet, *Council of State board upholds decision on withdrawal from Istanbul Convention*, 3 January 2023.

'Protection Law 6284', remained in force. This law was a direct consequence of the Istanbul Convention.⁴⁷²

During the reporting period, there were calls to abolish Protection Law 6284. The New Welfare Party (YRP), a party with roots in political Islam, expressed its willingness to join the People's Alliance, under the leadership of the AKP. This was contingent upon certain conditions, including the abolition of Protection Law 6284. In response, various female politicians aligned to the AKP, including Derya Yanık, the Minister for Family and Social Services at the time, rallied in support of the law in question. They insisted that Protection Law 6284 was not up for negotiation. Although the Law remained in force, the YRP went ahead and joined the People's Alliance.⁴⁷³

Protective Law 6284 granted the police and courts the authority to employ both protective and preventive orders. Protective orders focus on ensuring the victim's safety rather than targeting the perpetrator. Here, protective orders could include admitting a woman to a women's shelter (see Section 6.5 for details of the situation in women's shelters in Türkiye). Preventive orders, on the other hand, do target the perpetrator. A restraining order is one example of a preventive order. Restraining orders can be issued for periods ranging from one week to six months. Anyone who violates these preventive orders may face disciplinary sanctions, such as a brief period of detention or the requirement to wear an electronic ankle bracelet.⁴⁷⁴

The following section deals with the consequences of Türkiye's withdrawal from the Istanbul Convention, and the extent to which Protection Law 6284 was enforced.

6.3 Violence against women and their legal protections

Assessing the ramifications of Türkiye's withdrawal from the Istanbul Convention proved to be quite challenging. According to one source, the most notable impact of Türkiye's withdrawal from this treaty was at policy level.⁴⁷⁵ Following Türkiye's withdrawal from the Istanbul Convention, the Turkish authorities put forward their own plan of action⁴⁷⁶ to combat violence against women.⁴⁷⁷ The plan of action made no reference to 'gender equality'⁴⁷⁸, nor had women's rights organisations been consulted during its development.⁴⁷⁹ In this context, one source noted that the Turkish authorities no longer considered gender equality to be the foundational principle in their efforts to combat violence against women.⁴⁸⁰ Various sources stressed that neither the Istanbul Convention nor the resultant Protection Law 6284 had ever been effectively implemented,⁴⁸¹ which is consistent with previous country of origin reports.⁴⁸²

⁴⁷² HRW, *Combatting domestic violence in Turkey*, published in 2023, p. 18.

⁴⁷³ Bianet, *Women politicians in AKP defend Law no 6284 on Preventing Violence Against Women*, 15 March 2023. HDN, *Law on domestic violence a red line: Minister*, 15 March 2023. Confidential source, 11 May 2023.

⁴⁷⁴ HRW, *Combatting domestic violence in Turkey*, published in 2023, pp. 2, 19, 20 and 81-83.

⁴⁷⁵ Confidential source, 14 April 2023.

⁴⁷⁶ The full name of this plan is 'Action Plan for Combating Violence against Women'.

⁴⁷⁷ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 55. HRW, *Combatting domestic violence in Turkey*, published in 2023, p. 16. Mor Çatı, *Our response to Turkey's report on Opuz group cases*, 20 January 2023.

⁴⁷⁸ HRW, *Combatting domestic violence in Turkey*, published in 2023, p. 16. Mor Çatı, *Our response to Turkey's report on Opuz group cases*, 20 January 2023. Confidential source, 3 May 2023.

⁴⁷⁹ Confidential source, 16 June 2023. Confidential source, 4 August 2023. Confidential source, 5 August 2023.

⁴⁸⁰ Confidential source, 14 April 2023.

⁴⁸¹ Confidential source, 14 April 2023. Confidential source, 16 June 2023.

⁴⁸² Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 58. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 56 and 57.

A report by the international human rights organisation Human Rights Watch (HRW) in May 2022 further highlighted the inadequacy of measures to protect women from gender-based violence. In this publication, HRW examined eighteen cases of domestic violence that occurred in the period from 2017 to 2022. In every one of these situations, the authorities had issued protective or preventive orders, but had neglected to enforce them effectively. One particularly noteworthy case concerned a woman by the name of Yemen Akoda. Her husband, Eşref Akoda, shot her dead in 24 June 2021, in the central Anatolian city of Aksaray, because she had asked him for a divorce. In the period from February to June 2021, the authorities had served him with a restraining order on four occasions. These restraining orders were issued for periods ranging from one week to one month. His repeated breaches of these restraining orders went unpunished, due to a lack of evidence.⁴⁸³

Türkiye is a member state of the Convention on the Elimination of All Forms of Discrimination Against Women, or the 'UN Women's Convention' for short. Every four years, the UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) evaluates the member states' performance in terms of safeguarding women's rights and fundamental freedoms. In July 2022, this committee noted that there was a significant disparity between the existing legal remedies enshrined in Protection Law 6284 and the practical application of this legislation. Additionally, the UN committee observed that many Turkish women refrained from reporting gender-related violence out of shame, fear of retaliation, economic dependency on the abuser, unfamiliarity with the legal system, language barriers or distrust of the authorities.⁴⁸⁴

Mor Çatı ('Purple Roof') is a women's rights organisation that operates its own women's shelter in Istanbul, which can accommodate up to 25 people.⁴⁸⁵ *Mor Çatı's* 2022 annual report made it clear that the measures implemented by the Turkish authorities to address gender-related violence remained inadequate. This organisation concluded that women seeking to file an official complaint about violence tended to encounter a range of challenges. Lengthy waiting periods at police stations were common, and women often found that their statements were dismissed or left undocumented. Some were even discouraged from filing a complaint or were urged to seek reconciliation with their abusers. *Mor Çatı* also observed that the periods covered by restraining orders were becoming ever shorter. As a result, women had to repeatedly visit the police station to renew their restraining orders.⁴⁸⁶

According to one source, if a woman was aware of her rights and clearly articulated her expectations of the police (such as being referred to a women's shelter or obtaining a restraining order) then there was a possibility that they might actually help her. The same source had knowledge of the following case. A woman who had been subjected to domestic violence arrived at her neighbourhood police station, seeking help. Since that station did not have a dedicated family affairs unit, she was redirected to another police station. The officers at the second station initially declined to process her complaint, on the grounds that her place of residence was outside their jurisdiction. At the insistence of the woman's attorney they finally agreed to process her complaint.⁴⁸⁷

⁴⁸³ HRW, *Combatting domestic violence in Turkey*, published in 2023, pp. 1, 3, 7, 22, 23, 24

⁴⁸⁴ CEDAW, *Concluding observations on the eight periodic report of Türkiye*, 12 July 2022, pp. 7 and 8.

⁴⁸⁵ De Standaard, 'Turkije is een mannenland en met Erdogan zal dat zo blijven', 12 May 2023.

⁴⁸⁶ *Mor Çatı*, 2022, *Activity report*, 26 April 2023, pp. 32-34.

⁴⁸⁷ Confidential source, 16 June 2023.

KADES⁴⁸⁸ ('Women Support') is an application that can be installed on smartphones. The idea is that if a woman triggers this app's panic button, the police will come to her aid as quickly as possible.⁴⁸⁹ From the end of May 2022, this app was also available in Kurdish.⁴⁹⁰ At the time of writing, it was unclear whether Kurdish speaking women had actually benefited from the introduction of this new language option.⁴⁹¹ In late April 2023, Soylu (the Interior Minister at that time) announced that over 5.2 million women had downloaded the app since 2018.⁴⁹²

In practice, the KADES app did not live up to expectations. That was because the police suspected that some people were pressing the app's panic button out of curiosity, just to see what would happen. As a result, before responding, the police called the woman in question to verify that she was in fact in danger. One problem was that women in dangerous situations were not always able to answer the phone. Another was that the men involved tended to become more aggressive when they became aware that the women had called the police.⁴⁹³ According to one source, when officers actually responded to 'panic button' calls, they typically attempted to mediate between the women and their abusers, with the aim of bringing about a reconciliation.⁴⁹⁴

The figures for the number of women killed by men tended to vary. Nevertheless, the available data indicated that 'femicides' (murders of women) remained a concern during the current reporting period. According to Soylu, (the former Interior Minister) the number of femicides that occurred between 2021 and 2022 fell from 309 to 279.⁴⁹⁵ One source expressed scepticism about these figures, due to the lack of transparency regarding their provenance.⁴⁹⁶ *Bianet* is an independent news platform that monitors violence against women and other issues. According to this platform, incidents of femicide in the same period fell from at least 339⁴⁹⁷ to at least 327.⁴⁹⁸

According to the platform 'We Will Stop Femicides' (WWSF),⁴⁹⁹ the number of femicides had actually increased. The platform's records for 2021 show 280 femicides and the suspicious deaths of 217 other women. Its records for 2022 show 334 femicides and the suspicious deaths of 245 other women.⁵⁰⁰ Notably, the above-mentioned platform categorised the death of Poyraz, a female member of the HDP, as a femicide. She was killed on 17 June 2021 in an HDP office in Izmir by an ultranationalist assailant who had openly declared his intention to 'murder members of the PKK'.⁵⁰¹ Based on the information at hand, her death appeared to be politically motivated rather than gender-related (see Subsection 5.5.6 for further details about this act of violence).

It was clear that the Turkish government had not been particularly effective in protecting women from femicide. This conclusion was based on data provided by both the government and the We Will Stop Femicides platform. The Turkish Ministry

⁴⁸⁸ 'KADES' stands for *Kadın Destek* ('Women Support').

⁴⁸⁹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 57.

⁴⁹⁰ *Bianet*, *Ministry's panic button app for women now available in Kurdish*, 27 May 2022. Confidential source, 3 May 2023. Confidential source, 16 June 2023.

⁴⁹¹ Confidential source, 16 June 2023.

⁴⁹² HDN, *Some 5.2 mln women use KADES app*: Soylu, 28 April 2023.

⁴⁹³ Confidential source, 14 April 2023. Confidential source, 3 May 2023. Confidential source, 16 June 2023.

⁴⁹⁴ Confidential source, 14 April 2023.

⁴⁹⁵ HDN, *Some 5.2 mln women use KADES app*: Soylu, 28 April 2023.

⁴⁹⁶ Confidential source, 3 May 2023.

⁴⁹⁷ *Bianet*, *Men kill at least 339 women in 2021*, 14 February 2022.

⁴⁹⁸ *Bianet*, *Men killed at least 327 women in 2022*, 6 March 2023.

⁴⁹⁹ In Turkish, this advocacy group is known as *Kadın Cinayetlerini Durduracağız Platformu* (KCDP). The WWSF monitors and addresses instances of violence against women, while offering legal aid to victims of domestic violence.

⁵⁰⁰ We Will Stop Femicides (WWSF) Platform, *2022 annual report*, 6 January 2023.

⁵⁰¹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 49.

of the Interior reported that, in 2021, protective or preventive orders had failed to prevent the killing of 38 women.⁵⁰² The We Will Stop Femicides platform reported that, in 2022, protective or preventive orders had failed to prevent the killing of at least 23 women.⁵⁰³

6.4 Repression of the women's movement

During the reporting period, the Turkish state repressed the women's movement. On 25 November 2022, women throughout the country demonstrated to mark the International Day for the Elimination of Violence against Women. Istanbul saw gatherings of women numbering in the thousands. A large contingent of Turkish police was mobilised. They used violence to break up the demonstration.⁵⁰⁴ According to media reports, the number of people detained ranged from a few to several dozens.⁵⁰⁵ In this instance, the police used more forceful tactics than in previous women's protests.⁵⁰⁶ According to one source, some demonstrators were beaten about the head. According to the source, one woman suffered a broken leg but was denied medical assistance. Others had their hands handcuffed behind their backs and were taken to police stations, where they were held in detention for many hours. During this time, they were given no drinking water and were denied access to toilets. According to the same source, the detainees were released the following day.⁵⁰⁷

On 8 March 2023, thousands of women once again gathered in Istanbul, this time to mark the occasion of International Women's Day. For the second consecutive year, the authorities denied women permission to stage demonstrations on the eighth of March.⁵⁰⁸ Several demonstrators were detained as the police used tear gas to end the demonstration.⁵⁰⁹ They were released afterwards.⁵¹⁰

In addition to banning and breaking up demonstrations, the Turkish authorities found another way to curtail the social latitude of the women's movement. In April 2022, the Istanbul public prosecutor initiated legal proceedings against the WWSF platform. The Turkish judiciary sought to disband this women's rights group, accusing them of offenses such as 'undermining family structures' and 'immoral behaviour'.⁵¹¹ In response, various societal entities, such as bar associations, women's rights groups, and LGBTIQ+ rights groups, rallied behind the women's platform.⁵¹² At the time of writing, the closure case against the platform was still pending.⁵¹³

⁵⁰² HRW, *Combating domestic violence in Turkey*, May 2022, pp. 3 and 54.

⁵⁰³ WWSF, *2022 Annual Report*, 6 January 2023.

⁵⁰⁴ Duvar English, *Police crack down on women's rights marches in Turkey*, 25 November 2022. Reuters, *Turkish police break up 'violence against women' protest*, 25 November 2022. NOS, *Tientallen vrouwen gearresteerd in Turkije tijdens demonstraties tegen femicide*, 27 November 2022. Vreken, *Een heidens karwei*, published in 2023, pp. 11 to 12. Confidential source, 14 April 2023.

⁵⁰⁵ Duvar English, *Police crack down on women's rights marches in Turkey*, 25 November 2022. NOS, *Tientallen vrouwen gearresteerd in Turkije tijdens demonstraties tegen femicide*, 27 November 2022. Vreken, *Een heidens karwei*, published in 2023, p. 11.

⁵⁰⁶ Vreken, *Een heidens karwei*, published in 2023, p. 11. Confidential source, 14 April 2023. Confidential source, 16 June 2023.

⁵⁰⁷ Confidential source, 14 April 2023.

⁵⁰⁸ The Independent, *Women in Turkey brave ban on Istanbul march, get tear-gassed*, 8 March 2023. De Volkskrant, *Feministen zijn wel klaar met Erdogan*, 10 March 2023.

⁵⁰⁹ The Independent, *Women in Turkey brave ban on Istanbul march, get tear-gassed*, 8 March 2023.

⁵¹⁰ Confidential source, 14 April 2023. Confidential source, 3 May 2023.

⁵¹¹ BalkanInsight, *Turkish women's rights group faces shutdown for 'immorality'*, 14 April 2022. The Guardian, *Turkish women's group targeted as Erdoğan fans flames of 'culture war'*, 14 April 2022. NOS, *Turkije wil femicide-organisatie verbieden, 'Aanval op alle vrouwen in Turkije'*, 20 April 2022. De Groene Amsterdammer, *President Erdogan richt zijn pijlen op feministen*, 20 April 2022.

⁵¹² Al Monitor, *Turkish women's groups rally behind anti-femicide platform*, 31 May 2022.

⁵¹³ Confidential source, 14 April 2023. Confidential source, 3 May 2023. Confidential source, 11 May 2023. Confidential source, 16 June 2023.

6.5 Women's shelters

The previous country of origin information report noted that Türkiye had a total of 149 women's shelters, with a combined capacity of 3,624 beds.⁵¹⁴ According to one source, this figure remained unchanged on 8 March 2023.⁵¹⁵ In fact, the present tally of women's shelters might even be lower, as another source has reported that they personally witnessed the temporary or permanent closure of some of these facilities.⁵¹⁶ In its concluding observations of July 2022, the UN Committee on the Elimination of All Forms of Discrimination Against Women stated that there were too few women's shelters in Türkiye and that the conditions in these facilities were substandard.⁵¹⁷ In May 2023, *De Standaard* (DS; a Flemish daily newspaper) reported that all of the women's shelters in Istanbul were full.⁵¹⁸

The previous country of origin information report noted that, in many respects, most of these shelters provided substandard services. For instance, few of them provided professional counselling or psychological support. There were also instances in which some government officials only admitted women who had been physically abused, even though those who had endured mental abuse were equally eligible for admission.⁵¹⁹ According to one source, the above-mentioned situation remained the same throughout the current reporting period. The latter claimed to have knowledge of a woman who had spent an entire year in a shelter without once having laid eyes on a social worker. The same source reported that only those who had been physically abused were admitted to women's shelters.⁵²⁰

According to one source, in Türkiye it is not easy to evaluate the challenges facing women who have been rejected by their family and/or tribe/clan. According to one source, a rejected woman's ability to sustain herself independently in Türkiye was largely determined by her socioeconomic status. In Türkiye, educated women with their own source of income could be entirely self-sufficient. However, uneducated women who had no previous work experience would struggle to independently build a new life for themselves elsewhere in the country.⁵²¹

6.6 The situation regarding women in the disaster area

As indicated in Subsection 1.1.2, south-eastern Türkiye was struck by earthquakes in February 2023. This natural disaster impacted the situation of women in the disaster area. For instance, there was a surge in gender-related violence, while women were afforded little protection and had insufficient channels for reporting abuse.⁵²² Furthermore, the limited availability of menstrual products⁵²³ presented challenges for women in general, while those without partners also struggled to secure tents. This was because tents were allocated on the basis of family units.⁵²⁴

⁵¹⁴ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 58.

⁵¹⁵ Confidential source, 3 May 2023.

⁵¹⁶ Confidential source, 14 April 2023.

⁵¹⁷ CEDAW, *Concluding observations on the eight periodic report of Türkiye*, 12 July 2022, p. 8.

⁵¹⁸ DS, 'Türkiye is een mannenland en met Erdogan zal dat zo blijven', 12 May 2023.

⁵¹⁹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 58.

⁵²⁰ Confidential source, 14 April 2023.

⁵²¹ Confidential source, 14 April 2023.

⁵²² Confidential source, 24 March 2023.

⁵²³ The Guardian, *After the earthquakes, it's women and girls in Turkey feeling the aftershocks*, 9 March 2023.

Confidential source, 14 April 2023.

⁵²⁴ The Guardian, *After the earthquakes, it's women and girls in Turkey feeling the aftershocks*, 9 March 2023. Mor Çatı, *Mechanisms for combatting violence against women in the earthquake zone*, 14 March 2023. Confidential source, 3 May 2023.

In addition, women's toilets were situated in remote locations or alongside roads, which made women reluctant to use them.⁵²⁵

Mor Çatı conducted a working visit to the disaster area from 20 February to 24 February 2023. This women's rights organisation discovered that the specific needs of women in the disaster area were not being addressed. Earthquake damage meant that many shelters had to be relocated, yet many members of the community were unaware of their new whereabouts. Public transport in the disaster area had ground to a halt, so many women without their own means of transportation were unable to access the shelters.⁵²⁶ One source added that the women's shelter in Adıyaman had been temporarily housed in a shipping container, which was unfortunately swept away in the ensuing floods.⁵²⁷

⁵²⁵ Mor Çatı, *Mechanisms for combatting violence against women in the earthquake zone*, 14 March 2023. Support to Life (STL), *Emergency situation report*, 6 April 2023, p. 5.

⁵²⁶ Mor Çatı, *Mechanisms for combatting violence against women in the earthquake zone*, 14 March 2023.

⁵²⁷ Confidential source, 14 April 2023.

7 Unaccompanied minors

7.1 Legal framework

The Child Protection Law (CPL), also known as Law Number 5395, and the Civil Code (CC) set out guidelines for the care and protection of children without parental care. The CPL stipulates that the courts are responsible for overseeing the implementation of this law. However, President Erdoğan has decreed that the Ministry of Family and Social Services is the authority responsible for implementing this law. Officially, a presidential decree is subordinate to the law, so the courts are responsible for implementing the CPL. In practice, however, this task falls to the Ministry of Family and Social Services.⁵²⁸

On 6 September 2022, the Official Gazette published the regulations on the functioning procedures and principles of child protection services planning and child care institutions. The above-mentioned regulations specify how childcare facilities should be managed, the services required for unaccompanied minors, and the conditions under which these children may be discharged from such facilities.⁵²⁹ No amendments were made to the CPL during the reporting period.⁵³⁰

In principle, the legal authority over a minor rests with its biological parents. The CC stipulates that any child requiring admission to a childcare facility must have a court-appointed guardian. In situations of this kind, the guardian is typically a member of staff at the childcare facility. Acting as the child's legal representative, this guardian has the power to register the child in school and arrange for healthcare.⁵³¹

7.2 The various types of childcare facilities

As stated in the previous information report, there were three types of childcare facilities: children's homes (in Turkish: *Çocuk Evleri*), children's home sites (in Turkish: *Çocuk Evleri Sitesi*) and child rehabilitation centres (in Turkish: *Çocuk Destek Merkezleri*). The children's homes were apartment blocks or detached houses. The children's home sites took the form of groups of buildings on a sort of campus, each cluster being a separate children's home site. The child rehabilitation centres were purpose-built to cater to children with specific problems. In December 2020, 5,956 children were housed in 1,193 children's homes, 6,181 children in 111 children's home sites, and 1,347 children in 65 child rehabilitation centres. Thus, the three above-mentioned types of childcare facilities housed a total of 13,484 children.⁵³²

During the reporting period, the child rehabilitation centres were renamed 'specialised children's home sites' (in Turkish: *ihatislaştırılmış çocuk evleri sitesi*). This change of name was a direct consequence of the regulations that were put into effect in September 2022 (Consult Section 7.1 for further details of these regulations).⁵³³ According to one source, this was merely a change of name. These

⁵²⁸ Confidential source, 4 May 2023.

⁵²⁹ Confidential source, 15 May 2023.

⁵³⁰ Confidential source, 4 May 2023.

⁵³¹ Confidential source, 4 May 2023.

⁵³² Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 61.

⁵³³ Confidential source, 4 May 2023.

types of childcare facility continued to care for unaccompanied minors with specific problems. In this context, these children could be refugees or drug addicts, or they might have behavioural problems. Specialised children's home sites also provided care for pregnant adolescents and children with a history of sexual abuse.⁵³⁴

In December 2022, 5,581 children were housed in 1,187 children's homes, 6,699 children in 113 children's home sites, and 1,591 children in 65 specialised children's home sites. Thus, the three above-mentioned types of childcare facilities housed a total of 13,871 children.⁵³⁵

The above-mentioned childcare facilities have a wide range of facilities, including libraries, study areas, living rooms, kitchens, bedrooms, bathrooms, and toilets. In addition to providing psychosocial care, the childcare facilities had diverse cultural, sports, and artistic programmes.⁵³⁶ According to one source, the Ministry of Family and Social Services allocated a substantial portion of its budget to the renovation and refurbishment of childcare facilities.⁵³⁷

7.3 Foster care

The Foster Care Regulation, which dates from 14 December 2012, stipulates the criteria under which children can be placed in foster care. The Ministry of Family and Social Services is responsible for managing the foster care system. Prospective foster parents must submit an application to the provincial branch of the Ministry of Family and Social Services. That provincial branch will then appoint a committee to review the application. The committee will conduct an investigation and arrange for the prospective parents to meet the child in question, so that they can get to know one another. The committee needs to reach a consensus on whether the prospective foster parents fulfil the applicable criteria. Before they can be placed in foster care, the children involved must also give their consent. Once consent has been secured from everyone involved, they are then required to sign various legal documents formalising these foster care arrangements. The Ministry will then continue to monitor the situation. The monitoring frequency will vary from one case to another.⁵³⁸

In mid-January 2022, there were about 8,500 children in foster care.⁵³⁹ In the current reporting period, this number has risen to 9,011.⁵⁴⁰

⁵³⁴ Confidential source, 15 May 2023.

⁵³⁵ Confidential source, 4 May 2023.

⁵³⁶ Confidential source, 15 May 2023.

⁵³⁷ Confidential source, 4 May 2023.

⁵³⁸ Confidential source, 15 May 2023.

⁵³⁹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 61.

⁵⁴⁰ Confidential source, 4 May 2023.

8 Sexual minorities (LGBTIQ+)

8.1 Introduction

Sexual intercourse between two people of the same gender is not a punishable offence in Türkiye.⁵⁴¹ However, various sources have indicated that some laws have been used to curtail the freedoms of members of the LGBTIQ+ community. For instance, the Civil Servants Law includes an article stating that civil servants can be dismissed for 'immoral behaviour'. According to two sources, a similar article was employed to target LGBTIQ+ individuals, effectively stifling their ability to openly express their sexual orientation and gender identity.⁵⁴² One source pointed out that, based on their publicly expressed views, LGBTIQ+ activists and demonstrators could have been charged with 'inciting hatred and enmity' under Article 216 of the Penal Code.⁵⁴³ For instance, this happened to students who waved rainbow flags during a protest at Bosphorus University (Consult Subsection 1.1.4 for further details about the student protests at this university).⁵⁴⁴

The *LGBT Equality Index* ranks countries throughout the world in terms of the rights and freedoms of their LGBTIQ+ communities. This undated index also takes into account the laws and regulations pertaining to LGBTIQ+ individuals in each country, as well as the prevailing societal attitudes. Türkiye was ranked 116th out of the 197 countries in the index.⁵⁴⁵

LGBTIQ+ individuals also faced animosity from within society, a topic that will be revisited in Section 8.3. Having an LGBTIQ+ identity could lead to a range of adverse outcomes. For instance, LGBTIQ+ individuals faced barriers when seeking to access the labour market. This was particularly true of those who openly expressed their LGBTIQ+ orientation and identity, those who were obviously LGBTIQ+, and those whose LGBTIQ+ orientation and identity was made public without their permission.⁵⁴⁶ These concerns led many LGBTIQ+ individuals to avoid openly expressing their sexual orientation and gender identity, as they were apprehensive about possible discrimination, violence and/or aggression.⁵⁴⁷

During the reporting period, there was a deterioration in the social climate for LGBTIQ+ individuals in Türkiye. The Turkish government's growing negative stance toward the LGBTIQ+ community was a contributing factor.⁵⁴⁸ For instance, in November 2022, Soyulu (the Interior Minister at that time) accused the LGBTIQ+ community of 'cultural terrorism'.⁵⁴⁹ In turn, on 16 January 2023, President Erdoğan described the LGBTIQ+ community as a 'virus of heresy'.⁵⁵⁰ He also peppered his election campaign speeches with anti-LGBTIQ+ rhetoric. President Erdoğan described the opposition as 'pro-LGBT' and urged the electorate not to vote for

⁵⁴¹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 59. Confidential source, 27 April 2023.

⁵⁴² Confidential source, 28 April 2023. Confidential source, 17 May 2023.

⁵⁴³ Confidential source, 25 April and 17 May 2023.

⁵⁴⁴ Heinrich Böll Stiftung, *The Bogazici Resistance, The matter circles back to queers (Mevzu Lubunya'ya)!*, 24 June 2022.

⁵⁴⁵ Equaldex, *LGBT Equality Index, The most LGBT-friendly countries in the world*, undated, consulted on 31 July 2023.

⁵⁴⁶ Confidential source, 27 April 2023. Confidential source, 28 April 2023. Confidential source, 17 May 2023.

⁵⁴⁷ Confidential source, 27 April 2023. Confidential source, 17 May 2023. Confidential source, 29 May 2023.

⁵⁴⁸ Nu.nl, *Turkse lhbtiq+-gemeenschap krijgt de boodschap: word onzichtbaar*, 24 June 2023. Confidential source, 29 June 2023.

⁵⁴⁹ Duvar English, *In new hate speech, Turkish Interior Minister Soyulu deems LGBTI+ 'cultural terrorism'*, 13 November 2022.

⁵⁵⁰ Duvar English, *In new hate speech, Erdoğan deems LGBTI+ 'virus of heresy'*, 17 January 2023.

them. He also stressed that his own party and alliance were 'anti-LGBT'.⁵⁵¹ In his victory speech of 29 May 2023, President Erdoğan depicted the LGBTIQ+ community as a menace to families and to society.⁵⁵²

Nonetheless, the LGBTIQ+ rights movement remained resilient.⁵⁵³ In a unified response to President Erdoğan's victory speech, LGBTIQ+ rights organisations declared their unwavering commitment to the cause of LGBTIQ+ rights.⁵⁵⁴ In this context, it is important to note that in Istanbul and Ankara, in particular, the LGBTIQ+ rights movement was both visible and highly organised. One source offered some perspective on this observation. According to this source, the social latitude afforded to the LGBTIQ+ community in the above-mentioned cities was primarily concentrated in specific districts and neighbourhoods, such as Beşiktaş, Taksim and Kadıköy in Istanbul and Çankaya in Ankara.⁵⁵⁵

It should also be noted that the LGBTIQ+ community were not alone in their struggle for LGBTIQ+ rights.⁵⁵⁶ For instance, some opposition parties and bar associations also actively supported LGBTIQ+ rights. In the May 2023 parliamentary elections, the Workers' Party of Türkiye (TİP) endorsed three transgender women candidates. One of these candidates was Zeynep Esmeray Özadikti, a transgender activist and actress.⁵⁵⁷ However, the above-mentioned individuals were mainly listed at the bottom of the party's candidate roster and did not contest seats directly elected by individual voters, according to one source. In the end, none of these trans women were elected to parliament.⁵⁵⁸

As stated above, bar associations championed LGBTIQ+ rights. In April 2020, the prominent imam Ali Erbaş gave a sermon⁵⁵⁹ in which he made negative comments about LGBTIQ+ individuals. These remarks were roundly condemned by the bar associations in Izmir and Ankara. Erbaş is the head of *Diyanet*, the Directorate of Religious Affairs. These bar associations were then charged with 'openly insulting religious values', under the provisions of Article 216 (3) and Article 53 of the Penal Code. On 24 April 2023, in an initial judgement, the board of the Izmir bar association was acquitted.⁵⁶⁰ On 17 May 2023, the Ankara bar association's board members were acquitted.⁵⁶¹

⁵⁵¹ Bianet, *Erdoğan urges young people to stay away from 'pro-LGBT' opposition*, 24 April 2023. Nu.nl, *Election update, Erdogan ıcht campagne op de lhbtq+-gemeenschap*, 28 April 2023. The Times of Israel, *'We are against the LGBT', Erdogan fuels culture wars amid tight election contest*, 5 May 2023. Duvar English, *AKP's record on LGBTI+ hatred increases in run-up to elections*, 6 May 2023. The Independent, *Turkey's Erdogan attacks 'pro-LGBT' opposition in tight election race*, 8 May 2023. The Guardian, *'We're against LGBT', Erdogan targets gay and trans people ahead of critical Turkish election*, 12 May 2023.

⁵⁵² Bianet, *'Our struggle is bigger than his words', LGBTI+ groups react to Erdoğan's victory speech*, 29 May 2023. The Guardian, *Erdogan and his hardline allies have won Turkey – women and LGBTQ+ people will pay the price*, 29 May 2023. The Independent, *Erdogan in victory speech rant against 'LGBT+ forces', Turkish president secures another five years after run-off*, 30 May 2023.

⁵⁵³ Confidential source, 29 June 2023.

⁵⁵⁴ Bianet, *'Our struggle is bigger than his words', LGBTI+ groups react to Erdoğan's victory speech*, 29 May 2023.

⁵⁵⁵ Confidential source, 14 June 2023.

⁵⁵⁶ Vreeken, *Een heidens karwei*, published in 2023, pp. 209 and 210. Confidential source, 29 June 2023.

⁵⁵⁷ Duvar English, *Trans women candidates from Turkish Workers' Party running for parliamentary seats*, 13 April 2023. Cumhuriyet, *TİP İstanbul Milletvekili Adayı aktivist Zeynep Esmeray Özadikti kimdir? Zeynep Esmeray Özadikti kaç yaşında, nereli? ('Zeynep Esmeray Özadikti is an activist and a Workers' Party of Türkiye (TİP) candidate, but who is she really? How old is she, and where is she from?)*, 8 May 2023. Bianet, *From Esmeray, candidate for MP, to trans women: 'You can go to the polls with your identity card'*, 11 May 2023.

⁵⁵⁸ Confidential source, 14 June 2023.

⁵⁵⁹ This was the *khutbah*, which is the sermon given before Friday prayers.

⁵⁶⁰ Duvar English, *Court acquits İzmir Bar Association's ex-management in case concerning Diyanet's anti-LGBTI+ sermon*, 24 April 2023. Bianet, *İzmir Bar executives acquitted for condemning Diyanet's anti-LGBTI+ sermon*, 25 April 2023. Kaos GL, *İzmir Bar Association which reacted against the homophobic hate khutbah of the Religious Affairs was acquitted*, 25 April 2023. L4L, *Board of the Izmir Bar acquitted on all charges*, 1 May 2023.

⁵⁶¹ Cumhuriyet, *Ankara Barosu üyeleri 'Ali Erbaş' davasında beraat etti ('Ali Erbaş case – Ankara Bar Association members acquitted')*, 17 May 2023. Confidential source, 17 May 2023. Confidential source, 22 May 2023.

8.2 LGBTIQ+ events and views expressed in the public sphere

The two previous country of origin information reports noted that the Turkish government had cracked down on LGBTIQ+ events and on the views expressed by that community in the public sphere.⁵⁶² This situation remained the same in the current reporting period. The examples provided below are used solely for illustrative purposes. This should certainly not be regarded as a comprehensive list.

On 20 May 2022, the Turkish riot police resorted to violence to break up a Pride march on the Bosphorus University campus.⁵⁶³ According to the socialist news platform *Sendika.org*, about seventy people were detained.⁵⁶⁴ The court case against seventy students who had taken part in the march commenced on 29 May 2023. They were charged with resisting the police and contravening the Law on Meetings and Demonstrations.⁵⁶⁵

In 2022, for the eighth consecutive year, Turkish authorities banned the Istanbul Pride.⁵⁶⁶ Nevertheless, on 26 June 2022, hundreds of protesters gathered to demonstrate in support of LGBTIQ+ rights.⁵⁶⁷ The riot police detained a total of 373 people.⁵⁶⁸ Never before had so many been detained during the Istanbul Pride. A total of 103 people had been detained during the Prides held from 2015 to 2021.⁵⁶⁹ All of the detained demonstrators were given medical check-ups, interrogated, and then released.⁵⁷⁰ Ultimately, none of the detained demonstrators were convicted by a judge.⁵⁷¹

SPoD, a Turkish LGBTIQ+ rights organisation,⁵⁷² and the Istanbul LGBTI+ Pride Week Committee appealed against the ban on the Istanbul Pride. An administrative court in Istanbul dismissed this appeal as having no merit.⁵⁷³ According to one source, the petitioners planned to appeal.⁵⁷⁴

The crackdown by the Turkish authorities was not limited to the Pride in Istanbul. In 2022, Pride events throughout the country were banned, and the police enforced these bans in an active way. Over the course of Pride month, which ran from 20 May to 5 July 2022, 530 people were detained.⁵⁷⁵

⁵⁶² Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, pp. 60 and 61. Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 63 and 64.

⁵⁶³ *Sendika.org*, *Boğaziçi Onur Yürüyüşü'ne polis saldırdı: Yaklaşık 70 kişi gözaltında* ('Around seventy individuals detained as police break up Bosphorus Pride Parade'), 20 May 2022. Duvar English, *Turkish police detain, batter Boğaziçi students for attending pride march on campus*, 21 May 2022. Bianet, *Seventy students on trial for Boğaziçi pride participation amid torture allegations*, 30 May 2023.

⁵⁶⁴ *Sendika.org*, *Boğaziçi Onur Yürüyüşü'ne polis saldırdı: Yaklaşık 70 kişi gözaltında*, 20 May 2022.

⁵⁶⁵ Bianet, *Seventy students on trial for Boğaziçi pride participation amid torture allegations*, 30 May 2023.

Confidential source, 30 May 2023.

⁵⁶⁶ SPoD, *From 2015 to today, Prohibitions on Istanbul LGBTI+ Pride marches*, December 2022, pp. 3, 8, 11 and 46. Vreeken, *Een heidens karwei*, published in 2023, p. 204.

⁵⁶⁷ Reuters, *Turkish police prevent Istanbul Pride from going ahead*, 26 June 2022. Bianet, *İstanbul Pride Parade, Detained and tortured, 373 people released*, 27 June 2022.

⁵⁶⁸ Bianet, *İstanbul Pride Parade*, 27 June 2022. Duvar English, *Turkish police detain 373 LGBTI pride protestors in Istanbul*, 27 June 2022. Kaos GL, *Government waged war against LGBTI+s, 10 bans and at least 530 detainees in 37 days*, 27 June 2022.

⁵⁶⁹ Kaos GL, *Government waged war against LGBTI+s*, 27 June 2022.

⁵⁷⁰ Bianet, *İstanbul Pride Parade*, 27 June 2022.

⁵⁷¹ Nu.nl, *Turkse lhbtq+-gemeenschap krijgt de boodschap: word onzichtbaar*, 24 June 2023.

⁵⁷² SPoD stands for *Sosyal Politikalar Cinsiyet Kimliği ve Cinsel Yönelim Çalışmaları Derneği*, which means 'Social Policy, Gender Identity and Sexual Orientation Studies Association'. SPoD assists the LGBTIQ+ community by providing information, legal aid, and psychosocial care.

⁵⁷³ Kaos GL, *2022 İstanbul Pride Week bans were brought before the Constitutional Court*, 29 November 2022. SPoD, *From 2015 to today*, December 2022, p. 41.

⁵⁷⁴ Confidential source, 17 May 2023.

⁵⁷⁵ Kaos GL, *Government waged war against LGBTI+s*, 27 June 2022.

During the 2023 Pride month, the Turkish authorities once again banned a wide range of activities and events.⁵⁷⁶ The following incidents are used solely for illustrative purposes. This should certainly not be regarded as a comprehensive list.

On 7 June 2023, the police in Kadıköy, a district within the metropolitan area of Istanbul, intervened to stop the screening of an LGBTIQ+ movie. During this operation, they detained a number of visitors and organisers. These individuals were later released.⁵⁷⁷ On 9 June 2023, the police broke up a Pride march on the Middle East Technical University's (METU) campus in Ankara. It was alleged that at least five individuals were detained during this operation.⁵⁷⁸ On 18 June 2023, the police broke up a demonstration of trans activists in Istanbul,⁵⁷⁹ ten of whom were detained. Those who had been detained were released the following day.⁵⁸⁰

On 25 June 2023, the annual Pride march was held in Istanbul. The demonstrators had intended to assemble at Taksim Square, the traditional venue for city Pride marches. However, they were unable to proceed as planned, as substantial numbers of police officers were present. As a result, hundreds of demonstrators gathered at a nearby location. The police then broke up that demonstration,⁵⁸¹ detaining 113 people in the process.⁵⁸²

One of those detained was an Iranian by the name of Elyas Torabibaeskendari, who had been granted 'conditional protection' in Istanbul (Consult Sections 10.2 and 10.4 for further details of what 'conditional protection' entails). Torabibaeskendari was transferred to a removal centre in Şanlıurfa where, according to his family, a return order was issued for his deportation to Iran. The Pride Week Committee, which organises the annual Pride in Istanbul, expressed concern as, in Iran, homosexual acts are punishable by death. Thus, according to the Committee, the Iranian might well face a death sentence if he were to return to his home country. The Human Rights Association (İHD), the Freedom for Lawyers Association (ÖHD) and SPoD protested against Torabibaeskendari's possible forced deportation to Iran.⁵⁸³ To the relief of his family and civil society, he was released from the removal centre in late July 2023.⁵⁸⁴

Torabibaeskendari's situation was reminiscent of the Mehsa Khaleghi case. Khaleghi was an Iranian trans woman who had also been granted protection in Türkiye. She was detained on 4 August 2022, after tearing up a copy of the Koran during a live Instagram stream. One day later, she was transferred to a removal centre near Izmir. Khaleghi, too, faced the threat of forced deportation to Iran.⁵⁸⁵ Based on the available information, her deportation did not proceed, and she was released from the removal centre.⁵⁸⁶

⁵⁷⁶ Confidential source, 29 June 2023.

⁵⁷⁷ Gerçek News, *Istanbul police clamp down on LGBTQIA+film screening, detain guests*, 8 June 2023.

⁵⁷⁸ Bianet, *METU Pride March marred by interventions, detentions*, 9 June 2023.

⁵⁷⁹ Bianet, *Istanbul Trans Pride March faces aggression amid heavy police presence*, 18 June 2023.

⁵⁸⁰ BalkanInsight, *Ten protestors detained in Istanbul Trans Pride Parade released*, 19 June 2023. Bianet, *Istanbul Trans Pride March, Detained activists released*, 19 June 2023.

⁵⁸¹ Bianet, *Istanbul Pride Parade, LGBTI+ activists gather despite restrictions, nearly 100 detained*, 25 June 2023. De Standaard, *Alweer tientallen mensen gearresteerd tijdens Pride in Istanbul*, 25 June 2023. Trouw, *Tientallen aanhoudingen bij Pride-marsen in Turkije*, 25 June 2023. De Volkskrant, *Istanbul Pride in de kiem gesmoord*, 27 June 2023.

⁵⁸² Bianet, *HRW denounces Turkey's bans on Pride celebrations as flagrant human rights violation*, 27 June 2023.

⁵⁸³ Bianet, *Iranian refugee detained during Istanbul Pride Parade faces deportation, possible death sentence*, 27 June 2023. Bianet, *Rights advocates urge for release of LGBTI+ activist facing repatriation to Iran*, 30 June 2023. Bianet, *Elyas's family calls for help, Lawyers will object to the deportation order for the activist from Iran*, 6 July 2023.

⁵⁸⁴ Bianet, *Detained during Pride Parade, Iranian refugee released from deportation center after a month*, 31 July 2023.

⁵⁸⁵ OUTspoken Middle East (OSME), *Trans woman who tore up the Quran in an Instagram post may face deportation to Iran*, 16 August 2022.

⁵⁸⁶ Confidential source, 24 July 2023.

In late June 2023, the international human rights organisation Human Rights Watch (HRW) released a statement denouncing the conduct of the police and Turkish authorities throughout Pride month. It described the bans imposed on Pride events and the subsequent arrests as violations of the right to freedom of assembly and association.⁵⁸⁷

The following event further underscored the threat faced by the LGBTIQ+ community in Türkiye. On 26 July 2023, the Radio and Television Supreme Council (RTÜK) imposed fines on a number of streaming services, including Netflix, Disney+, and Amazon Prime Video. The above-mentioned platforms were accused of streaming movies or series featuring LGBTIQ+ themes or elements. RTÜK contends that these types of productions eroded Türkiye's national and moral values, and represented a threat to family life.⁵⁸⁸

8.3 Animosity and aggression from certain elements within society

As previously discussed in Section 8.1, sexual minorities faced animosity and aggression from within society. The examples provided below are used solely for illustrative purposes. This should certainly not be regarded as a comprehensive list.

In May 2022, LGBTIQ+ activists submitted a criminal complaint to the local court in Eskişehir. This was in response to the distribution of anonymous pamphlets in this city in north-western Türkiye, urging people to kill members of the LGBTIQ+ community.⁵⁸⁹ This was a surprising turn of events, given Eskişehir's reputation as a progressive university town with a generally tolerant stance towards the LGBTIQ+ community.⁵⁹⁰ The pamphlet stated that 'sodomy' was *haram* (forbidden under sharia law). The text also featured quotes from various Islamic scholars calling for LGBTIQ+ individuals to be executed by stoning, for example.⁵⁹¹ The LGBTIQ+ activists in Eskişehir blamed the Turkish authorities for fostering an anti-LGBTIQ+ atmosphere that emboldened certain individuals to distribute pamphlets of this kind.⁵⁹² At the time of writing, the case was still pending⁵⁹³ and hate-filled pamphlets are purportedly still being distributed in Eskişehir.⁵⁹⁴

On 18 September 2022, thousands of people gathered together in the context of a 'Great Family Meeting'. In a video clip released to promote this event, the organisers demanded an end to 'LGBTI+ propaganda' and protection for families, children, and future generations.⁵⁹⁵ In October 2022, similar meetings were held in

⁵⁸⁷ HRW, *Turkey, Mass detentions at Pride marches, Conflict with court decisions on right to free assembly*, 27 June 2023.

⁵⁸⁸ Bianet, *RTÜK fines streaming platforms for violating 'family protection principles'*, 27 July 2023. Confidential source, 27 July 2023.

⁵⁸⁹ Kaos GL, "Devlet, katledilmemiz için yayımladığı fermanları evlerimizin posta kutusuna koyan cemaatlere ne yapacak?" ("How does the government plan to tackle the threat posed by cults that publish pamphlets urging people to kill us and drop them into our mailboxes?"), 13 May 2022. Evrensel, *Eskişehir'de LGBTİ'ler için "Katli vacip" diyen broşür hakkında suç duyurusunda bulunuldu* ('A criminal complaint has been lodged concerning pamphlets stating that LGBTIQ+ individuals in Eskişehir "Need to be murdered"'), 17 May 2022. Bianet, *Leaflets advising 'stoning LGBTI+s to death' distributed in Turkey's Eskişehir*, 19 May 2022.

⁵⁹⁰ Bianet, *Leaflets advising 'stoning LGBTI+s to death' distributed in Turkey's Eskişehir*, 19 May 2022. De Volkskrant, *Met xenofobie hoopt Kılıçdaroglu alsnog de zwevende kiezer binnen te halen*, 27 May 2023.

⁵⁹¹ Bianet, *Leaflets advising 'stoning LGBTI+s to death' distributed in Turkey's Eskişehir*, 19 May 2022.

⁵⁹² Kaos GL, "Devlet, katledilmemiz için yayımladığı fermanları evlerimizin posta kutusuna koyan cemaatlere ne yapacak?", 13 May 2022. Evrensel, *Eskişehir'de LGBTİ'ler için "Katli vacip" diyen broşür hakkında suç duyurusunda bulunuldu*, 17 May 2022. Bianet, *Leaflets advising 'stoning LGBTI+s to death' distributed in Turkey's Eskişehir*, 19 May 2022.

⁵⁹³ Confidential source, 17 May 2023. Confidential source, 29 May 2023.

⁵⁹⁴ Confidential source, 17 May 2023.

⁵⁹⁵ Bianet, *Thousands gather at anti-LGBTI+ rally in İstanbul*, 19 September 2022. Duvar English, *Anti-LGBTI+ 'hate march' held in İstanbul with state support*, 19 September 2022. Kaos GL, *Kaos GL filed a suit against the public service announcement, supporting the hate rally, of RTÜK*, 6 November 2022.

Şanlıurfa, Konya and Ankara.⁵⁹⁶ RTÜK uploaded the promotional video for the Istanbul meeting to its website, under the category 'public service announcement'.⁵⁹⁷ Kaos GL, a Turkish LGBTIQ+ rights organisation, responded by taking RTÜK to court. It contended that this public body had aired a video clip with a message that incited hatred.⁵⁹⁸ At the time of writing, the case was still pending.⁵⁹⁹

On 21 March 2023, LGBTIQ+ individuals were attacked with knives during the Newroz (Kurdish New Year) festivities in Diyarbakır (Consult Section 5.4 for further details about the significance of this celebration). The assailants, who claimed to be nationalist Kurds, demanded that the LGBTIQ+ individuals stop waving their rainbow flags. The Human Rights Association (İHD), the Diyarbakır bar association, and two local LGBTIQ+ rights organisations were among those who condemned this attack.⁶⁰⁰ According to one source, complaints had been filed and a criminal investigation was under way.⁶⁰¹

When questioned, two sources stated that no details are available concerning the true scope of honour-related attacks against LGBTIQ+ individuals.⁶⁰² Furthermore, one source pointed out that the majority of LGBTIQ+ individuals who faced exclusion and violence from their families were not inclined to report such incidents to the police. They were worried about encountering more discrimination, in this instance from the police officers on duty at the time. According to the same source, another reason was that most LGBTIQ+ individuals had little or no faith in the judicial process.⁶⁰³

8.4 The situation regarding transgender individuals

Their visibility as a group meant that transgender individuals faced discrimination, exclusion, and aggression.⁶⁰⁴ Transgender individuals were subjected to various forms of hostile or disrespectful treatment. For instance, transgender individuals faced barriers when seeking to access the labour market, and trans women, in particular, felt compelled to engage in illegal sex work.⁶⁰⁵ Transgender individuals often found it difficult to access the housing market⁶⁰⁶ and healthcare.⁶⁰⁷

Transgender individuals are legally entitled to contact the authorities for protection. However, in reality, transgender individuals seldom reported transphobic incidents to the police, largely because of the police's own reputation for bias against the transgender community.⁶⁰⁸

⁵⁹⁶ Kaos GL, *Kaos GL filed a suit against the public service announcement*, 6 November 2022. Duvar English, *AKP's record on LGBTI+ hatred increases in run-up to elections*, 6 May 2023.

⁵⁹⁷ Bianet, *Thousands gather at anti-LGBTI+ rally in Istanbul*, 19 September 2022. Duvar English, *Anti-LGBTI+ 'hate march' held in Istanbul with state support*, 19 September 2022. Kaos GL, *Kaos GL filed a suit against the public service announcement*, 6 November 2022.

⁵⁹⁸ Kaos GL, *Kaos GL filed a suit against the public service announcement*, 6 November 2022.

⁵⁹⁹ Confidential source, 17 May 2023. Confidential source, 29 May 2023.

⁶⁰⁰ Bianet, *Mob attack on LGBTI+s during Diyarbakır Newroz celebrations*, 22 March 2023. Kaos GL, *Attack against LGBTI+s at Newroz once again!*, 23 March 2023. Duvar English, *LGBTI+ members attacked during Newroz celebration call for solidarity*, 24 March 2023. Confidential source, 14 June 2023.

⁶⁰¹ Confidential source, 14 June 2023.

⁶⁰² Confidential source, 27 April 2023. Confidential source, 28 April 2023.

⁶⁰³ Confidential source, 28 April 2023.

⁶⁰⁴ Confidential source, 27 April 2023. Confidential source, 28 April 2023.

⁶⁰⁵ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 65. Confidential source, 27 April 2023. Confidential source, 28 April 2023.

⁶⁰⁶ Confidential source, 27 April 2023. Confidential source, 28 April 2023.

⁶⁰⁷ Confidential source, 25 April 2023. Confidential source, 28 April 2023.

⁶⁰⁸ Confidential source, 25 April 2023. Confidential source, 27 April 2023. Confidential source, 28 April 2023.

It was not possible to obtain definitive answers about whether trans women experienced more discrimination, exclusion, and violence than trans men. According to three sources, trans women suffered more discrimination, exclusion, and violence. They attributed this to a variety of factors. Trans women's greater visibility caused them to experience more transphobia than trans men. The increased level of transphobia they suffered was also attributed to society's condemnation of their decision to 'renounce their masculinity'. Türkiye is a patriarchal society, so there is purportedly more acceptance of trans men than trans women.⁶⁰⁹ According to another source, while trans women may have had higher visibility and, consequently, more media coverage of their issues, it does not necessarily follow that trans men faced fewer challenges.⁶¹⁰

Various instances of exclusion of and discrimination and aggression against transgender individuals during the current reporting period are described below. These examples are used solely for illustrative purposes. This should certainly not be regarded as a comprehensive list.

In Izmir, on the night of 4 January to 5 January 2023, a hate crime claimed the life of Ecem Seçkin, a trans woman.⁶¹¹ She had been making a living as a sex worker. She was stabbed to death by a man, purportedly one of her clients. The suspect was charged with murder. The initial hearing was scheduled for 16 June 2023.⁶¹²

On 18 January 2023, a trans woman known only by the initials S.A. experienced discrimination in an Istanbul hospital. When she arrived at the reception desk, she could not make out what the receptionist was saying, as that person avoided making eye contact and spoke while looking downwards. When S.A. mentioned that she could not hear what the hospital receptionist was saying, the latter responded as follows: 'I don't think you know what you look like, I just can't bring myself to look at you'. S.A. then called the police to file an official complaint, but no officers arrived.⁶¹³ The trans woman then lodged a complaint with Patient Rights Unit.⁶¹⁴ The hospital's management later declared its intention to deal with the employee in question, but gave no details of the disciplinary actions to be taken.⁶¹⁵

Kaos GL, a LGBTIQ+ rights organisation, reported that a homeless trans woman had been found dead in an Istanbul street on 11 February 2023. Deniz, a trans woman known only by her first name, had steered clear of conventional homeless shelters after being abused by transphobic men in these facilities. However, women's shelters were unable to take her as these facilities are intended for women, and her identity card showed that she was male. Hospitals would admit Deniz for one day at most, and when people in her neighbourhood tried to book a hotel room for her, the hotel refused to admit her. Her death was purportedly due to hypothermia, coupled with health problems.⁶¹⁶

⁶⁰⁹ Confidential source, 27 April and 18 May 2023. Confidential source, 28 April 2023. Confidential source, 19 July 2023.

⁶¹⁰ Confidential source, 25 April 2023.

⁶¹¹ Bianet, *Transphobic hate murder in İzmir*, 5 January 2023. Kaos GL, *The defendant who killed Ecem Seçkin, had gone to her house with three knives!*, 10 April 2023.

⁶¹² Kaos GL, *The defendant who killed Ecem Seçkin, had gone to her house with three knives!*, 10 April 2023.

⁶¹³ Bianet, *Discrimination against trans woman at Istanbul hospital*, 24 January 2023. Kaos GL, *Transphobic discrimination at Bakırköy Dr. Sadi Konuk Hospital*, 26 January 2023.

⁶¹⁴ Kaos GL, *Transphobic discrimination at Bakırköy Dr. Sadi Konuk Hospital*, 26 January 2023.

⁶¹⁵ Kaos GL, *Transphobic ayrımcılığın yaşandığı Bakırköy Dr. Sadi Konuk Hastanesi'nden haber var* ('News concerning discrimination against a trans woman at Bakırköy Said Konuk Hospital'), 25 January 2023.

⁶¹⁶ Kaos GL, *A homeless trans woman was found dead in Istanbul*, 15 February 2023.

On 12 March 2023, Selin Ciğerci was besieged by a transphobic mob in Konya, a city in Central Anatolia. This media personality and businesswoman is also a trans woman. Ciğerci had planned to open a beauty salon in Konya, and the group in question were trying to prevent this. The police managed to keep the crowd at a distance.⁶¹⁷ Reportedly, at the time of writing, none of the assailants had been charged or subjected to criminal prosecution. Ciğerci's beauty salon in Konya was meanwhile up and running.⁶¹⁸

The challenges encountered by journalist Ajda Ender shed light on the everyday difficulties that transgender individuals in Türkiye might face. Since 2005, this trans woman has endured insults, harassment, and threats from her neighbours in Istanbul.⁶¹⁹ The neighbours claim that she is a 'prostitute' who entertained male clients in her apartment. In an interview with Kaos GL, Ender revealed that she had been verbally abused by a male neighbour in 2011. That individual had subjected her to a barrage of transphobic insults. She wanted to file an official complaint, but the police refused to take her statement. In 2019, a group of neighbours banged a knife against Ender's front door.⁶²⁰ This time, the police were prepared to process her official complaint, but the officer on duty at the time said 'Do you realise that your appearance is the cause of all these problems?'. The public prosecutor ultimately decided not to go ahead with criminal proceedings.⁶²¹ On 11 May 2023, however, a court case was initiated against Ender, who was accused of insulting the attorney representing her neighbours.⁶²² The charges purportedly overlooked her gender identity, instead referring to her as 'the son of (...)'. Ender found this offensive.⁶²³ At the time of writing, the court case was still pending.⁶²⁴

⁶¹⁷ Bianet, *Crowd attempts to attack trans woman Selin Ciğerci*, 13 March 2023. Duvar English, *Islamist groups attack Turkish trans woman's beauty center in Konya*, 13 March 2023.

⁶¹⁸ Confidential source, 17 May 2023.

⁶¹⁹ Bianet, *Prosecutor turns complainant trans woman into the suspect*, 3 April 2023. Kaos GL, *Journalist Ajda Ender, who has been exposed to systematic transphobic discrimination by her neighbours, will be put on trial due to the complaint of her neighbors' lawyer! Ajda Ender spoke of the process*, 6 April 2023.

⁶²⁰ The article in question featured the following quote from Ender: 'They knocked at my door, hit the door with a knife, (...)'.
⁶²¹ Kaos GL, *Journalist Ajda Ender, who has been exposed to systematic transphobic discrimination by her neighbours, will be put on trial due to the complaint of her neighbors' lawyer!*, 6 April 2023.

⁶²² Bianet, *Prosecutor turns complainant trans woman into the suspect*, 3 April 2023. Kaos GL, *Journalist Ajda Ender, who has been exposed to systematic transphobic discrimination by her neighbours, will be put on trial due to the complaint of her neighbors' lawyer!*, 6 April 2023.

⁶²³ Bianet, *Prosecutor turns complainant trans woman into the suspect*, 3 April 2023.

⁶²⁴ Confidential source, 17 May 2023.

9 Draft evaders and deserters

9.1 Introduction

To begin with, it is worth mentioning that there was little up-to-date information regarding the circumstances of draft evaders and deserters. Based on the available information, there were no significant changes in the reporting period with regard to military service.⁶²⁵ For this reason, see the chapter on draft evaders and deserters in the previous country of origin report (Chapter 9).⁶²⁶

9.2 Legal framework

Draft evasion is punishable under Article 63 (1) (a) of the Law on Military Code, while desertion falls under Article 66 (1) (a). According to Article 6 (1) (a) and (b) of that same law, soldiers cannot be considered deserters until they have been absent without leave for a period of at least six days.⁶²⁷

Conscripts do have the option of purchasing exemption from military service through official channels. In cases like this, conscripts are only required to complete one month of military basic training. This practice is known as 'paid conscription service'.⁶²⁸ Draft evaders were not previously able to make use of this arrangement. This was enshrined in Article 9 (6) of the Law on Conscription.⁶²⁹ On 20 June 2022, various members of parliament belonging to the AKP introduced a bill designed to enable draft evaders to officially purchase exemptions from military service.⁶³⁰ This bill was passed by the Turkish parliament on 30 June 2022. Meanwhile, it was decided that draft evaders would have to pay more than regular conscripts seeking to purchase exemption from military service.⁶³¹

The previous country of origin information report noted that the military service exemption fee for the period from 1 July to 31 December 2021 was 43,151.28 Turkish lira.⁶³² ⁶³³ In the period from 1 January to 30 June 2023, the military service exemption fee had risen to 104,084.16⁶³⁴ Turkish lira.⁶³⁵

⁶²⁵ Confidential source, 31 May 2023.

⁶²⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 67-71.

⁶²⁷ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 67. Confidential source, 31 May 2023.

⁶²⁸ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 67. Daily Sabah, *Turkish lawmakers seek to expand paid conscription service*, 20 June 2022. Confidential source, 31 May 2023.

⁶²⁹ Confidential source, 15 March 2022. Confidential source, 15 March 2022.

⁶³⁰ Daily Sabah, *Turkish lawmakers seek to expand paid construction service*, 20 June 2022.

⁶³¹ AA, *Bedelli askerlik düzenlemesini de içeren kanun teklifi TBMM Genel Kurulunda kabul edildi* ('The bill, which included provisions for paid conscription service, was approved in the General Assembly of the Grand National Assembly of Türkiye, GNAT'), 30 June 2022.

⁶³² At that time, 43,151.28 Turkish lira was worth precisely 2,680.41 euros.

⁶³³ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 67.

⁶³⁴ According to CoinMill.com (an online exchange rate calculator), on 1 June 2023, 104,084.16 Turkish lira was worth precisely 4,876.99 euros.

⁶³⁵ Confidential source, 31 May 2023.

9.3 The situation regarding draft evaders and deserters in general

The Turkish authorities actively prosecuted draft evaders and deserters under Article 26 (1) of the Law on Conscription. As a consequence, their freedom of movement was greatly curtailed. In addition to having their freedom of movement curtailed, draft evaders and deserters could also face mounting fines.⁶³⁶ At the time of writing, the monthly fine for draft evaders and deserters totalled 1,517.89⁶³⁷ Turkish lira.⁶³⁸ As stated in the previous information report, these mounting fines could balloon to a substantial amount.⁶³⁹

There were no specific details available to clearly indicate that draft evaders and deserters of a particular ethnicity, religion, political belief, sexual orientation, or gender identity were disproportionately penalised.⁶⁴⁰ According to one source, LGBTIQ+ conscripts usually opted for discretion regarding their sexual orientation and gender identity.⁶⁴¹

9.4 Kurdish conscripts

As far as could be ascertained, there was no clearly defined system that specified the regions in which conscripts would serve. Conscripts had no say in where they were deployed. Consequently, Kurdish conscripts could find themselves deployed in south-eastern Türkiye, where the Turkish armed forces were fighting the PKK (see Section 1.2 for further details about the conflict between the Turkish army and the PKK on Turkish soil). No information is available regarding the number of Kurdish conscripts who were stationed in the south-east of the country. In principle, conscripts were not expected to participate in combat operations.⁶⁴² No updates were available on the situation regarding Kurdish conscripts.

⁶³⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 68. Confidential source, 31 May 2023.

⁶³⁷ According to CoinMill.com (an online exchange rate calculator), on 1 June 2023, 1,517.89 Turkish lira was worth precisely 71.12 euros.

⁶³⁸ Confidential source, 31 May 2023.

⁶³⁹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 68.

⁶⁴⁰ Confidential source, 25 April 2023. Confidential source, 28 April 2023. Confidential source, 31 May 2023.

⁶⁴¹ Confidential source, 27 April 2023.

⁶⁴² Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 70. Confidential source, 31 May 2023.

10 Irregular migrants, asylum-seekers, and asylum status holders

10.1 Introduction

This chapter describes the situation regarding irregular migrants, asylum-seekers, and asylum status holders in Türkiye. Section 10.2 provides an overview of the legal framework governing asylum and migration in Türkiye. Section 10.3 specifically explores the position of Syrians in Türkiye, while Section 10.4 focuses on the situation of Afghans in Türkiye. For details of the situation regarding the Uyghur diaspora in Türkiye see the General Country of Origin Information Report on China, issued in December 2022.⁶⁴³

10.2 Legal framework

Asylum and migrant flows in Türkiye are regulated by the Law on Foreigners and International Protection (LoFIP), also known as Law No. 6458. This law defines the following four types of protection:

- Refugee status, as referred to in the Refugee Convention adopted by the United Nations in 1951;
- Conditional protection;⁶⁴⁴
- Subsidiary protection;⁶⁴⁵
- Temporary protection (TP).⁶⁴⁶

In Türkiye, refugee status, as referred to in the Refugee Convention, can only be granted to the citizens of Council of Europe (CoE) member states. Non-European asylum seekers facing persecution within the meaning of any of the Convention's provisions⁶⁴⁷ may qualify for conditional protection. Non-European asylum seekers who would face a foreseeable risk of serious harm upon returning to their home country may qualify for subsidiary protection. Syrians fall under a separate protection category, i.e. TP. Due to the sheer numbers of Syrians fleeing to Türkiye as a result of the ongoing civil war in Syria (2011 to the present), their asylum requests could not be individually evaluated under the conditional and subsidiary protection frameworks. As a result, they may be eligible for TP status.⁶⁴⁸

Responsibility for implementing the LoFIP had previously been allotted to the Directorate General of Migration Management (DGMM).⁶⁴⁹ ⁶⁵⁰ During the preceding reporting period, the DGMM was renamed: Presidency of Migration Management (PMM).⁶⁵¹ The consensus among various sources was that rebranding the DGMM as the PMM did not bring about any substantial changes in the asylum landscape. Like the former DGMM, the PMM operates under the Turkish Ministry of the Interior and

⁶⁴³ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on China*, December 2022, pp. 90 and 91.

⁶⁴⁴ Referred to in Turkish as *Şartlı mülteci*.

⁶⁴⁵ Referred to in Turkish as *İkincil Koruma*.

⁶⁴⁶ Referred to in Turkish as *Geçici Koruma*.

⁶⁴⁷ These provisions of the Convention concern: race, religion, nationality, or belonging to a given social group or political persuasion.

⁶⁴⁸ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 72. Confidential source, 25 May 2023.

⁶⁴⁹ The DGMM is referred to in Turkish as *Göç İdaresi Genel Müdürlüğü*.

⁶⁵⁰ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 72.

⁶⁵¹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 58. The PMM is referred to in Turkish as *Göç İdaresi Başkanlığı*.

is tasked with implementing the LoFIP. The elevation of Turkish immigration authorities to the level of a presidency means that ultimate authority now rests with the President. Provincial offices, where asylum seekers are required to submit their requests for asylum, are still known as the Provincial Directorate of Migration Management (PDMM).⁶⁵²

In February 2022, Turkish authorities declared that foreigners, which included anyone with conditional, subsidiary, or temporary protection status, were no longer permitted to settle in regions where foreign residents made up 25% of the population. This policy, the Dilution Plan, was referred to in Turkish as *seyreltme planı*.⁶⁵³ With effect from 1 July 2022, the permitted foreign population of any given district was now capped at twenty percent.⁶⁵⁴ In July 2023, the PMM announced that the registration of foreigners had been discontinued in 1,169 districts. Foreigners were no longer permitted to settle in these districts.⁶⁵⁵

In districts with a foreign population of less than twenty percent, it was difficult for asylum status holders to find accommodation. This was due to the housing shortage and higher rental rates in districts like these, coupled with the fact that many asylum status holders had very limited financial resources. Furthermore, these districts were often less welcoming to foreigners, and landlords were hesitant to lease apartments to asylum status holders.⁶⁵⁶

Various sources provided contradictory accounts about the extent to which asylum status holders were left to their own devices when it came to locating a suitable district, where foreigners made up less than twenty percent of the population. According to two sources, the Turkish immigration authorities directed asylum status holders to districts that were 'open' to foreigners.⁶⁵⁷ According to two other sources, however, asylum status holders had to find out for themselves which districts were 'open' to foreigners.⁶⁵⁸ According to another source, the ways in which PDMM officials dealt with this matter appeared to be quite arbitrary. In some cases they referred asylum status holders to a specific district, in other cases they delegated this responsibility to the status holders themselves.⁶⁵⁹

10.3 Syrians in Türkiye

10.3.1 Registration of Syrians

As of July 2023, according to the PMM, Türkiye was hosting around 3.3 million registered Syrians.⁶⁶⁰ Illegal border crossings from Syria to Türkiye were both dangerous and expensive.⁶⁶¹ For instance, a wall had been erected along most of the border that divides these two countries. Any Syrians trying to enter Türkiye

⁶⁵² Confidential source, 25 May 2023. Confidential source, 26 May 2023. Confidential source, 12 June 2023. Confidential source, 13 June 2023.

⁶⁵³ Al Monitor, *Turkey's quota plan for refugees alarms rights activists*, 23 February 2022. MEMO, *Turkey implements 25% quota for foreigners in districts, reportedly targeting Syrians*, 24 February 2022.

⁶⁵⁴ Ahval, *Turkey to implement residence quota on foreigners next month*, 11 June 2023. Bloomberg, *Turkey to impose residence quotas on foreigners from July 1*, 11 June 2022. HDN, *More neighborhoods to be closed to foreigners, says minister*, 12 June 2022. Al Jazeera, *Rising anti-refugee sentiment leads to debate in Turkey*, 27 July 2022. HRW, *Turkey, Hundreds of refugees deported to Syria*, 24 October 2022. HRW, *No one asked me why I left Afghanistan*, *Pushbacks and deportations of Afghans from Turkey*, 18 November 2022, p. 4.

⁶⁵⁵ Bianet, *Turkey reports nearly 5 million migrants across the country*, 17 July 2023.

⁶⁵⁶ Confidential source, 25 May 2023. Confidential source, 26 May 2023. Confidential source, 12 June 2023.

⁶⁵⁷ Confidential source, 25 May 2023. Confidential source, 13 June 2023.

⁶⁵⁸ Confidential source, 26 May 2023. Confidential source, 3 August 2023.

⁶⁵⁹ Confidential source, 12 June 2023.

⁶⁶⁰ Bianet, *Turkey reports nearly 5 million migrants across the country*, 17 July 2023.

⁶⁶¹ According to one source, Syrians seeking to cross the Syrian-Turkish border illegally had to pay human traffickers around five to seven thousand dollars. Confidential source, 26 May 2023.

illegally risked being shot by Turkish border guards (Consult Subsection 10.3.4 for further details about the violence meted out by Turkish border guards). At the time of writing, it was estimated that several dozen to several hundred Syrians were entering Türkiye each month.⁶⁶²

Officially, newly arrived Syrians can submit a request for TP anywhere in Türkiye.⁶⁶³ In the preceding reporting period, however, the registration of newly arrived Syrians had been temporarily halted in the provinces of Istanbul, Ankara, Izmir, and Hatay. In Gaziantep, the registration of Syrians was repeatedly suspended and resumed, contingent on the volume of new arrivals.⁶⁶⁴ At the time of writing, according to one source, Turkish authorities were refusing to process any fresh TP applications from Syrians in the provinces of Istanbul, Ankara, Izmir, Hatay, Kilis, and Osmaniye. According to the same source, the registration of newly arrived Syrians was still partially being carried out in Gaziantep.⁶⁶⁵

In provinces where the registration of Syrians had been halted, exceptions could still be made for Syrian newcomers who were deemed to be vulnerable. For instance, one source had knowledge of several recently arrived Syrians in Ankara who had been granted temporary protection status by the PDMM because their health conditions could be best addressed in the Turkish capital.⁶⁶⁶ According to another source, each PDMM office had the discretion to decide which recently arrived Syrians could be classified as vulnerable and, as such, eligible for TP.⁶⁶⁷

During the reporting period, changes were made to the application procedure for newly arrived Syrians. From 6 June 2022, Syrians were no longer granted the option of choosing a place to stay while awaiting the outcome of a TP application. Applicants were required to stay at Temporary Accommodation Centres (TACs)⁶⁶⁸ while their applications were being processed.⁶⁶⁹ These TACs, which consisted of converted shipping containers, were managed by the Turkish Ministry of the Interior.⁶⁷⁰ Throughout the application procedure the Syrians were denied freedom of movement⁶⁷¹ and were confined to a guarded, fenced-off section of the TAC. According to one source, the time taken for an application to be processed varied from one individual to another.⁶⁷²

Some newly arrived Syrians were not required to await the outcome of their application in a TAC. Exceptions were granted in specific cases, such as newborns, spouses of TP status holders, and those whose medical requirements could not be met in a TAC.⁶⁷³

⁶⁶² Confidential source, 26 May 2023. Confidential source, 13 June 2023. Confidential source, 23 August 2023. Confidential source, 23 August 2023.

⁶⁶³ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 73. Confidential source, 25 May 2023.

⁶⁶⁴ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 73 and 74.

⁶⁶⁵ Confidential source, 13 June 2023.

⁶⁶⁶ Confidential source, 25 May 2023.

⁶⁶⁷ Confidential source, 26 May 2023.

⁶⁶⁸ Temporary Accommodation Centres are also known as Temporary Shelter Centres. TACs are referred to in Turkish as *Geçici Barınma Merkezleri* (singular: *Geçici Barınma Merkezi*).

⁶⁶⁹ UNHCR, *Registration with the Turkish authorities*, undated, consulted on 3 August 2023. Confidential source, 25 May 2023. Confidential source, 26 May 2023. Confidential source, 3 August 2023.

⁶⁷⁰ Confidential source, 26 May 2023. Confidential source, 2 June 2023. Confidential source, 3 August 2023.

⁶⁷¹ Confidential source, 26 May 2023. Confidential source, 3 August 2023.

⁶⁷² Confidential source, 3 August 2023.

⁶⁷³ UNHCR, *Registration with the Turkish authorities*, undated, consulted on 3 August 2023.

One source had firsthand experience of TACs that had supermarkets, primary schools, secondary schools, and hospitals. The same source noted that Syrians were either given vouchers or were reimbursed for grocery shopping, and that the Turkish authorities covered the cost of water and electricity.⁶⁷⁴

10.3.2 *Rights and freedom of movement of Syrian TP status holders*

Syrian TP status holders are entitled to various social benefits, including access to education and healthcare. TP status holders can only access these government services in the province where they were registered. Syrian TP status holders who wish to travel outside the province where they were registered must first obtain a travel permit from their PDMM office.⁶⁷⁵

Following the February 2023 earthquakes, the PMM decided to drop the above-mentioned travel restriction for TP status holders in the following ten provinces: Kahramanmaraş, Hatay, Malatya, Adıyaman, Adana, Gaziantep, Şanlıurfa, Kilis, Osmaniye and Diyarbakır. On 13 February 2023, the PMM modified this temporary measure. From that date onwards, only TP status holders from Kahramanmaraş, Hatay, Gaziantep, Adıyaman and Malatya were permitted to temporarily visit another province without any travel restrictions. These five provinces had taken the brunt of the natural disaster. TP status holders from the above-mentioned provinces were issued with sixty-day travel permits. On 27 April 2023, the period of validity of these permits was extended by ninety days. All of the information in this paragraph originates from the same source.⁶⁷⁶

The above-mentioned guidelines involved various practical issues. TP status holders without family connections in other provinces had to make their own accommodation arrangements. However, landlords were hesitant about signing tenancy agreements with Syrians. Moreover, most Syrians lacked the financial means to lease properties in other parts of Türkiye. These practical challenges made it difficult for TP status holders from the hardest-hit provinces to legally obtain temporary lodging elsewhere.⁶⁷⁷

During the preceding reporting period, TP status holders were entitled to return to Syria to celebrate Islamic public holidays,⁶⁷⁸ while retaining their TP status.⁶⁷⁹ This entitlement was revoked during the current reporting period.⁶⁸⁰ In April 2022, the Turkish government announced that TP status holders would forfeit their status if they returned to Syria to celebrate *Eid al-Fitr* (the 'Sugar Feast'). Anyone who chose to ignore this and return to Syria would lose their TP status. As a result, they would be unable to return to Türkiye legally.⁶⁸¹ There was a special dispensation for people who needed to attend funerals in Syria. These individuals were able to return to Syria temporarily without losing their TP status.⁶⁸² In June 2022, the Turkish

⁶⁷⁴ Confidential source, 3 August 2023.

⁶⁷⁵ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, pp. 74 and 75. Confidential source, 25 May 2023. Confidential source, 26 May 2023. Confidential source, 12 June 2023. Confidential source, 13 June 2023.

⁶⁷⁶ Confidential source, 3 August 2023.

⁶⁷⁷ Confidential source, 26 May 2023. Confidential source, 13 June 2023.

⁶⁷⁸ Referred to in Turkish as *Bayram*.

⁶⁷⁹ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 76.

⁶⁸⁰ Confidential source, 13 June 2023.

⁶⁸¹ The New Arab, *Turkey prohibits refugees from visiting Syria during Eid al-Fitr*, 20 April 2022. Daily Sabah, *Migrants' Bayram visits to Syria will not be allowed: Soylu*, 22 April 2022. HDN, *Visits by Syrian during Eid holiday restricted*, 22 April 2022. Syria Direct, *Cancellation of Eid visits to Syria a 'turning point' in Turkey's refugee policy*, 27 April 2022.

⁶⁸² HDN, *Visits by Syrian during Eid holiday restricted*, 22 April 2022. Syria Direct, *Cancellation of Eid visits to Syria a 'turning point' in Turkey's refugee policy*, 27 April 2022.

government announced that any TP status holders who temporarily returned to Syria to celebrate *Eid al-Adha* ('Feast of Sacrifice') would forfeit their status.⁶⁸³

10.3.3 *Anti-Syrian sentiments*

Throughout the preceding reporting period, mounting animosity towards the Syrian community in Türkiye coincided with economic decline, escalating unemployment, and surging inflation.⁶⁸⁴ These anti-Syrian sentiments were still very palpable and conspicuous in the current reporting period.⁶⁸⁵ For instance, in Gaziantep (a city in south-eastern Türkiye with a large Syrian refugee population), Leyla Muhammed,⁶⁸⁶ a seventy-year old Syrian woman, was kicked in the face by a young Turkish man. The incident sparked public outrage, prompting Gaziantep's governor to visit Leyla in hospital. Her assailant was detained and Syrian activists launched a solidarity campaign for Leyla on social media.⁶⁸⁷

Ahead of the May 2023 elections, some Turkish politicians and political parties sought to capitalise on anti-Syrian sentiments in the country.⁶⁸⁸ For instance, on 14 March 2023, Kemal Kılıçdaroğlu, leader of the CHP and the Nation Alliance's presidential candidate, pledged that he would repatriate every last Syrian refugee in Türkiye to Syria within two years if his opposition bloc was victorious in the elections.⁶⁸⁹ In April 2023, the Good Party unveiled an election video entitled *Davetsiz Misafir* ('Uninvited Guest'), designed to fuel xenophobic sentiments against immigrants.⁶⁹⁰ In the run-up to the second round of voting in the presidential elections of 28 May 2023, Kılıçdaroğlu intensified his anti-immigrant rhetoric,⁶⁹¹ vowing to rescue the country from 'terror and refugees'⁶⁹² and to 'protect our daughters [against Syrian refugees]'.⁶⁹³

According to one source, the politicians' anti-Syrian rhetoric found few supporters in Diyarbakır. The same source gave two reasons for this. Firstly, most of the Syrian refugees in Diyarbakır were of Kurdish descent, and there were strong cultural and linguistic ties between Turkish and Syrian Kurds. Secondly, many Turkish Kurds had themselves had to flee violence in the 1990s, a period marked by widespread clashes in southeastern Türkiye between the Turkish armed forces and the Kurdistan Workers' Party (PKK). According to the source, this made the host community in Diyarbakır more sympathetic to the plight of refugees.⁶⁹⁴

In early July 2023, a number of anti-Syrian incidents occurred in Dilovası, an industrial city in north-western Türkiye. The social unrest directly resulted from the death of a dog. In the eyes of the host community, Syrians were the culprits behind the poisoning of the dog in question. On 2 July 2023, an angry mob marched

⁶⁸³ The New Arab, *Ankara tells Syria refugees to celebrate Eid Al-Adha in Turkey or take a 'one way ticket' home*, 13 June 2022.

⁶⁸⁴ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 77.

⁶⁸⁵ Confidential source, 7 August 2023.

⁶⁸⁶ Which can also be spelled 'Leila Mohammed'.

⁶⁸⁷ Al Jazeera, *Turkey, Man arrested after kicking elderly Syrian woman in video*, 1 June 2022. The Arab News, *Mayor visits elderly Syrian woman after unprovoked attack by Turkish man*, 1 June 2022. Middle East Eye (MEE), *Brutal attack on elderly Syrian refugee in Turkey sparks outrage online*, 1 June 2022.

⁶⁸⁸ Confidential source, 7 August 2023.

⁶⁸⁹ Duvar English, *Kılıçdaroğlu visits Syrian border, once again vows to deport refugees in two years*, 14 March 2023.

⁶⁹⁰ Bianet, *Racist and anti-immigrant election video from Good Party: 'Uninvited Guest'*, 13 April 2023.

⁶⁹¹ Al Jazeera, *Kılıçdaroğlu turns to anti-migrant fears before Turkey run-off*, 17 May 2023. NRC, *Kan hij Erdogan wel verslaan?*, 20 May 2023. Bianet, *Anti-migration leader endorses Kılıçdaroğlu in Turkey's presidential runoff vote*, 24 May 2023. Het Parool, *Voor de tweede verkiezingsronde in Turkije slaat Kılıçdaroğlu een hardere toon aan*, 24 May 2023. De Volkskrant, *Met xenofobie hoopt Kılıçdaroğlu alsnog de zwevende kiezer binnen te halen*, 27 May 2023.

⁶⁹² Het Parool, *Voor de tweede verkiezingsronde in Turkije slaat Kılıçdaroğlu een hardere toon aan*, 24 May 2023. De Volkskrant, *Met xenofobie hoopt Kılıçdaroğlu alsnog de zwevende kiezer binnen te halen*, 27 May 2023.

⁶⁹³ Bianet, *Anti-migration leader endorses Kılıçdaroğlu in Turkey's presidential runoff vote*, 24 May 2023. De Volkskrant, *Met xenofobie hoopt Kılıçdaroğlu alsnog de zwevende kiezer binnen te halen*, 27 May 2023.

⁶⁹⁴ Confidential source, 14 June 2023.

through the streets shouting xenophobic slogans such as 'We don't want Syrians!'⁶⁹⁵ The anti-Syrian demonstration escalated into riots, during which houses were attacked and shops vandalised. The police stepped in and arrested ten Syrians, who were subsequently taken to a removal centre.⁶⁹⁶ The incident in Dilovası bore similarities to anti-Syrian violence that occurred in Altındağ, a suburb of Ankara, on 11 August 2021.⁶⁹⁷

10.3.4 *Acts of violence perpetrated by the Turkish authorities against Syrians*

As previously stated in subsection 10.3.1, any Syrians who attempted to cross the Syrian-Turkish border unlawfully were at risk of being shot by Turkish border guards. During the reporting period, human rights organisations reported violent incidents along the Syrian-Turkish border, in which Syrians attempting to enter Türkiye illegally were shot or tortured by Turkish border guards. The international human rights organisation, Human Rights Watch (HRW), reported that it had obtained information from a humanitarian organisation that wished to remain anonymous. According to this organisation, between October 2015 and April 2023, Turkish border guards allegedly killed 234 people and wounded 231 others along the Syrian-Turkish border.⁶⁹⁸ On 14 March 2023, the Syrian Observatory for Human Rights (SOHR)⁶⁹⁹ reported that eleven individuals had allegedly been killed by the Turkish gendarmerie at the Syrian-Turkish border since the start of that year.⁷⁰⁰

In the current reporting period, a particularly noteworthy incident took place on 11 March 2023. On that day, Turkish border guards intercepted eight Syrians who were crossing the Syrian-Turkish border illegally. This group of Syrians was tortured, and two of them ultimately succumbed to their injuries. The Turkish border guards forced the other six to return to Syria.⁷⁰¹

On 15 March 2023, the above-mentioned incident was discussed in a talk show on Orient TV, a television channel that is sympathetic to the Syrian opposition. Following the broadcast, the Turkish authorities arrested the show's manager (Alaa Farhat) and its host (Ahmed Alrihawi).⁷⁰² They were released on the following day, much to the delight of the Syrian community in Türkiye.⁷⁰³

10.3.5 *Deported Syrians*

As a general rule, Syrians with TP status in Türkiye will not be repatriated to Syria. Article 8 (1) and Article 12 (1) of the Temporary Protection Regulation (TPR) specify the criteria for revoking an individual's TP status. One of the grounds for revocation is when an individual has been convicted of a serious crime and is deemed to represent a threat to public order and/or national security.⁷⁰⁴

⁶⁹⁵ Bianet, 'They fear to go to work', *Demonstration against Syrian refugees in Turkey's industrial hotbed*, 3 July 2023. Duvar English, *Crowded group marches against Syrian refugees in Kocaeli province*, 3 July 2023. NRC, *Hoe een dode hond in Turkije een klopjacht op Syriërs onttekende*, 21 July 2023.

⁶⁹⁶ NRC, *Hoe een dode hond in Turkije een klopjacht op Syriërs onttekende*, 21 July 2023.

⁶⁹⁷ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 77.

⁶⁹⁸ HRW, *Turkish border guards torture, kill Syrians*, 27 April 2023.

⁶⁹⁹ Based in the United Kingdom, the SOHR conducts investigations into human rights violations in Syria.

⁷⁰⁰ SOHR, *maqtal 11 mawâTinan bi-raSSaS al-jandarma mundhu matla3 al-3âm...* ('Gendarmerie bullets have claimed the lives of 11 civilians since the start of this year'), 14 March 2023.

⁷⁰¹ SOHR, *maqtal 11 mawâTinan bi-raSSaS al-jandarma mundhu matla3 al-3âm...*, 14 March 2023. MEE, *Turkey arrests three soldiers over the killing of Syrians at border*, 19 March 2023. Bianet, *Parliamentary question about alleged torture, killing of refugees by border guards*, 22 March 2023. HRW, *Turkish border guards torture, kill Syrians*, 27 April 2023.

⁷⁰² The New Arab, *Syrian Orient TV manager, host arrested in Turkey following discussion on torture*, 15 March 2023.

The New Arab, *Syrians rejoice as journalists arrested in Turkey after 'guest complaint' are released*, 17 March 2023.

⁷⁰³ The New Arab, *Syrians rejoice as journalists arrested in Turkey after 'guest complaint' are released*, 17 March 2023.

⁷⁰⁴ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 75. Confidential source, 26 May 2023. Confidential source, 13 June 2023.

During the preceding reporting period, the various sources claimed to know nothing about any large-scale and systematic deportations of Syrians or any central policy related to this matter. When asked, these sources described the scale of deportations as 'negligible', 'very low', or 'sporadic'.⁷⁰⁵

Throughout the current reporting period, it was difficult to get a clear view of the scale of forced deportations.⁷⁰⁶ Based on anecdotal information, one source had the impression that the number of deportations had risen during the current reporting period. According to messages received by this source, busloads of Syrians were being returned across the Turkish-Syrian border at Bab al-Hawa. The same source stated that they were unable to verify this information.⁷⁰⁷ According to another source, several hundred people were being deported each month, or each week. Some were TP status holders who had ventured outside the province where they were registered without the necessary travel permit from their PDMM office. The source stressed that this was not a legally valid reason for deportation.⁷⁰⁸

On 24 October 2022, HRW reported that the Turkish authorities had deported hundreds of Syrians to Syria between February and July 2022. HRW reached this conclusion after conducting interviews with 47 Syrians, 37 of whom had themselves been deported to Syria. These cases predominantly involved Syrians who, despite having TP status in Türkiye, were living and working in provinces other than the province where they were registered. It is important to note that this does not constitute formal grounds for the revocation of an individual's TP status. HRW reported that every Syrian interviewed asserted that they had been forced (sometimes physically) to sign a 'voluntary' repatriation form, either at a removal centre or at the Turkish-Syrian border. According to the Syrians interviewed, they were denied the opportunity to examine these forms themselves, nor were they given any explanation regarding their content. Furthermore, during the period of detention that preceded their deportation, these Syrians were not afforded the opportunity to contact an attorney or a member of their family. During the interviews, several Syrians revealed that they had initially been assaulted by Turkish police officers or gendarmes, who kicked or beat them. In other instances, the security personnel on duty had threatened them with violence or a one-year jail term. Furthermore, all of the interviewees informed HRW that the removal centres were short of food and lacked proper sanitation facilities, and that the living conditions were unhygienic.⁷⁰⁹

HRW's findings were consistent with information gathered from other sources, both public and confidential. This information unequivocally demonstrated that the Turkish authorities had pressured Syrians to sign 'voluntary' repatriation forms. Any Syrians who had failed to apply for TP or who had been involved in a fight, for example, could face an indefinite period of detention. In the detention centre, those involved were offered the 'choice' of signing a 'voluntary' repatriation form or of remaining in detention. The ultimate aim was to subject the individual involved to enough pressure that they would capitulate and sign a form for their 'voluntary' repatriation. The scale of this practice is unclear.⁷¹⁰

⁷⁰⁵ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 75.

⁷⁰⁶ Confidential source, 7 August 2023.

⁷⁰⁷ Confidential source, 26 May 2023.

⁷⁰⁸ Confidential source, 13 June 2023.

⁷⁰⁹ HRW, *Turkey, Hundreds of refugees deported to Syria*, 24 October 2022.

⁷¹⁰ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 76. Confidential source, 26 May 2023. The Guardian, 'We fear leaving the house', *Lebanon and Turkey step up deportations of Syrian refugees*, 27 June 2023.

10.3.6 *The Turkish government's repatriation project*

On 3 May 2022, President Erdoğan announced a plan for the voluntary repatriation of one million Syrians to northern Syria within three years.⁷¹¹ According to the Turkish authorities, this repatriation should be both voluntary and safe.⁷¹² To encourage Syrians to return to Syria, the Turkish government declared its commitment to providing ample housing, schools, and hospitals. It also stated its intention to establish the requisite infrastructure for industry and agriculture,⁷¹³ along with such essential facilities as water and electricity.⁷¹⁴ Qatar and other donors would provide the funding for this repatriation project.⁷¹⁵ At the time of writing, the Turkish government's plans for the voluntary repatriation of Syrians remained unclear, as were the criteria used to identify eligible individuals.⁷¹⁶

Those areas of northern Syria to which repatriated individuals were expected to voluntarily return were, on paper, governed by the Syrian Interim Government (SIG). This interim government had emerged from a coalition of opposition groups. The Turkish armed forces and the military wing of the SIG both maintained a presence in these areas. The armed wing of the SIG was known as the Syrian National Army (SNA), which should not be confused with the Syrian government army.⁷¹⁷ While officially a unified force, the SNA actually consisted of various different factions that occasionally engaged in violent clashes with one another.⁷¹⁸

10.3.7 *The situation regarding Syrians in the disaster area*

As previously stated in Subsection 1.1.2, south-eastern Türkiye and north-western Syria were struck by earthquakes in February 2023. At that time, the disaster area in south-eastern Türkiye was home to about 1.7 million Syrian TP status holders.⁷¹⁹ According to the Turkish immigration authorities, on 1 February 2023, there were 460,150 registered Syrians in Gaziantep and 354,000 in Antakya.⁷²⁰ The disaster had a huge impact on the lives of the Syrian refugees in the affected area. Much like the local Turkish population, they had to deal with the loss of loved ones and possessions.⁷²¹ Moreover, the already strained relations between Syrians and their Turkish host community worsened.⁷²²

According to one source, rising xenophobia made some Syrians feel uneasy about sharing official Turkish government reception camps with Turks. As a result, they chose to live in informal settlements, with the result that they had less access to

⁷¹¹ Ahval, *New project underway for return of 1 million Syrians, says Erdoğan*, 3 May 2022. The New York Times, *Turkey's plan to draw refugees back to Syria, Homes for 1 million*, 4 May 2022. Daily Sabah, *Türkiye to repatriate Syrians with Qatari-backed housing project*, 25 May 2023. Daily Sabah, *Türkiye seeks safety for refugees intending to return to Syria*, 31 May 2023. AA, *Türkiye prepares homes in northern Syria for voluntary return of Syrian refugees*, 26 May 2023.

⁷¹² Daily Sabah, *Türkiye to repatriate Syrians with Qatari-backed housing project*, 25 May 2023. Daily Sabah, *Türkiye seeks safety for refugees intending to return to Syria*, 31 May 2023. AA, *Türkiye prepares homes in northern Syria for voluntary return of Syrian refugees*, 26 May 2023.

⁷¹³ The New York Times, *Turkey's plan to draw refugees back to Syria, Homes for 1 million*, 4 May 2022. Daily Sabah, *Türkiye to repatriate Syrians with Qatari-backed housing project*, 25 May 2023. Daily Sabah, *Türkiye seeks safety for refugees intending to return to Syria*, 31 May 2023.

⁷¹⁴ AA, *Türkiye prepares homes in northern Syria for voluntary return of Syrian refugees*, 26 May 2023.

⁷¹⁵ Daily Sabah, *Türkiye to repatriate Syrians with Qatari-backed housing project*, 25 May 2023. Daily Sabah, *Türkiye seeks safety for refugees intending to return to Syria*, 31 May 2023. AA, *Türkiye prepares homes in northern Syria for voluntary return of Syrian refugees*, 26 May 2023.

⁷¹⁶ Confidential source, 13 June 2023.

⁷¹⁷ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Syria*, May 2022, p. 20. Confidential source, 13 June 2023.

⁷¹⁸ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Syria*, Augustus 2023, p. 13.

⁷¹⁹ UNHCR, *Türkiye-Syria earthquake, Emergency appeal*, updated in February 2023.

⁷²⁰ Al Jazeera, *Syrian refugees return home from Turkey after quake devastation*, 16 February 2023.

⁷²¹ Confidential source, 26 May 2023.

⁷²² Trouw, *Spanning loopt op tussen Turken en vluchtelingen*, 14 February 2023. Confidential source, 24 March 2023. Confidential source, 6 April 2023.

government aid.⁷²³ According to the same source, these informal settlements were constructed either from makeshift tents or from tents provided by the *Afet ve Acil Durum Yönetimi Başkanlığı* (Disaster and Emergency Management Presidency, AFAD)⁷²⁴ and international donors such as Qatar and China.⁷²⁵

The earthquakes prompted the introduction of several new measures for TP status holders in the disaster-stricken region. As previously stated in Subsection 10.3.2, travel restrictions were lifted for TP status holders residing in the five provinces that were most severely affected by the earthquakes. Moreover, Syrians in the disaster area were given permission by the Turkish authorities to make temporary trips to Syria. This enabled them to remain in their home country for three to six months while retaining their TP status.⁷²⁶ According to one source, between 13 February and 2 June 2023, a total of 70,086 Syrians returned to Syria. According to the same source, with effect from 2 June 2023, Syrians were no longer permitted to return to Syria under this arrangement. According to the information available to the source, 41,680 Syrians (59.47%) had returned to Türkiye by 24 July 2023.⁷²⁷ Reportedly, they had until 15 September 2023 to return to Türkiye.⁷²⁸

On 9 June 2023, *The Guardian* reported that Syrian cancer patients residing in north-western Syria were being temporarily admitted to Türkiye, via the Bab al-Hawa border crossing, to undergo radiation therapy. This type of treatment had not been available to cancer patients in north-western Syria since the February 2023 earthquakes.⁷²⁹ On 26 July 2023, *Al Jazeera* reported that Türkiye had temporarily suspended the admission of cancer patients from north-western Syria on 10 July 2023, but that this had been resumed.⁷³⁰

10.4 Afghans in Türkiye

In addition to around 3.3 million registered Syrians, Türkiye was also sheltering about 320,000 registered refugees who were neither Syrian nor European.⁷³¹ Most of these individuals were Afghan nationals,⁷³² although this group also included Iraqis, Iranians, and Somalis.⁷³³

Refugees holding conditional or subsidiary protection status are entitled to enjoy the same rights as Syrian TP status holders. However, like Syrian TP status holders, they can only enjoy these rights in the province where they were registered.⁷³⁴ Yet there is one major difference that sets registered Syrians apart from non-Syrians, and that is their access to health insurance. In the case of non-Syrians, health insurance lapses automatically after a period of one year. After one year, the PDMM reviews the options with regard to extending health insurance for non-Syrians. In some cases this was extended, for example when the non-Syrian individual in

⁷²³ Confidential source, 26 May 2023.

⁷²⁴ The AFAD is the national disaster management service.

⁷²⁵ Confidential source, 1 June 2023.

⁷²⁶ *Al Jazeera*, *Syrian quake victims being sent 'home' from Turkey for burial*, 15 February 2023. *The New York Times*, *Thousands of Syrian refugees in Turkey rush to border crossings to return home*, 15 February 2023. *Algemeen Nederlands Persbureau (ANP)*, *40.000 Syriërs uit Turks aardbevingsgebied terug naar Syrië*, 28 February 2023. *Trouw*, *Syrische vluchtelingen weg uit Turkije: 'Geen werk, geen huis meer'*, 6 March 2023. *The Independent*, *As key votes loom, Turkish parties vow to send migrants home*, 9 May 2023.

⁷²⁷ Confidential source, 1 August 2023.

⁷²⁸ Confidential source, 21 February 2023.

⁷²⁹ *The Guardian*, *Hope for Syrian cancer patients as cross-border treatment resumes in Turkey*, 9 June 2023.

⁷³⁰ *Al Jazeera*, *Cancer patients head for Turkey after border closure protests in NW Syria*, 26 July 2023.

⁷³¹ HRW, *"No one asked me why I left Afghanistan"*, 18 November 2022, pp. 1 and 12. Confidential source, 21 February 2023.

⁷³² HRW, *"No one asked me why I left Afghanistan"*, 18 November 2022, pp. 1 and 12.

⁷³³ Confidential source, 25 May 2023. Confidential source, 12 June 2023.

⁷³⁴ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 79. Confidential source, 25 May 2023. Confidential source, 12 June 2023.

question had serious health problems.⁷³⁵ In addition, this section will specifically address the situation of Afghans in Türkiye.

During the preceding reporting period, the Turkish authorities constructed a wall along the border with Iran.⁷³⁶ This border wall remained in use during the current reporting period and, according to one source, the Turkish authorities were still actively working on this structure. Nevertheless, a few Afghans did succeed in crossing the Iranian-Turkish border. At the time of writing, according to the same source, the Afghan influx into Türkiye was 'not extensive'.⁷³⁷

During the preceding reporting period, according to several sources, the Turkish authorities stopped processing asylum requests from recently arrived Afghans after the Taliban take-over in Kabul in August 2021. The Turkish authorities forcibly returned the latter group to Iran, using two different approaches. If the Turkish authorities intercepted them at the border, they were immediately sent back. Practices of this kind were called 'pushbacks'. Whenever newly arrived Afghans were detained in Türkiye, they were first taken to removal centres before being returned across the Turkish-Iranian border. This procedure was called 'forced deportation'. In both cases, deported Afghans were denied any opportunity to apply to the Turkish authorities for international protection, nor were they formally handed over to the Iranian authorities. According to various sources, both pushbacks and forced deportations occurred violently.⁷³⁸

The above situation remained the same throughout the current reporting period.⁷³⁹ For instance, Amnesty interviewed 24 Afghans who had been forcibly returned across the Turkish-Iranian border between April 2021 and May 2022. When returning these individuals, the Turkish authorities had denied them any opportunity to seek international protection.⁷⁴⁰ HRW conducted interviews with 38 Afghans who reported being subjected to pushbacks at the Turkish-Iranian border between January 2021 and April 2022. By their own account, they too had been denied any opportunity to apply to the Turkish authorities for protection.⁷⁴¹ Single Afghan men, in particular, faced the risk of exclusion from the asylum procedure and forced deportation.⁷⁴²

As in the preceding reporting period, Afghans were forcibly returned by various means. Some individuals who had been intercepted by the Turkish authorities just after crossing the Turkish-Iranian border were promptly returned by means of pushbacks. In other cases, detained Afghans were first gathered together in an informal camp at the border or held in a removal centre before being forcibly returned to Iran. As during the preceding reporting period, both pushbacks and forced deportations involved instances of violence, with Afghans being subjected to beatings, kicks, and the confiscation or burning of their personal belongings.⁷⁴³

⁷³⁵ Confidential source, 25 May 2023. Confidential source, 12 June 2023.

⁷³⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 78.

⁷³⁷ Confidential source, 13 June 2023.

⁷³⁸ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 79.

⁷³⁹ Confidential source, 13 June 2023.

⁷⁴⁰ Amnesty International, "They don't treat us like humans", *Unlawful returns of Afghans from Turkey and Iran*, 31 August 2022, pp. 7 and 9.

⁷⁴¹ HRW, "No one asked me why I left Afghanistan", 18 November 2022, p. 10.

⁷⁴² HRW, "No one asked me why I left Afghanistan", 18 November 2022, pp. 4 and 12. Confidential source, 12 June 2023.

⁷⁴³ Amnesty, "They don't treat us like humans", 31 August 2022, pp. 29, 30, 31, 34, 36, and 47-49. HRW, "No one asked me why I left Afghanistan", 18 November 2022, pp. 21-25, 30-33, and 44.

Both Amnesty and HRW reported that the conditions in removal centres were poor. As such, these centres were often overcrowded, and detained Afghans found it difficult to contact an attorney or an NGO.⁷⁴⁴

Furthermore, both international human rights organisations have documented cases in which the Turkish authorities compelled Afghans to board flights to Afghanistan against their will. Before being forcibly returned in this way, these individuals had signed a 'voluntary' repatriation form. In many cases, this entailed the use of physical coercion while, in others, the Turkish authorities employed deceptive tactics, including forgery, to get inked fingerprint signatures on the forms.⁷⁴⁵

Moreover, investigations conducted by Amnesty and HRW clearly demonstrated that, in some instances, Afghans had been forcibly deported to Syria. Amnesty documented an incident involving the forced deportation of an Afghan to Syria.⁷⁴⁶ The HRW report documented the cases of two Afghans who were forcibly deported to a region of north-western Syria that was controlled by *Hay'at Tahrir al-Sham* (Organisation for the Liberation of the Levant, HTS), an Islamist group that emerged from the Syrian branch of *Al Qaida* (AQ).⁷⁴⁷

According to the previous country of origin information report, many newly arrived Afghans were reluctant to approach the Turkish immigration authorities, fearing that they would be sent to a removal centre as a prelude to being returned across the Turkish-Iranian border.⁷⁴⁸ Based on the findings of investigations conducted by Amnesty, this pattern persisted throughout the current reporting period. For example, this human rights organisation documented the case of an Afghan family that had sought asylum at the PDMM office in the eastern Turkish city of Van. The family was first taken to a police station and then forcibly returned to Iran.⁷⁴⁹ Against this backdrop, Afghans confided in Amnesty that their fear of violence or arrest made them hesitant about approaching the Turkish authorities for international protection.⁷⁵⁰

In June 2023, the BBC reported that criminal gangs operating in the Turkish-Iranian border region were making money by abducting Afghan migrants who were attempting to cross the border. Gang members contacted the families of these abducted migrants, demanding a ransom. Among these abducted Afghans were individuals who had previously experienced a pushback by the Turkish authorities.⁷⁵¹

⁷⁴⁴ Amnesty, "They don't treat us like humans", 31 August 2022, pp. 26, 31, 32, and 36. HRW, "No one asked me why I left Afghanistan", 18 November 2022, pp. 33, 34, 37-39, and 42.

⁷⁴⁵ Amnesty, "They don't treat us like humans", 31 August 2022, pp. 7, 9, 26, and 38. HRW, "No one asked me why I left Afghanistan", 18 November 2022, pp. 20 and 49-51.

⁷⁴⁶ Amnesty, "They don't treat us like humans", 31 August 2022, pp. 9, 36, and 45.

⁷⁴⁷ HRW, "No one asked me why I left Afghanistan", 18 November 2022, p. 57.

⁷⁴⁸ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 80.

⁷⁴⁹ Amnesty, "They don't treat us like humans", 31 August 2022, pp. 28, 33, 36, and 43.

⁷⁵⁰ Amnesty, "They don't treat us like humans", 31 August 2022, p. 43.

⁷⁵¹ BBC, *Afghan migrants kidnapped and tortured on Iran-Turkey border*, 13 June 2023

11 Return

It was not possible to obtain a comprehensive view of the potential challenges that Turkish citizens might face upon returning to Türkiye. As far as could be ascertained, there is no monitoring system in place to track the experiences of individuals returning to Türkiye, nor are there any dedicated individuals or agencies specialising in the challenges faced by those who return (or are forcibly returned) to Türkiye.⁷⁵² As a result, the information on which this chapter is based is anecdotal and fragmented.

One source had knowledge of various irregular migrants and rejected asylum seekers who returned to Türkiye in 2022. These returnees were Turkish nationals. Most of these returnees travelled to Türkiye from Germany, but some came from other countries such as the Netherlands, Belgium and Norway. Some of those whose asylum applications had been rejected expressed concerns about the lengthy appeals procedure.⁷⁵³

To the best of the source's knowledge, none of the cases of which they were aware involved post-return detention. According to the same source, returnees risked detention if criminal proceedings were pending against them when they returned to the country. This same source stressed that Türkiye was much the same as many other countries in this respect.⁷⁵⁴

According to the same source, leaving Türkiye illegally was not considered a criminal offence. As a result, individuals returning under these circumstances would probably only face an administrative fine. The source also felt that returning draft evaders were less likely to be detained, although they could not provide concrete evidence or specific information.⁷⁵⁵

The Ministry of Family and Social Services is responsible for the care of unaccompanied minors returning to Türkiye.⁷⁵⁶

⁷⁵² Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2021, p. 72.

Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 81.

⁷⁵³ Confidential source, 13 June 2023.

⁷⁵⁴ Confidential source, 13 June 2023.

⁷⁵⁵ Confidential source, 13 June 2023.

⁷⁵⁶ Dutch Ministry of Foreign Affairs, *General Country of Origin Information Report on Türkiye*, March 2022, p. 60. Confidential source, 13 June 2023.

12 Appendices

12.1 Abbreviations and foreign terms

AA	Anadolu Agency (the Turkish government's press agency)
AFAD	Afet ve Acil Durum Yönetimi Başkanlığı (Disaster and Emergency Management Presidency)
AKP	Adalet ve Kalkınma Partisi (Justice and Development Party)
AQ	Al Qaida
ATK	Adli Tıp Kurumu (Council of Forensic Medicine)
AYM	Anayasa Mahkemesi (Constitutional Court)
bekçi	neighbourhood guards (auxiliary police force)
BTK	Bilgi Teknolojileri ve İletişim Kurumu (Turkish telecom authority)
CC	Civil Code
CHP	Cumhuriyet Halk Partisi (Republican People's Party)
CoE	Council of Europe
CPJ	Committee to Protect Journalists
CPL	Child Protection Law
Diyanet	Directorate of Religious Affairs
DW	Deutsche Welle
ESP	Ezilenlerin Sosyalist Partisi (Socialist Party of the Oppressed)
FETÖ	Fethullahçı Terör Örgütü (Fethullah Terrorist Organisation, Turkish government term for the Gülen movement)
HDP	Halkların Demokratik Partisi (Democratic Peoples' Party)
Hizmet Hareketi	Servitude Movement (term used by Gülen adherents when referring to the Gülen movement)
HRW	Human Rights Watch
HSK	Hâkimler ve Savcılar Kurulu (Council of Judges and Prosecutors)
HTS	Hay'at Tahrir al-Sham (Organisation for the Liberation of the Levant)
İFÖD	İfade Özgürlüğü Derneği (Freedom of Expression Association)
ISIS	Islamic State in Iraq and Syria
İYİ Parti	Good Party
KADES	Kadın Destek (Women Support)
LoFIP	Law on Foreigners and International Protection
MA	Mezopotamya Agency
MHP	Milliyetçi Hareket Partisi (Nationalist Movement Party)
MİT	Millî İstihbarat Teşkilatı (national security service)
MKM	Mezopotamya Kültür Merkezi (Mezopotamya Cultural Center)
MLSA	Media and Law Studies Association
Newroz	Kurdish New Year (literally 'new day')
NGO	non-governmental organisation
NRC	Nieuwe Rotterdamse Courant (Dutch daily newspaper)
OHAL	Olağanüstü Hal (State of Emergency, SoE)
ÖHD	Özgürlük için Hukukçular Derneği (Freedom for Lawyers Association)
OSCE	Organisation for Security and Co-operation in Europe
PDMM	Provincial Directorate of Migration Management
PKK	Partiya Karkerên Kurdistanê (Kurdistan Workers' Party)

PMM	Presidency of Migration Management
RTÜK	Radyo ve Televizyon Üst Kurulu (Radio and Television Supreme Council)
SIG	Syrian Interim Government
SNA	Syrian National Army
SOHR	Syrian Observatory for Human Rights
TAC	Temporary Accommodation Centre
TGS	Türkiye Gazeteciler Sendikası (Journalists' Union of Türkiye)
TİHEK	Türkiye İnsan Hakları ve Eşitlik Kurumu (Human Rights and Equality Institution of Türkiye)
TİHV	Türkiye İnsan Hakları Vakfı (Human Rights Foundation of Türkiye, HRFT)
TİP	Türkiye İşçi Partisi (Workers' Party of Türkiye)
ToR	Terms of Reference
TP	Temporary Protection
TPR	Temporary Protection Regulation
TTB	Türk Tabipleri Birliği (Turkish Medical Association, TMA)
UNHCR	United Nations High Commissioner for Refugees
UYAP	Ulusal Yargı Ağı Projesi (the Turkish government's National Judiciary Informatics System)
VOA	Voice of America
WEF	World Economic Forum
WWSF	We Will Stop Femicides
YÖK	Yükseköğretim Kurulu (Council of Higher Education)
YPG	Yekîneyên Parastina Gel (People's Protection Units)
YSP	Yeşil Sol Parti (Green Left Party)
YSK	Yüksek Seçim Kurulu (Supreme Election Council, SEC)

12.2 Newspapers and news platforms

Agence France-Presse (AFP)
 Al Jazeera
 Al Monitor
 Amnesty International
 Anadolu Agency (AA)
 Algemeen Nederlands Persbureau (ANP)
 BalkanInsight
 Bianet
 British Broadcasting Corporation (BBC)
 Committee to Protect Journalists (CPJ)
 Cumhuriyet ('Republic')
 Daily Sabah
 De Groene Amsterdammer (The Green Amsterdammer)
 De Standaard
 De Volkskrant
 Duvar English
 Equaldex
 European Court of Human Rights (ECtHR)
 Evrensel
 Financial Times (FT)
 Front Line Defenders
 Gerçek News
 Halkların Demokratik Partisi (Democratic Peoples' Party, HDP)

Heinrich Böll Stiftung
Het Financieele Dagblad (FD)
Het Parool
Historisch Nieuwsblad
Human Rights Watch (HRW)
Hürriyet Daily News (HDN)
International Federation of Journalists (IFJ)
JAMnews
Kaos GL
Lawyers for Lawyers (L4L)
Media and Law Studies Association (MLSA)
Middle East Eye (MEE)
Middle East Monitor (MEMO)
Mor Çatı ('Purple Roof')
NATO Stability Policing Centre of Excellence (NATO SP COE)
Nederlands Dagblad (ND)
Dutch Broadcasting Foundation (NOS)
Nieuwe Rotterdamse Courant (NRC)
SoE Commission
OUTspoken Middle East (OSME)
Politikyo1
Council of Europe (CoE)
Radio Free Europe/Radio Liberty (RFE/RL)
Reporters Without Borders (RSF)
Reuters
RTL Nieuws
Rûdaw
Sendika.org
Slate
Syria Direct
Syrian Observatory for Human Rights (SOHR)
The Guardian
The Independent
The New Arab
Trend News Agency
Trouw
TRT Haber
TRT World
Türkiye Gazeteciler Sendikası (Journalists' Union of Türkiye, TGS)
UNHCR
United Nations (UN)
Voice of America (VOA)
Yeni Şafak ('New Dawn')

12.3

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Vreeken, Rob

- *Een heidens karwei, Erdogan en de mislukte islamisering van Turkije*, published in 2023.

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- *"They don't treat us like humans", Unlawful returns of Afghans from Turkey and Iran*, 31 August 2022.
- *Türkiye, Police and gendarmerie commit abuses in earthquake zone*, 5 April 2023.

Anayasa Mahkemesi (Constitutional Court, AYM)

- *Constitutional Court of Turkey, Introductory booklet*, undated.

Committee on the Elimination of Discrimination against Women (CEDAW)

- *Concluding observations on the eight periodic report of Türkiye*, 12 July 2022.

Human Rights Watch (HRW)

- *Combatting domestic violence in Turkey, The deadly impact of failure to protect*, May 2022.
- *"No one asked me why I left Afghanistan", Pushbacks and deportations of Afghans from Turkey*, 18 November 2022.

İfade Özgürlüğü Derneği (Freedom of Expression Association, İFÖD)

- *The right not to be forgotten on the internet, Freedom of expression assessment of the application of the Turkish right to be forgotten measures under Law No. 5651*, May 2023

International Crisis Group (ICG)

- *An enduring challenge, ISIS-linked foreigners in Türkiye*, 28 February 2023.

Media and Law Studies Association (MLSA)

- *299 years, 2 months and 24 days, The cost of freedom of expression in Turkey, 1 September 2021 – 20 July 2022, Trial monitoring report*, 5 December 2022.

Dutch Ministry of Foreign Affairs

- *General Country of Origin Information Report on Türkiye*, October 2019.
- *General country of Origin Information Report on Türkiye*, March 2021.
- *General Country of Origin Information Report on Syria*, June 2021.
- *General Country of Origin Information Report on Türkiye*, March 2022.
- *General Country of Origin Information Report on Syria*, May 2022.
- *General Country of Origin Information Report on China*, December 2022.
- *General Country of Origin Information Report on Syria*, Augustus 2023.

Mor Çatı ('Purple Roof')

- *2022, Activity report*, 26 April 2023.

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- *International election observation mission, Republic of Türkiye – General elections, 14 May 2023, Statement of preliminary findings and conclusions*, 15 May 2023.

Council of Europe (CoE)

- *Türkiye, Urgent joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the draft amendments to the Penal Code regarding the provision on "false or misleading information"*, 7 October 2022.
- *War in Europe and the fight for the right to report, Annual report, 2023*, March 2023.

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- *From 2015 to today, Prohibitions on Istanbul LGBTI+ Pride marches*, December 2022.

Support to Life (STL)

- *Emergency situation report*, 6 April 2023.

World Economic Forum (WEF)

- *Global gender gap report, 2021, Insight report*, March 2021.
- *Global gender gap report, 2022, Insight report*, July 2022.

We Will Stop Femicides (WWSF) Platform

- *2022 Annual Report*, 6 January 2023.