

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	691
Land:	Tyrkiet
Kilde:	Amnesty International
Titel:	The State of the World's Human Rights: Türkiye 2023
Udgivet:	24. april 2024
Optaget på baggrundsmaterialet:	30. april 2024

The State of the World's Human Rights; Türkiye 2023

Baseless investigations, prosecutions and convictions of human rights defenders, journalists, opposition politicians and others persisted. Anti-terror and disinformation laws were used to curtail freedom of expression. Freedom of peaceful assembly was unlawfully restricted. Distribution of aid after the February earthquakes failed to adequately address the rights and needs of people with disabilities. Violence against women and girls remained widespread. Discriminatory and stigmatizing rhetoric against LGBTI people and refugees and migrants increased in the run-up to the May presidential and legislative elections. The country continued to host the world's largest number of refugees; some remained at risk of being unlawfully returned. Victims of human rights violations by state officials continued to face a culture of impunity. There were serious and credible allegations of torture and other ill-treatment. A government support programme benefited millions of people living in poverty.

Background

On 6 February, two catastrophic earthquakes devastated 11 provinces, impacting more than 15 million people in south-eastern Türkiye and causing widespread destruction, displacement and dispossession. According to the Ministry of Interior, at least 50,000 people died, including 7,302 refugees and migrants. Hundreds of thousands were left homeless without shelter, food, water and medical care.

President Recep Tayyip Erdoğan won a third term in office after presidential elections in May.

On 1 October, a group affiliated with the Kurdistan Workers' Party (PKK) claimed responsibility for a suicide bombing in the capital, Ankara, which injured two police officers. In retaliation, on 5 and 6 October, Türkiye launched air strikes on Kurdish-controlled areas of north-east Syria, killing 11 civilians and destroying vital infrastructure.

Freedom of expression

In the immediate aftermath of the February earthquakes the authorities restricted access to Twitter and TikTok. They detained at least 257 people for criticizing the government's earthquake response, including journalists and some people based solely on their social media posts.

In February, journalist Sinan Aygül, who was the first person to be remanded in pretrial detention in 2022 under the criminal offence of "publicly spreading disinformation", was sentenced to 10 months' imprisonment for a tweet in which he had shared unconfirmed sexual abuse allegations. On 1 November, journalist Tolga Şardan was remanded in custody for six days on the same charge for his article on corruption in the justice system.

In May, pop singer Gülşen was sentenced to 10 months' imprisonment, suspended, for "inciting the public to hatred and enmity" in relation to a video circulated on social media depicting a humorous exchange between herself and a band member in 2022.

The prosecution continued of 15 journalists, including the co-chair of the Dicle Fırat Journalists' Association, on charges of "membership of a terrorist organization". In July they were conditionally

released from 13 months' pretrial detention in the city of Diyarbakır.

In July, T24 editor Sibel Yüklér, Mezopotamya Agency reporters Delal Akyüz and Fırat Can Arslan, Bianet editor Evrim Kepenek and freelance journalist Evrim Deniz were detained and accused of "targeting a public official involved in the fight against terrorism". The charge related to their social media posts concerning the relocation of a prosecutor and a judge, a married couple, who had both been assigned to the prosecution of 15 journalists in Diyarbakır (see above). Fırat Can Arslan became the first journalist remanded in pretrial detention on charges under Article 6 of the anti-terrorism law; he was acquitted and released at the first hearing on 31 October.

In September, the Ankara chief prosecutor initiated a criminal investigation against the opposition MP Sezgin Tanrikulu for "denigrating the Turkish nation and state" and "inciting the public to hatred or hostility", following his critical comments about the Turkish armed forces during a television programme.

In September, the mayor of Antalya Municipality cancelled the 60th Antalya Golden Orange Film Festival, and dismissed the festival director, following disputes over the screening of a documentary entitled *The Decree*. The film depicted public sector workers who had been summarily dismissed following the failed coup in 2016.

Freedom of peaceful assembly

On 11 November, the Saturday Mothers/People, a group of human rights defenders including relatives of victims of enforced disappearances, were allowed to read a short statement near Galatasaray Square in Istanbul, a place of symbolic importance to the group, after being banned from doing so for over five years.¹ This positive development fell short of constitutional court decisions that the group's freedom of assembly should be upheld, and between April and November law enforcement officials had continued to use unlawful force to disperse their protests and detain and prosecute participants.

A number of peaceful Pride marches took place despite blanket bans in at least six provinces and four districts across the country. At least 224 people were arbitrarily detained during the Pride season, including bystanders, children, lawyers, journalists, university students, human rights defenders and foreign nationals.

On 20 July, law enforcement officials prevented several commemorations of the 2015 killing of 33 people in the south-eastern town of Süruç in a bombing by the armed group Islamic State. At least 187 protesters were arbitrarily detained in the cities of Istanbul, İzmir and Ankara. In Istanbul authorities kettled protesters, using pepper spray, plastic bullets and unlawful force.

Between July and September, police used unlawful force, water cannon and pepper spray at close range against ecological activists protesting at the felling of thousands of trees to expand a coal mine in Akbelen forest in Muğla province. At least 50 activists were detained then later released, although some were subjected to travel restrictions and three were banned from entering Milas district in Muğla province.

Freedom of association

Türkiye remained on the "grey list" of the intergovernmental Financial Action Task Force, while continuing to use its recommendations on combating money laundering and financing terrorism as a smokescreen to facilitate harassment of NGOs. The authorities intensified the use of intrusive NGO audits under the Law on the Prevention of the Financing of the Proliferation of Weapons of Mass Destruction.

In September, a court rejected a lawsuit seeking the closure of the NGO We Will Stop Femicides Platform for alleged “illegal and immoral activities... damaging the Turkish family structure under the guise of defending women’s rights.”

The prosecution of at least 15 members of the Migration Monitoring Association accused of “membership of a terrorist organization” continued at the end of the year, as did proceedings to close the association for allegedly “operating in line with the goals and objectives of an armed terrorist group”.

The 2021 case to close the second biggest opposition party, the People’s Democratic Party, and impose a five-year political ban on 451 former and current members, was still pending at the end of the year.

In November, a civil court in Ankara dismissed the 11 members of the Central Council of the Turkish Medical Association for “having acted outside of the founding aims of the Association”. The decision was pending on appeal at the end of the year.

Human rights defenders

In January, Şebnem Korur Fincancı was convicted of “making propaganda for a terrorist organization” and sentenced to 32 months’ imprisonment for calling for an independent investigation into the alleged use of chemical weapons in the Kurdistan Region of Iraq in 2022. She was released pending appeal.

In June, Istanbul Heavy Penal Court No. 35 overturned the 2020 convictions of Özlem Dalkıran, Idil Eser, Taner Kılıç and Günal Kurşun, four human rights defenders in the so-called Büyükkada prosecution, for “lack of evidence”, in line with the earlier Court of Cassation judgment. A prosecution appeal against the acquittal of Taner Kılıç was pending at the end of the year.²

The courts again failed to implement judgments by the European Court of Human Rights in the cases of Osman Kavala and Selahattin Demirtaş, despite Türkiye facing an infringement proceeding for its refusal to release Osman Kavala. Furthermore, in September, Türkiye’s highest court of appeals upheld the life sentence against Osman Kavala and 18-year jail sentences against Çiğdem Mater, Can Atalay, Mine Özerden and Tayfun Kahraman, despite the prosecuting authorities’ repeated failure to provide any evidence. The convictions of Mücella Yapıcı, Hakan Altınay and Yiğit Ali Ekmekçi were overturned.³

Can Atalay, detained in 2022 in connection with the Gezi Park protests, was elected as an MP for the southern province of Hatay in the May parliamentary elections, but in July the court of cassation denied his appeal for release. In October and December, the constitutional court twice ruled that his continued detention was a violation of his rights.⁴ The court of cassation refused to implement the binding constitutional court rulings, claiming that the constitutional court judges who had ruled for Can Atalay’s release had “acted unlawfully”.

In August, Celalettin Can was imprisoned to serve a 15-month sentence. A participant in the 2016 solidarity campaign with the now closed Kurdish daily newspaper Özgür Gündem, he remained in prison until his conditional release on 19 December.

Rights of people with disabilities

The February earthquakes and conditions at displacement sites disproportionately impacted people with disabilities. Distribution of food, water and other aid materials did not adequately take into consideration their rights and specific requirements during the earthquake emergency response.⁵ People with disabilities struggled to access quality prostheses and assistive devices. Government

figures indicated that 70% of the 100,000 people injured in the earthquakes would likely live with a disability.

Violence against women and girls

According to the We Will Stop Femicides Platform, during the year men killed 315 women in acts of femicide, and 248 women were found dead in suspicious circumstances.

Türkiye's highest administrative court, the Council of State, continued to hear applications by women's rights organizations to annul the 2021 presidential decision to withdraw from the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). It had not handed down a decision by the end of the year.

LGBTI people's rights

In the aftermath of the earthquakes, many LGBTI people avoided accessing shelter, medical care or other aid owing to concerns about their safety.

LGBTI people faced discriminatory and stigmatizing rhetoric that escalated further in the run-up to the May elections. In May, the president said, "LGBT is a poison injected into the institution of the family. It is not possible for us to accept that poison especially in a country where 99% of its people are Muslims."

In September, for the second year running, the state broadcasting body RTÜK endorsed an advertisement promoting an anti-LGBTI rights demonstration in Istanbul which targeted so-called "LGBTI propaganda".

Refugees' and migrants' rights

After the February earthquakes, both civilians and state actors physically abused Syrian refugees in racist attacks, and/or verbally harassed them with hate speech. Syrian refugees were evicted from emergency camps to make room for Turkish earthquake survivors.⁶

The run-up to the May presidential elections was marred by racist and anti-refugee rhetoric by leading candidates.

Refugees in Türkiye remained at risk of being unlawfully returned to countries such as Syria and Afghanistan, which would constitute refoulement. The Ministry of Interior announced that 28,734 Afghans had been returned to Afghanistan in the first 10 months of the year.

In 30 cities, the Presidency of Migration Management announced the implementation of "Mobile Migration Points" to identify irregular migrants through identity and fingerprint checks. The checks involved the use of law enforcement officials and expert staff from the Migration Management service.

Impunity

In January, the Diyarbakır Heavy Penal Court No. 7 acquitted the police officer who shot and killed Kemal Kurkut while the latter was entering the area where Newroz festivities were held in Diyarbakır in 2017.

In May, 19 people charged with enforced disappearances or extrajudicial executions between 1993 and 1996 “as part of the activities of an armed organization established to commit crimes” were acquitted in Ankara.

The prosecution of three police officers and an alleged PKK member accused of killing human rights lawyer Tahir Elçi in 2015 continued.

Torture and other ill-treatment

People detained for alleged looting following the earthquakes in Türkiye were subjected to torture and other ill-treatment by law enforcement officials. At least one person died in custody after being tortured; three gendarmes were suspended on 15 February as a result.⁷

In June, after the dispersal of the Istanbul Trans Pride March, law enforcement officials used unlawful force amounting to torture or other ill-treatment while detaining at least five protesters.

Economic, social and cultural rights

Türkiye faced a growing cost of living crisis with food inflation over 72% by October, and general inflation running at over 64% at the end of the year. By July, 3.7 million households living in poverty were entitled to benefit from the government Family Support Programme.

Right to a healthy environment

Türkiye remained vulnerable to the impacts of climate change, including drought and extreme heat, and recorded its highest ever temperature of 49.5°C in August. The country’s energy sector remained heavily dependent on oil, coal and fossil gas imports. A revised nationally determined contribution submitted in April committed to a 41% reduction in greenhouse gas emissions by 2030, and to net zero by 2053. According to Climate Action Tracker, however, this would lead to increased emissions, and was not consistent with limiting the global temperature rise to 1.5°C. Türkiye opposed the inclusion of a commitment to phase out fossil fuels at COP28. Although the National Energy Plan included targets for increasing renewable energy, there was no road map to achieve them and the plan envisaged increasing rather than phasing out the use of coal.

1. [“Türkiye: Further information: Fully open Galatasaray Square: Saturday Mothers/People”, 17 November](#)
2. [“Türkiye: Justice prevails as four human rights defenders finally acquitted”, 6 June](#)
3. [“Türkiye: Upholding sentence against Osman Kavala and four other Gezi defendants a ‘devastating politically motivated blow’”, 29 September](#)
4. [“Türkiye: Court ruling for release of Can Atalay ‘long overdue’”, 25 October](#)
5. [Türkiye: “We All Need Dignity” – The Exclusion of Persons With Disabilities in Türkiye’s Earthquake Response, 26 April](#)
6. [Türkiye/Syria: A Human Rights Response to the 6 February Earthquakes, 23 February](#)
7. [“Türkiye: Police and gendarmerie commit abuses in earthquake zone”, 5 April](#)