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# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the second periodic report of Türkiye\*

1. The Committee considered the second periodic report of Türkiye<sup>1</sup> at its 4162nd and 4163rd meetings,<sup>2</sup> held on 23 and 24 October 2024. At its 4179th meeting, held on 5 November 2024, it adopted the present concluding observations.

#### A. Introduction

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its second periodic report in response to the list of issues prior to reporting prepared under that procedure.<sup>3</sup> It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant, the previous review having taken place in 2012. The Committee thanks the State party for the oral responses provided by the delegation and for the supplementary information provided to it in writing.

#### B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

(a) The adoption of Circular No. 2023/16 of 25 November 2023, which established the Coordination Board for Combating Violence against Women and expanded the capacity of violence prevention and monitoring centres;

(b) The adoption of Law No. 7406 of 27 May 2022, amending the Criminal Code and the Code of Criminal Procedure, which established stalking as a criminal offence;

(c) The adoption of the Fourth National Action Plan on Combating Violence against Women, for the period 2021–2025, in 2021;

(d) The adoption of the Human Rights Action Plan 2021–2023, in 2021;

(e) The adoption of Presidential Decree No. 63 of 10 June 2020 on supporting victims of crime, which established the Department of Judicial Support and Victim Services and associated directorates;

(f) The establishment of the Human Rights and Equality Institution of Türkiye, in 2016.

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\* Adopted by the Committee at its 142nd session (14 October–7 November 2024).

<sup>1</sup> [CCPR/C/TUR/2](#).

<sup>2</sup> See [CCPR/C/SR.4162](#) and [CCPR/C/SR.4163](#).

<sup>3</sup> [CCPR/C/TUR/QPR/2](#).



4. The Committee also welcomes the acceptance by the State party, in 2017, of the inquiry procedure under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

### C. Principal matters of concern and recommendations

#### Constitutional and legal framework within which the Covenant is implemented

5. The Committee regrets that the State party maintains its declarations concerning the Covenant and its reservation to article 27 of the Covenant. It also regrets that the State party has not provided additional information on the concrete measures taken to implement the Committee's Views (arts. 2 and 27).

6. **In view of the Committee's previous recommendations,<sup>4</sup> the State party should consider withdrawing its declarations concerning the Covenant and the reservation to article 27 thereof. The State party should also take all steps necessary to implement the Committee's previous and the present concluding observations and give full effect to the Committee's Views, through appropriate and effective mechanisms, in accordance with article 2 (2) and (3) of the Covenant. It should also consider adopting legislation recognizing the right of authors of communications to whom the Committee has granted any measure of reparation to petition the domestic courts to ensure the implementation of such measures. In addition, the State party should increase efforts to raise awareness of the Covenant and its domestic applicability among judges, prosecutors and lawyers and ensure that its provisions are considered by the courts.**

7. The Committee considers that the amendments made to the Constitution in April 2017, during the state of emergency, disproportionately strengthened the powers of the executive, at the expense of the parliament and the judiciary, raising justified concerns regarding a lack of accountability and separation of powers in the State party, in particular concerning the enactment of laws without the involvement of the parliament and appointments to the Council of Judges and Prosecutors without effective oversight procedures (art. 4).

8. **The State party should consider revising its legislation to ensure accountability and to strictly adhere to the principle of separation of powers, in particular regarding the judiciary. It should also safeguard, in law and in practice, the full independence and impartiality of the judiciary.**

9. While the Committee takes note of the Human Rights Action Plan 2021–2023, it is concerned about the lack of effective measures to ensure the independent functioning of the judiciary and to prevent the misuse of counter-terrorism legislation against opposition politicians and activists, journalists, lawyers and human rights defenders in the exercise of their human rights. The Committee regrets that the objectives and goals of the Human Rights Action Plan have not been implemented or incorporated into the State party's legislation (art. 2).

10. **The State party should include, in its next human rights action plan, concrete and effective measures to ensure the independent functioning of the judiciary and to prevent the misuse of counter-terrorism legislation.**

#### National human rights institution

11. The Committee notes that the Human Rights and Equality Institution of Türkiye has been accredited with B status. The Committee is concerned about reports of the Institution's lack of independence from the executive and of the lack of diversity among the members of its board (art. 2).

12. **The State party should promptly implement the recommendations of the Global Alliance of National Human Rights Institutions to ensure that the Human Rights and Equality Institution of Türkiye complies fully with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris**

<sup>4</sup> CCPR/C/TUR/CO/1, para. 5.

**Principles) and is able to carry out its mandate effectively and independently. The State party should ensure transparent, participatory and independent processes for selecting and appointing the members of the Institution's board and a diverse and plural composition of its board.**

#### **Non-discrimination**

13. The Committee reiterates its concern that the legal framework in the State party does not offer full protection against discrimination on all grounds covered by the Covenant,<sup>5</sup> including discrimination against LGBTQ persons, persons with disabilities and members of ethnic minorities, such as members of the Kurdish community. In this regard, the Committee is concerned about systematic discrimination and violence against LGBTQ individuals and associations and about restrictions on their enjoyment of the rights to freedom of association and freedom of expression. The Committee notes that, while the Law on the Human Rights and Equality Institution of Türkiye provides a comprehensive legal framework to prohibit discrimination, it does not address discrimination based on sexual orientation or gender identity, precluding it from receiving complaints on those grounds. The Committee is also concerned about reports of discrimination and racially motivated violence against the Kurdish community (arts. 2, 3, 19, 22, 26 and 27).

14. **The State party should:**

(a) **Adopt comprehensive legislation prohibiting discrimination, including intersectional discrimination and direct and indirect discrimination, in both the public and the private sectors and on all grounds prohibited under the Covenant; ensure the effective implementation and application of the legislation and access to effective and appropriate remedies for victims; and amend the Law on the Human Rights and Equality Institution of Türkiye in order to ensure that the Institution can address discrimination based on sexual orientation or gender identity;**

(b) **Ensure that all acts of discrimination, hate speech and hate crime are promptly and effectively investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and that victims are provided with adequate remedies.**

#### **States of emergency**

15. The Committee is concerned about the disproportionate nature of the restrictions imposed by state of emergency decree-laws and of the derogations from the Covenant during the state of emergency in effect between July 2016 and July 2018, following the attempted coup. The Committee is also troubled by reports of violations during this period of Covenant rights that cannot be suspended, such as the principle of legality in criminal law, given the lack of a clear definition of what constitutes affiliation with a terrorist organization, of strict tailoring of the emergency measures, including regarding their material scope and duration and the transposition of state of emergency decree-laws into ordinary legislation, of adequate criteria to determine the applicability of counter-terrorism measures, and of due process guarantees (art. 4).

16. **In the light of the Committee's general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency, the State party should strictly respect all the rights enshrined in the Covenant and systematically comply with all the conditions set forth in article 4 of the Covenant. In particular, the State party should:**

(a) **Guarantee that any measures that restrict human rights in the context of a state of emergency are exceptional, temporary, non-discriminatory, proportionate and strictly necessary and are subject to independent judicial review;**

(b) **Ensure that all allegations of human rights violations committed during the state of emergency are promptly, independently, impartially and effectively**

<sup>5</sup> Ibid., para. 8.

**investigated, that those responsible are duly tried and punished and that victims receive full reparation.**

#### **Counter-terrorism measures**

17. The Committee reiterates its concern about the lack of compatibility with the Covenant of the legal framework on counter-terrorism,<sup>6</sup> including the Anti-Terror Law (No. 3713), in particular articles 1 and 2 thereof, which set out broad definitions of “terrorism” and of a “terrorist offender”. The Constitutional Court of Türkiye has stressed the need to ensure the clarity and predictability of terrorist offences and the associated penalties and to protect the rights of those prosecuted under article 220 (6) of the Criminal Code. While the Committee takes note of the March 2024 amendments to article 220 (6), reports indicate that the article still lacks sufficient precision and adequate safeguards against arbitrary arrest, detention, prosecution and conviction. The Committee is also concerned about Law No. 7262 on the Prevention of the Financing of the Proliferation of Weapons of Mass Destruction. While the aim of the Law was to combat money-laundering and the financing of terrorism, it has reportedly been used to target civil society organizations, subjecting them to strict supervision and monitoring, asset freezes and restrictions of their rights (arts. 2, 4, 9, 14 and 22).

**18. The State party should bring its counter-terrorism legislation, including Law No. 3713, Law No. 7262 and relevant articles of the Criminal Code, into full compliance with the Covenant and the principles of legality and certainty, in particular by clarifying and narrowing definitions of terrorism-related offences and ensuring that these laws are not misused to target civil society organizations. The State party should also ensure that persons suspected of, or charged with, terrorist acts or related crimes are provided, in law and in practice, with all appropriate legal safeguards, in accordance with the Covenant.**

#### **Violence against women**

19. The Committee is concerned about the very high number of femicides and other killings in the context of domestic violence and in the context of so-called honour crimes, as well as about the lack of effective prevention, protection measures, effective investigations and prosecutions of perpetrators. The Committee is concerned about reports of the normalization of violence against women, which might have been encouraged by the withdrawal of the State party from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in 2021. The Committee expresses its concern about credible reports of violence, including sexual violence, against women in detention centres and about the lack of access to medical care of women suspected of being linked to the Gülen movement. The Committee is concerned that women who are victims of any kind of violence are afraid to lodge complaints, given the passivity of the authorities and the risk of stigmatization and revictimization (arts. 2, 3, 6, 7 and 26).

**20. The State party should carry out a comprehensive legal and policy reform to prevent, address and eradicate violence against women and girls that explicitly addresses all forms of violence against women, including domestic violence and so-called honour crimes. In particular, it should:**

(a) **Ensure that all cases of violence against women and girls, including so-called honour crimes, are promptly and thoroughly investigated and that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence;**

(b) **Ensure that victims receive, without discrimination of any kind, the necessary legal, medical, financial and psychological support and have access to adequate remedies and means of effective protection, including access to shelters for themselves and their children;**

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<sup>6</sup> Ibid., para. 16.

(c) **Reinforce mechanisms to facilitate and encourage the reporting of cases of violence against women and girls, including by ensuring that all women have access to information about their rights, protection measures and remedies; and avoid the social stigmatization and revictimization of women seeking help;**

(d) **Ensure that judges, prosecutors, law enforcement authorities and health personnel continue to receive appropriate training that empowers them to deal with cases of violence against women effectively and in a gender-sensitive manner and increase the number of women judges, prosecutors and police officers and of women members of units specialized in addressing such violence;**

(e) **Strengthen public education programmes aimed at raising awareness of the criminal nature of such acts and combating stereotypes that normalize violence against women.**

#### **Anti-corruption measures**

21. The Committee is concerned about the gaps in the legal framework to combat corruption and echoes the concerns raised by the Group of States against Corruption of the Council of Europe, among others, regarding a lack of transparency in the legislative process, the absence of ethical guidelines for members of the parliament and the lack of independence of the judiciary. The Committee is also concerned about the lack of investigations and prosecutions in response to credible allegations of corruption against government officials and prosecutors and about the failure to pursue foreign bribery cases. The Committee is concerned about reports of corruption in the construction industry following the 2023 earthquake and about the increase in corruption following the expropriation of assets during the state of emergency and their placement under management by Government-appointed trustees (arts. 2, 4 and 25).

**22. The State party should increase its efforts to prevent and eradicate corruption at all levels, including in the Government and the judiciary, and foreign bribery cases. It should increase its efforts to investigate all allegations of corruption promptly, thoroughly, independently and impartially and ensure that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence and that victims are provided with adequate reparation.**

#### **Enforced disappearances and abductions**

23. The Committee is concerned about numerous cases of enforced disappearance in south-east Türkiye, among other serious human rights violations in that region of the country. The Committee is also concerned about allegations of extraterritorial enforced disappearance and other serious human rights violations by Turkish officials, including in areas in the north of the Syrian Arab Republic. The Committee expresses its concern regarding the lack of information about enforced disappearance in Türkiye in the 1980s and 1990s, including with regard to remedies. The Committee is concerned about the provisions of Law No. 2937 on State intelligence services and the National Intelligence Organization, which grants full immunity from criminal proceedings to agents of the National Intelligence Organization, since some of its agents are alleged to have been involved in incidents of enforced disappearance (arts. 6, 9 and 12).

**24. The State party should elucidate all cases of enforced disappearance and conduct impartial and thorough investigations without delay, ensuring that the victims and their relatives are informed of the progress and results of the investigation. It should also identify those responsible and ensure that they are prosecuted and, if convicted, punished with appropriate penalties that are commensurate with the gravity of their crimes and that victims of enforced disappearance and their families are provided with full reparation. It should also abolish provisions granting immunity from criminal prosecution to national intelligence agents in cases of enforced disappearance. The State party should also consider acceding to the International Convention for the Protection of All Persons from Enforced Disappearance.**

25. The Committee is concerned about reports of the extraterritorial abduction and forcible transfer to the State party of more than 100 persons suspected of being affiliated with

the Gülen movement and of political opponents or journalists critical of the Government, without any judicial extradition procedure. The Committee expresses concern about allegations of the misuse of International Criminal Police Organization (INTERPOL) Red Notices against such persons and about the use of politically motivated extradition processes (arts. 6, 9, 12 and 14).

**26. The State party should ensure that no abductions or forcible transfers to the State party take place and that INTERPOL Red Notices are not misused and establish adequate safeguards to ensure that extradition processes are not politically motivated and are carried out in compliance with due process guarantees.**

#### **Prohibition of torture and cruel, inhuman or degrading treatment or punishment**

27. While the Committee takes note of the assurances provided by the State party about its zero-tolerance policy towards torture, and the positive step taken by the State party in abolishing the statute of limitations for such violations, it reiterates its concern in that regard<sup>7</sup> and echoes the concern expressed by the Committee against Torture regarding the generalized manner in which torture and ill-treatment allegedly take place in police custody and prisons and the rise in allegations of torture and ill-treatment in recent years.<sup>8</sup> The Human Rights Committee also expresses its concern about the lack of adequate monitoring of police custody and prisons, of a secure and effective complaint mechanism and of impartial, independent and thorough investigations, prosecutions and sanctions commensurate with the gravity of the offence for the perpetrators, leading to a situation of de facto impunity (arts. 2, 7, 9, 10 and 14).

**28. The State party should eradicate torture and ill-treatment. In particular, it should:**

(a) **Conduct thorough, independent and impartial investigations into all allegations of torture and ill-treatment and deaths in custody in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the Minnesota Protocol on the Investigation of Potentially Unlawful Death, prosecute perpetrators, including law enforcement officials, and, if they are convicted, punish them with sanctions commensurate with the gravity of the crime and provide victims with full remedy and redress, including rehabilitation;**

(b) **Take all measures necessary to prevent torture and other cruel, inhuman or degrading treatment or punishment, including by strengthening the human rights training provided to judges, prosecutors, law enforcement officials and forensic medicine and health personnel, including training on international human rights standards, such as the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles);**

(c) **Ensure that all persons deprived of their liberty have access to an independent, secure and effective complaint mechanism for the investigation of allegations of torture and ill-treatment and guarantee the protection of persons who make complaints of reprisals.**

#### **Liberty and security of person**

29. The Committee remains concerned about prolonged pretrial detention in the State party, including about extended periods of detention without charge for political dissidents, judges, prosecutors, journalists, human rights defenders and those facing terrorism-related allegations. In this regard, it expresses its concern regarding the reported targeting of defence lawyers, difficulties in challenging unlawful detentions, restrictions faced by defence lawyers in meeting with clients and accessing case files and the lengthy appeal process (arts. 9 and 14).

**30. In the light of the Committee's general comment No. 35 (2014) on liberty and security of person, the State party should significantly reduce the use of pretrial**

<sup>7</sup> Ibid., para. 14.

<sup>8</sup> CAT/C/TUR/CO/5, para. 20.

detention, including through the wider application of non-custodial measures as an alternative to incarceration, and ensure that all detained persons, including those facing terrorism-related charges, are afforded, in practice, all legal and procedural safeguards from the outset of their detention. In particular, it should:

(a) Ensure that persons held in pretrial detention are informed of their rights, that they have prompt access to counsel, that criminal charges are promptly filed, when relevant, and that trials are held expeditiously and in public;

(b) Increase the availability of, and recourse to, alternatives to pretrial detention in the light of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), including by giving due consideration to such alternatives, and promote and ensure effective access to the right to bail;

(c) Ensure that pretrial detention is exceptional, imposed only when necessary and for a period of time that is as short as possible and that statutory limits on detention are strictly enforced;

(d) Ensure that pretrial detention is reviewed in a prompt, thorough and impartial manner by the relevant judicial authorities, including through the effective implementation of the right to habeas corpus, and that anyone detained arbitrarily is released without conditions and is adequately compensated;

(e) Ensure that the limitations on access to case files in proceedings relating to terrorism do not entail undue limitations of the right to defence.

31. While the Committee takes note of the considerable efforts of the State party to increase the capacity of the penitentiary system, it is concerned that prisons continue to be overcrowded and, in particular, about reports of a lack of access to adequate healthcare, drinking water, food, heating, ventilation and lighting and about poor sanitary conditions. It is also concerned about reports of prolonged solitary confinement and harsher conditions of detention for political prisoners. In this regard, the Committee is concerned about reports of the discriminatory provisions of Law No. 7242 amending the law on the execution of sentences, which is aimed at reducing the prison population, since it does not provide for equality of treatment between political prisoners accused of terrorism and other prisoners regarding access to probation and conditional release (arts. 2 and 10).

32. **The State party should continue its efforts to reduce overcrowding in prisons and other places of detention, including through the wider application of non-custodial measures as an alternative to imprisonment. It should also:**

(a) **Intensify its efforts to ensure that conditions of detention comply fully with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and ensure adequate access to health services, drinking water, food, heating, ventilation, lighting, hygiene and sanitation services and rehabilitation and reintegration support services;**

(b) **Effectively limit the use of solitary confinement by imposing it only as a measure of last resort and for as short a time as possible and ensure that the use of solitary confinement is subject to judicial review.**

#### **Trafficking in persons**

33. The Committee takes note of the efforts made by the State party to combat trafficking in persons and the progress made in the finalization of the third national action plan on combating trafficking in persons. However, the Committee is concerned about the reportedly low conviction rate for traffickers, who are often acquitted or receive lenient sentences. The Committee is also concerned about the lack of sufficient specialized training and resources to prevent and combat trafficking in persons, including to effectively identify victims and to carry out effective investigations. While the Committee acknowledges the steps taken to

improve assistance to victims, it is concerned about the lack of sufficient coverage across the country of services and specialized protection and support, including access to safe accommodation and specialized shelters, adequate healthcare and legal protection. The Committee is also concerned about reports of the criminalization of victims for acts that they were forced to commit as a result of being trafficked (arts. 2, 7, 8 and 26).

**34. The State party should further strengthen its efforts to effectively prevent, combat and punish trafficking in persons, including by:**

(a) **Ensuring that cases of trafficking in persons are promptly, thoroughly, effectively and impartially investigated, that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence and that victims receive full reparation, including compensation;**

(b) **Providing victims with adequate protection and assistance, such as safe and specialized shelters, access to healthcare and legal protection, effective remedies, and rehabilitation and reintegration support services, throughout the country;**

(c) **Increasing prevention and awareness-raising campaigns for the general public and specialized training for all relevant State officials, including officials working for the judiciary, the prosecution authorities, law enforcement and the border authorities, on standards and procedures for the prevention of trafficking and the identification and referral of victims of trafficking;**

(d) **Ensuring that sufficient financial, technical and human resources are allocated to all institutions responsible for preventing, combating and punishing trafficking in persons and to those providing protection and assistance, including civil society organizations;**

(e) **Redoubling its efforts to identify victims of trafficking in persons among migrants and refugees;**

(f) **Adopting specific legal provisions to ensure that victims are not punished for crimes that they were forced to commit.**

#### **Freedom of movement**

35. The Committee is concerned about the mass cancellation of passports, travel bans and the imposition of an obligation to request a permit to be allowed to leave the territory in respect of civil servants, academics and students suspected of having taken part in the attempted coup of 2016 or alleged to have links to the Gülen movement (art. 12).

**36. The State party should guarantee freedom of movement and avoid restrictions incompatible with the Covenant, including article 12 thereof, and the Committee's general comment No. 27 (1999) on freedom of movement, such as those based on unjustified or discriminatory grounds; and ensure that an independent and impartial appeal process is available for those cases.**

#### **Treatment of migrants, refugees and asylum-seekers**

37. While welcoming the considerable efforts of the State party in responding to refugee crises in the region, the Committee reiterates its concern regarding the geographical limitation imposed under the Convention relating to the Status of Refugees, restricting its application to refugees originating from Europe.<sup>9</sup> The Committee is also concerned about reports of violations of the principle of non-refoulement and collective expulsions to countries such as Afghanistan and the Syrian Arab Republic and about the lack of clarity regarding the process for determining the countries included in the "safe country" list. The Committee is also concerned about reports of several cases of the forced deportation, including to conflict zones such as the Syrian Arab Republic, of people who are coerced, under threat of ill-treatment or indefinite detention, into signing "voluntary" return documents. The Committee is also concerned about cases of hate speech and anti-immigrant propaganda, in particular against Syrians; the inhuman and degrading living conditions in

<sup>9</sup> CCPR/C/TUR/CO/1, para. 20.

detention centres for asylum-seekers; and the vulnerability to trafficking in persons of Syrian and Afghan migrants, due to their extremely precarious situation (arts. 7, 9, 12 and 13).

38. **In view of the Committee's previous recommendations,<sup>10</sup> the State party should ensure that all persons in need of international protection, regardless of their place of origin, have unfettered access to the national territory and to fair and efficient procedures for the individualized determination of refugee status or of eligibility for international protection in order to ensure respect for the principle of non-refoulement. In that regard, the State party should consider withdrawing its declaration restricting the geographical applicability of the Convention relating to the Status of Refugees. The State party should also:**

(a) **Ensure compliance with due process standards and the principle of non-refoulement in expulsion proceedings and establish effective safeguards to prevent coercion in processes of voluntary return;**

(b) **Ensure that the detention of migrants and asylum-seekers is used only as a measure of last resort and for the shortest possible period of time, increase the use of alternatives to detention that are respectful of human rights and ensure that the living conditions of migrants and asylum-seekers and their treatment in detention are in conformity with international standards;**

(c) **Condemn and combat hate speech against migrants, asylum-seekers and refugees and conduct awareness-raising campaigns to foster a culture of respect.**

#### **Access to justice, right to a fair trial and independence of the judiciary**

39. The Committee is concerned about reports indicating that, following the adoption of Law No. 6524 in 2014 and the constitutional amendments of 2017, the control of the executive over the judiciary dramatically increased, despite the provisions of article 138 of the Constitution and article 4 of Law No. 2802, which both concern the independence of the judiciary. The reports indicate the lack of independence of the Council of Judges and Prosecutors from the executive and legislative branches. The Committee is concerned that, following the legislative amendments introduced in 2020 to provisions governing the organization of Turkish bar associations, more than one bar association can be established in a given province. While the State party notes that this measure allows lawyers to exercise their profession more effectively, the Committee is concerned that it creates a risk of politicization of the legal profession and of a silencing of bar associations that criticize the situation with regard to the rule of law and human rights. The Committee is also concerned about the very high number of lawyers who have been investigated, arrested or remanded in custody, in particular during the state of emergency, on suspicion of membership of an armed terrorist organization under article 314 (2) of the Criminal Code, simply for exercising their legal profession (arts. 2, 4, 9 and 14).

40. **The State party should take immediate measures, in law and in practice, to ensure the full independence and impartiality of the judiciary and the functional autonomy of the prosecution service, and guarantee that they are free to operate without any undue pressure or interference from the legislative and executive branches. In particular, it should:**

(a) **Take all measures necessary to ensure the full independence of the Council of Judges and Prosecutors from the executive, including by ensuring that not less than half of the members of the Council are judges and prosecutors chosen by their peers, from all levels of the judiciary and with respect for pluralism within the judiciary;**

(b) **Take into account the Covenant and the Basic Principles on the Role of Lawyers and revise its regulations and practices regarding the monitoring of lawyers' work with a view to ensuring the full independence of associations of lawyers and their effective protection against any form of undue interference or retaliation in connection**

<sup>10</sup> Ibid., para. 20.

**with their professional activity, including arbitrary detention, prosecution and imprisonment;**

**(c) Refrain from resorting to unjustified counter-terrorism accusations to hamper the work of lawyers and their associations.**

41. The Committee is concerned that, following the attempted coup of 2016, thousands of judges and prosecutors were summarily dismissed, without regard for due process guarantees, for their alleged link with the Gülen movement. The Committee is also concerned about the arrest, prosecution and adoption of disciplinary measures against judges after a large-scale corruption investigation in 2013, which implicated high-ranking government officials and their relatives. Following the mass dismissal of judges and prosecutors, thousands of new judges and prosecutors were recruited in a process reportedly controlled by the executive. While the process of appointment is regulated by article 7 and subsequent articles of Law No. 2802 on judges and prosecutors, the Committee received reports that the process lacked transparency and was based on political criteria. The Committee is also concerned about reports of the forced reassignment or removal of judges without clear and transparent criteria and as a form of disciplinary sanction (arts. 2, 9 and 14).

**42. The State party should ensure that the rules and procedures for the selection, appointment, promotion, disciplining and removal of judges and prosecutors are transparent and impartial and comply with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors. It should also ensure that their appointments are based strictly on merit. It should take all measures necessary to ensure that those who have been dismissed have access to effective remedies through independent and impartial mechanisms, including judicial review, and receive full reparations accordingly.**

43. While the Committee takes note of the provisions of the Code of Criminal Procedure regarding the rights of persons involved in criminal proceedings, it is concerned about reports of the systematic denial of the right to a fair trial in terrorism-related cases, including cases involving government critics, human rights defenders, peaceful protesters and journalists. In this regard, the Committee is concerned about restrictions on the rights of defence in terrorism-related cases, as provided for in the Code of Criminal Procedure, such as article 153 (2), which restricts the right of defendants to examine the contents of the case file, and article 154 (2), which restricts a detainee's access to a lawyer for up to 24 hours, increasing the risk of torture or ill-treatment. The Committee regrets that the State party has not enforced the binding judgments of the European Court of Human Rights regarding Osman Kavala, Selahattin Demirtaş and Figen Yüksekdağ (arts. 7, 9, 14, 19, 21 and 22).

**44. The State party should ensure that persons suspected of or charged with terrorism-related offences are provided, in law and practice, with all appropriate legal and procedural safeguards in accordance with the Covenant; and amend its legislation accordingly. It should also review convictions in terrorism-related cases and provide effective remedies to those who did not enjoy fair trial guarantees.**

45. The Committee is concerned about the reported lack of due process regarding the dismissal of tens of thousands of State officials, including civil servants, judges, doctors, military personnel, police officers, teachers and academics, due to their presumed links with the Gülen movement, after their names appeared on lists appended to the state of emergency decree-laws. The Committee is concerned that these summary and mass dismissals were not based on an individualized investigation or verifiable evidence and were carried out without effective judicial oversight. The Committee takes note of the establishment of the Inquiry Commission on the State of Emergency Measures, to review and decide on complaints about measures taken under the state of emergency and related decree-laws, and the State party's assertion that the Commission rendered individualized and well-reasoned decisions. However, it is concerned about reports indicating the lack of independence of the Commission, the lengthy review procedures, and the absence of sufficiently individualized criteria and of proper means of defence. The Committee notes that a large majority of the claims filed with the Commission were rejected and reports indicating that many decisions lacked justification or were based on unlawful grounds. The Committee is therefore

concerned that those dismissed have not had access to an independent, impartial and effective remedy (arts. 4 and 14).

**46. The State party should ensure that all individuals who were dismissed from positions in the civil service or the private sector have their cases reviewed by an independent and impartial judicial body in accordance with international standards and provide reparation and compensation in cases where the dismissal is found to be arbitrary.**

#### **Right to privacy**

47. While the Committee takes note of the establishment of the Personal Data Protection Authority in 2016, it is concerned about the lack of adequate data protection legislation. In this regard, it is concerned about the amendments made in 2014 to Law No. 6532 amending the Law on State intelligence services and the National Intelligence Organization, which significantly expanded the powers of the National Intelligence Organization and provided it with unrestricted access to personal data, without safeguards, including judicial review, to prevent abuse. The Committee is also concerned about the large-scale surveillance of mobile phone communications and about the State party's requirement for mandatory SIM card registration, in the absence of adequate data protection legislation. The Committee regrets not having received information on the use of mandatory identity cards (art. 17).

**48. The State party should take all measures necessary to guarantee the full enjoyment by everyone of the right to privacy. It should also:**

(a) **Bring its legislation on data protection and on surveillance activity and any other kind of interference with privacy into full conformity with the Covenant, in particular article 17 thereof, and with the principles of legality, proportionality, necessity and transparency; and ensure that the surveillance and interception of communications is subject to prior and ongoing judicial review. In this regard, it should amend or repeal existing laws that constitute undue interference with the right to privacy, including Law No. 6532, and establish strict safeguards, effective oversight and stringent requirements for obtaining consent for the use of personal data;**

(b) **Ensure that the management of the SIM card registration database is subject to appropriate safeguards in order to prevent hacking, data leaks and unauthorized access by private entities and State authorities, including by establishing appropriate judicial or legislative authorization requirements;**

(c) **Provide victims with access to effective complaint mechanisms and effective reparations.**

#### **Freedom of religion or belief**

49. The Committee continues to regret that the State party does not recognize the right to conscientious objection to compulsory military service, that there is no provision of alternatives to it and that conscientious objectors face administrative and judicial fines and imprisonment.<sup>11</sup> It is of concern that refusal to perform military service is regarded as a continuing offence, with no limit as to the number of sanctions that may be imposed on an individual objector. The Committee continues to be concerned that objectors are in practice deprived of some of their civil and political rights. The Committee is also concerned that criticism of compulsory military service is criminalized under article 318 of the Criminal Code (arts. 2, 18, 19 and 26).

**50. The State party should recognize the right to conscientious objection to compulsory military service and grant conscientious objectors access to alternative, civilian service of a non-discriminatory and non-punitive nature. It should also consider repealing or amending article 318 of the Criminal Code.**

51. The Committee continues to be concerned about the restrictions on the practice of faith without discrimination imposed on non-Muslim religious communities that are not

<sup>11</sup> Ibid., para. 23.

covered by the 1935 Law on Foundations, including restrictions on registration and the acquisition or holding of title to property. The Committee is concerned about reports of Protestant congregations and Jehovah's Witnesses facing discrimination and bureaucratic difficulties when seeking to register their places of worship. The Committee is also concerned about allegations of entry bans, non-renewal or revocation of residence permits and deportations in respect of non-Turkish members of Protestant and Jehovah's Witnesses communities and that Alevi worship is not officially recognized (arts. 2, 12, 18, 19, 26 and 27).

**52. In accordance with article 18 of the Covenant, the Committee's general comment No. 22 (1993) on the right to freedom of thought, conscience and religion and its previous concluding observations,<sup>12</sup> the State party should ensure respect for freedom of thought, conscience and religion for all and prevent, combat and address all forms of discrimination against religious minorities. In this regard, it should repeal or amend all legislation, policies and practices that discriminate against religious minorities, including the 1935 Law on Foundations, or impose restrictions regarding the places of worship and freedom of movement of foreign members of religious communities.**

#### **Human rights defenders**

53. The Committee is concerned about reports of persecution, harassment, intimidation and reprisals against human rights defenders, journalists, lawyers, Kurdish activists, environmental defenders, opposition politicians, academics and any member of civil society perceived as critical of the Government. In this regard, the Committee is also concerned about the alleged use of arbitrary detentions and politically motivated prosecutions in order to suppress their activities. The Committee is concerned that the climate of intimidation and persecution faced by human rights defenders and other civil society members has led to the closure and curtailment of the activities of some organizations and that individuals have been forced to resort to self-censorship and self-imposed exile (arts. 19, 21, 22 and 26).

**54. The State party should ensure, in law and in practice, a safe and enabling environment for human rights defenders, journalists, lawyers, Kurdish activists, environmental defenders, academics and all members of civil society and their organizations. In particular, it should:**

**(a) Combat and prevent all forms of persecution, harassment and intimidation against human rights defenders, journalists, lawyers, academics and other civil society actors and take all measures necessary to guarantee their effective protection, so as to ensure that they are free to carry out their work, including to cooperate with international and regional organizations, without fear of becoming victims of any kind of reprisals, including arbitrary detention or prosecution;**

**(b) Ensure that all human rights violations and attacks against human rights defenders are thoroughly, impartially and independently investigated, that perpetrators are brought to justice and, if found guilty, duly punished, and that victims receive adequate reparation;**

**(c) Develop comprehensive legislation and policies to protect human rights defenders, in accordance with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.**

#### **Freedom of expression**

55. The Committee is concerned about multiple reports of the arbitrary detention and prosecution of journalists, political opponents, human rights defenders, academics and members of civil society groups, in particular those expressing criticism of the Government, for exercising their right to freedom of expression under various provisions of the Criminal Code, such as article 217/A on the public dissemination of misleading information, article 299 on insulting the President, article 301 on insulting the Turkish nation and

<sup>12</sup> Ibid., paras. 9 and 21.

article 314 (2) on membership of an armed organization, and under provisions of the Anti-Terror Law (No. 3713). The Committee is concerned about multiple reports indicating that Law No. 5651 on the regulation of publications on the Internet and the combating of crimes committed by means of such publications and Law No. 6112 on the establishment of radio and television enterprises and their media services have been invoked to block or take down more than 260,000 websites and tens of thousands of accounts and posts on X, formerly known as Twitter, YouTube videos and Facebook and Instagram pages, including during the 2023 elections, and content related to criticism of the Government's response to the 2023 earthquake (art. 19).

**56. The State party should take all measures necessary to guarantee that everyone can exercise the right to freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, and that any restriction complies with the strict requirements of article 19 (3) of the Covenant. In particular, the State party should:**

**(a) Consider decriminalizing insult and any form of defamation set out in the Criminal Code, and ensure that the criminal law and counter-terrorism legislation are not applied to suppress the expression of critical and dissenting opinions;**

**(b) Revise and amend legislation unduly restricting freedom of expression and cease the blocking of websites, communication platforms and online resources, and Internet shutdowns.**

57. The Committee is concerned about allegations that the number of media outlets that were closed following the 2016 attempted coup far exceeds the number officially reported and that the great majority of these outlets remain closed. The Committee notes with appreciation that the Radio and Television Supreme Council has created procedures for media outlets to apply for the restoration of assets and compensation. However, reports indicate that, notwithstanding the decision of the Constitutional Court of 8 April 2021 to invalidate the provisions of Law No. 6755 on the amendment and adoption of the decree-law on measures to be taken within the scope of the state of emergency and regulations regarding certain institutions and organizations, which authorized the closure of media outlets deemed to pose a threat to national security, reports indicate that those outlets remain closed. The Committee is also concerned about the large-scale revocation of press cards, including those of journalists employed by international media outlets and journalists critical of the executive (arts. 4 and 19).

**58. The State party should establish an independent and impartial process for thoroughly and promptly reviewing, with respect for all due process guarantees, decisions to close media outlets and ensure that the process fully complies with the strict requirements of article 19 (3) of the Covenant. The State party should ensure, in law and in practice, that media outlets and journalists with views critical of the executive can operate freely, without undue control or interference and without fear of retribution for exercising their right to freedom of expression.**

#### **Freedom of peaceful assembly**

59. While the Committee takes note that freedom of assembly is safeguarded by article 34 of the Constitution, it is concerned about legislative provisions that prescribe broad and vague grounds on which to restrict assemblies, such as some of the provisions of Law No. 2911 on meetings and demonstrations. The Committee is concerned that, during the period under review, the authorities banned or imposed multiple restrictions on peaceful assemblies organized by people perceived as critical of the Government, LGBTQ marches and events, vigils of Saturday Mothers/People and International Women's Day marches. The Committee is also concerned about the excessive use of force applied to break up some protests and about arbitrary arrests of participants, as in the case of the Gezi Park protests (art. 21).

60. **In the light of article 21 of the Covenant and the Committee’s general comment No. 37 (2020) on the right of peaceful assembly, the State party should:**

(a) **Take concrete steps to facilitate the right of peaceful assembly and ensure that any restriction complies with the strict requirements of article 21 of the Covenant and the principles of proportionality and necessity;**

(b) **Ensure that all allegations of the excessive use of force or arbitrary arrest or detention in the context of peaceful assemblies are investigated promptly, thoroughly and impartially, that those responsible are brought to justice and, if found guilty, punished with appropriate sanctions and that victims obtain full reparation;**

(c) **Provide appropriate training to judges, prosecutors and civil servants on the right of peaceful assembly and to law enforcement officials on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.**

#### **Freedom of association**

61. The Committee is concerned about credible reports indicating that, during the state of emergency, more than 1,700 associations and foundations, including trade unions, human rights organizations, lawyers’ associations and educational institutions, were permanently closed. The Committee is concerned that the closures were carried out under vague criteria set out in state of emergency decree-laws, without effective judicial oversight or respect for due process guarantees. Despite the authority of the Inquiry Commission on the State of Emergency Measures to reopen organizations and restore their assets, a large majority of organizations remain closed. The Committee is concerned about the provisions of Law No. 7262 that grant the Ministry of Interior broad discretion to restrict the activities of independent organizations, audit them based on vague risk assessment criteria and weak evidentiary standards and suspend board members, thus creating a chilling effect that deters individuals from serving on executive boards or becoming members of these organizations (arts. 4 and 22).

62. **The State party should bring its legislation and practice governing the operation of associations into full compliance with the Covenant and ensure that any restrictions imposed are in conformity with article 22 of the Covenant. It should also create an enabling environment for civil society organizations, including human rights organizations, trade unions, lawyers’ associations and educational institutions, and ensure that they can operate without fear of harassment or reprisals for their legitimate activities and free from unnecessary or unduly restrictive administrative hurdles.**

#### **Participation in public affairs**

63. While the State party indicates that parliamentary immunity may be lifted at the request of a judge if criminal proceedings are opened against a member of the parliament, the Committee is concerned about the negative impact that the lifting of immunity may have on several of the fundamental rights of parliamentarians, such as the right to stand in free elections and the right to freedom of expression. In this regard, the Committee is concerned about reports that several members of the parliament who have spoken out in their official capacity on issues such as enforced disappearance and issues related to the human rights of Kurdish persons have had their immunity lifted and have been arrested, prosecuted or sanctioned for those remarks (arts. 2, 9, 19, 21, 25 and 26).

64. **In accordance with article 25 of the Covenant and the Committee’s general comment No. 25 (1996) on participation in public affairs and the right to vote, the State party should ensure the full enjoyment of the right to participate in public affairs and the right of persons in public service positions to freedom of expression, including the freedom to debate public affairs and to express criticism and opposition. It should bring provisions on parliamentary immunity into line with the provisions of the Covenant. The State party should also consider fully reinstating those members of the parliament whose immunities have been revoked and put an end to any criminal proceedings relating to remarks made in the course of their parliamentary duties.**

65. The Committee is concerned about the disenfranchisement, for the duration of their imprisonment, of persons convicted of intentional offences, regardless of the severity of the crime and the length of the sentence. The Committee is also concerned about the lack of adequate conditions for fair and free elections in the State party, including, inter alia, the weak rule of law, the lack of protection of the civic space, restrictions on freedom of expression and freedom of assembly, the suspension or dissolution of associations or political parties, the prosecution of opposition politicians, the lack of independence of the judiciary and the lack of effective redress for electoral disputes, as the decisions of the Supreme Election Council are not subject to judicial appeal (arts. 2, 9, 14, 19, 21, 22, 25 and 26).

66. **The State party should ensure the enjoyment of the right to participate in public affairs and should bring its electoral regulations and practices into compliance with the Covenant, including article 25 thereof, and the Committee's general comment No. 25 (1996) on participation in public affairs and the right to vote. It should also take the necessary measures:**

(a) **To ensure transparent, fair and free elections; to promote genuine political pluralism and debate; and to ensure the freedom to engage in political activity individually or through political parties and other organizations, including those representing views critical of the Government, in an environment free from intimidation and the fear of reprisals;**

(b) **To ensure that the Supreme Election Council operates with complete independence and impartiality from the executive and to provide effective remedies for electoral grievances, including through access to judicial appeal;**

(c) **To revise legislation denying all prisoners convicted of intentional offences the right to vote, in the light of the Committee's general comment No. 25 (1996) (para. 14).**

#### **D. Dissemination and follow-up**

67. **The State party should widely disseminate the Covenant, the two Optional Protocols thereto, its second periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official language of the State party.**

68. **In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 8 November 2027, information on the implementation of the recommendations made by the Committee in paragraphs 42 (independence of the judiciary), 44 (right to a fair trial in proceedings relating to terrorism) and 62 (freedom of association) above.**

69. **In line with the Committee's predictable review cycle, the State party will receive in 2030 the Committee's list of issues prior to submission of the report and will be expected to submit within one year its replies, which will constitute its third periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2032.**