

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	612
Land:	Tyrkiet
Kilde:	Human Rights Watch (HRW)
Titel:	World Report 2022 – Turkey
Udgivet:	13. januar 2022
Optaget på baggrundsmaterialet:	14. januar 2022

Document #2066478

HRW – Human Rights Watch

World Report 2022 - Turkey

The authoritarian and highly centralized presidential government of Recep Tayyip Erdoğan has [set back Turkey's human rights record](#) by decades, targeting perceived government critics and political opponents, profoundly undermining the independence of the judiciary, and hollowing out democratic institutions. Turkey withdrew from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, known as the Istanbul Convention, a major reversal for women's rights.

Freedom of Expression, Association, and Assembly

While most news outlets are owned by companies with close government links, independent media in Turkey mainly operate via online platforms but are subject to regular removal of content or prosecution for news coverage critical of senior government figures and members of President Erdoğan's family or deemed to constitute an offense under Turkey's highly restrictive Anti-Terror Law. At time of writing, 58 journalists and media workers were in prison or serving sentences for terrorism offenses because of their journalistic work or association with media.

In November, on the grounds that it restricted reporting and media freedom, Turkey's top administrative court halted the implementation of an Interior Ministry April circular banning citizens or journalists from recording videos or taking photos of police officers on duty.

After strong criticism on social media of the authorities' response to wildfires in Turkey's forested Mediterranean region, the government signaled plans to further tighten restrictions on social media by making “disinformation” via social media an offence punishable with a prison sentence of between two to five years. No legal amendment had been made at time of writing. Thousands of people every year already face arrest and prosecution for their social media posts, typically charged with defamation, insulting the president, or spreading terrorist propaganda.

Major social media platforms such as YouTube, Facebook, and Twitter complied with a 2020 legal amendment requiring them to set up offices in Turkey, raising concerns that they may in future be forced to increase their compliance with government censorship in order to avoid heavy fines and other penalties.

Provincial authorities selectively used Covid-19 as a pretext to ban peaceful protests by students, workers, political opposition parties, and women's and lesbian, gay, bisexual and transgender (LGBT) people's rights activists. President Erdoğan's appointment of an unelected rector to the prestigious Boğaziçi University sparked protests, which were met with [violent police crackdown and prosecutions](#) against dozens of student protesters.

Rollbacks on Women's and LGBT Rights

Turkey is the first country to have withdrawn from the Istanbul Convention. The move in March drew widespread criticism internationally, and saw protests by women's rights groups. It spells a major reversal for efforts to combat gender-based violence and promote women's rights in Turkey. Government officials justified the withdrawal and attempted to appeal to conservative voters with the specious claim that the Convention “normalizes homosexuality.” Hundreds of women are murdered annually in Turkey and reported incidents of domestic violence remain high.

The government banned the annual LGBT Pride march in Istanbul for the seventh successive year and police violently dispersed and detained protesters. Senior government officials have on several occasions attacked and encouraged discrimination against LGBT people in their political speeches.

Human Rights Defenders

The four-year detention and ongoing trial of Osman Kavala, a leading figure in civil society, exemplified the enormous pressure on human rights groups and other nongovernmental groups (NGOs) critical of the government. Kavala is on trial on baseless charges in connection with the 2013 Gezi Park protests and the July 2016 failed coup. Turkey has [flouted a European Court of Human Rights' judgment](#) ordering his immediate release on grounds of insufficient evidence. The judgment found that Kavala's detention sought to silence him as a human rights defender.

Authorities continued to use terrorism and defamation charges to harass rights defenders, and to violate their right to assembly. The Court of Cassation has yet to review the 2020 convictions for membership of a terrorist organization and aiding and abetting terrorism of Taner Kılıç, the former chair of Amnesty International Turkey, and three others for their participation in a human rights education workshop.

On 15 February, an Istanbul court convicted Eren Keskin, co-chair of the Human Rights Association, on charges of “membership of a terrorist organization” on the basis of her role as co-editor-in-chief of the pro-Kurdish *Özgür Gündem* newspaper. She has appealed. On March 19, Keskin’s co-chair, Öztürk Türkdöğen, was briefly detained and remains under investigation for “membership of a terrorist organization” with a travel ban. Two activists running the Diyarbakır-based Rosa Women’s Association have appealed convictions on the same charge and others in the association face continuing prosecution.

In January, the Law on Preventing Financing of Proliferation of Weapons of Mass Destruction came into force. Although Turkey has justified the law as an effort to bring the country into compliance with binding United Nations Security Council resolutions to prevent financing of terrorism and weapons proliferation, the law instead furnishes the Interior Ministry with greater powers to target NGOs’ legitimate and lawful activities and the right to association of their members.

Torture and Ill-Treatment in Custody, Enforced Disappearances

There was little evidence to suggest prosecutors made progress in investigating the rising allegations of torture and ill-treatment in police custody and prison reported over the past five years. Few such allegations result in prosecution of the security forces, and a pervasive culture of impunity persists.

In two May 2021 rulings, the Constitutional Court found violations of the prohibition on ill-treatment and ordered new investigations into complaints that prosecutors had dismissed at the time they were lodged in 2016. One concerned the complaint of torture and rape in police custody lodged by a male teacher A. A. in the town of Afyon, the second a complaint by a male teacher E. B. in Antalya alleging police tortured him in custody requiring him to undergo emergency surgery.

No progress was reported in the prosecutor’s investigation of the case of Osman Şiban and Servet Turgut, two Kurdish men detained by military personnel in their southeast village in September 2020, taken away in a helicopter, and later found by their families seriously injured in hospital. Turgut [died](#) of his injuries.

In the case of the June 5 death in police custody in Istanbul of private security officer Birol Yıldırım, weeks after media aired camera footage of police beating him, a deputy superintendent was detained and is on trial with 11 other police officers.

An investigation into the full circumstances behind the death on February 19 of Kadir Aktar,¹⁷ at Maltepe Children’s Prison, continues. Reported by the media as a suicide, medical records present substantial evidence that Aktar was ill-treated in police custody.

Abductions and enforced disappearances continue to be reported and are not investigated properly. Those disappeared for the longest periods have been individuals the authorities allege have links with the movement run by US-based cleric Fethullah Gülen, which Turkey deems a terrorist organization responsible for the July 2016 military coup attempt. Hüseyin Galip Küçüközyiğit, a former civil servant, disappeared in Ankara on December 29, 2020. On July 14, authorities informed his family that he was held in pretrial detention. There had been no information about his whereabouts for over seven months. Yusuf Bilge Tunç, another former civil servant, remained missing after he disappeared in August 2019.

Turkish authorities continued to seek the extradition of alleged Gülen movement supporters, many of them teachers, from countries around the world. Some countries that complied with Turkey’s requests bypassed legal procedures and judicial review and colluded in abductions, enforced disappearances, and the illegal transfer of individuals. Two such cases in 2021 were the abduction on May 31 and rendition to Turkey from Kyrgyzstan of Orhan İnandi, a director of schools in Kyrgyzstan; and Turkey’s announcement on May 31 that it had “captured” and transferred to Turkey Selahaddin Gülen, a Turkish national and registered asylum seeker in Kenya.

Some individuals active in leftist or Kurdish politics reported that plain-clothed security personnel abducted and detained them in undisclosed sites for shorter periods. One such case was that of Gökhan Güneş, whose complaint to the prosecutor of being abducted in Istanbul on January 20, interrogated, tortured, and released on January 26 resulted in a September decision that there was no case to pursue. His lawyers have appealed.

Kurdish Conflict and Crackdown on Opposition

Occasional armed clashes between the military and the armed Kurdistan Workers’ Party (PKK) continued in rural areas of Turkey’s eastern and southeastern regions although Turkey has concentrated its military campaign including drone strikes in the Kurdistan Region of Iraq, where the PKK bases are located. In February, the Turkish military reported that an operation to rescue 13 soldiers and police officers held hostage by the PKK in northern Iraq had resulted in the PKK killing the 13.

In 2021, the Erdogan ruling coalition intensified its ongoing campaign to criminalize the legitimate political activities of the opposition Peoples' Democratic Party (HDP), which won 11.7 percent of the national vote in 2018 parliamentary elections. The government refuses to distinguish between the HDP and the PKK. There were physical attacks on HDP offices, most notably in June in the western province of Izmir where a gunman shot dead party member Deniz Poyraz.

Scores of former HDP politicians including mayors are held as remand prisoners or are serving sentences after being convicted of terrorism offenses on the basis of their legitimate non-violent political activities, speeches, and social media postings. In one such case beginning in May, dozens of current and former HDP politicians, including the jailed former co-chairs Selahattin Demirtaş and Figen Yüksekdağ, stood trial in a new proceeding for their alleged role in violent protests on October 6-8, 2014, that led to 37 deaths. The earlier ongoing case files against Demirtaş and Yüksekdağ have been combined with this case. The trial was ongoing at time of writing.

In June, the Constitutional Court accepted an indictment filed by the Court of Cassation chief prosecutor to permanently shut down the HDP and impose a five-year ban from political activity on 451 politicians and party officials. The case was ongoing at time of writing.

HDP MP Ömer Faruk Gergerlioglu was released from prison and reinstated to his parliamentary seat in July after the Constitutional Court found that a conviction for a social media post resulting in his expulsion from parliament in March and imprisonment in April violated his rights.

Justifying its January 2018 and October 2019 military incursions into areas of northeast Syria as part of an effort to combat PKK affiliates, Turkey continues to occupy territory and has illegally transferred Syrian nationals to Turkey to face trial on terrorism charges that could lead to life imprisonment.

Refugees, Asylum Seekers, and Migrants

Turkey continues to host the world's largest number of refugees, around 3.7 million from Syria granted temporary protection status, and over 400,000 from Afghanistan, Iraq, and other non-European countries, who under Turkish law cannot be fully recognized as refugees.

Continuing its policy of securing its borders against the entry of more asylum seekers and migrants, Turkey continued building a wall in 2021 along its eastern border with Iran, and summarily pushing back Afghans and others apprehended attempting to cross the border.

There have been signs of a rise in racist and xenophobic attacks against foreigners. On August 10, groups of youths [attacked](#) workplaces and homes of Syrians in a neighborhood in Ankara a day after a fight during which a Syrian youth allegedly stabbed two Turkish youths, killing one. Two Syrian youths are on trial for murder. The prosecutor's investigation into dozens of youths for damaging property, theft, and other crimes continues. Opposition politicians have made speeches that fuel anti-refugee sentiment and suggest that Syrians should be returned to war-torn Syria.

There were reports, including by the Turkish coast guard, that migrants attempting to cross into Greece from Turkey through sea and land borders were summarily and violently [pushed](#) back by Greek security forces.

Key International Actors

Turkey has a troubled political relationship with the EU, mitigated by a transactional relationship on issues such as migration. Turkey's accession process to the EU is at a standstill. The EU provides financial support to Turkey in return for restrictions on entry of refugees and migrants to the bloc. The European Council in June [reiterated its concerns](#) regarding rule of law and fundamental rights in Turkey, without making human rights a priority in the relationship.

Turkey's failure to implement binding European Court of Human Rights judgments calling for the release of rights defender Osman Kavala and Kurdish politician Selahattin Demirtaş has set back its relationship with the Council of Europe. In its September session, the Council of Europe's Committee of Ministers reiterated its call for the immediate release of both men and decided that a failure to release Osman Kavala by the December session would spell notification of infringement proceedings against Turkey, a sanction method involving further application to the European Court only used against a Council of Europe member state once before.

The Council of Europe's commissioner for human rights, the UN Committee on the Elimination of Discrimination against Women, UN human rights special rapporteurs and the UN Human Rights Office have criticized Turkey for withdrawing from the Istanbul Convention.

The deep crisis in Turkish-US relations continued under the Biden administration. Multiple reasons include Turkey's purchase of Russian S-400 missiles, the presence on US soil of Fethullah Gülen, and US support for Kurdish-led forces in northeast Syria. For the first time, the US State Department [added](#) Turkey to its 2021 Trafficking in Persons list of countries implicated in using child soldiers in connection with its backing for a Syrian armed opposition group. The Biden administration also formally recognized the Armenian genocide committed by the Ottoman government 100 years ago.

In October, Turkey ratified the Paris Agreement, the international treaty on climate change adopted in Paris in December 2015, while also committing to a goal to reach net zero emissions by 2053. As one of the world's top 20 greenhouse gas emitters, Turkey is contributing to the climate crisis that is taking a mounting toll on human rights around the globe.

ecoi.net summary:

Annual report on the human rights situation in 2021

Country:

Turkey

Source:

[HRW – Human Rights Watch](#)

Original link:

<https://www.hrw.org/world-report/2022/country-chapters/turkey>

Document type:

Periodical Report

Language:

English

Published:

13 January 2022

Document ID:

2066478

Austrian Red Cross Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)	Wiedner Hauptstraße 32, 1041 Wien T (Telefon) +43 1 589 00 583 F (Fax) +43 1 589 00 589 info@ecoi.net	Contact Imprint & Disclaimer F.A.Q. Data Protection Notice
--	--	---

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

