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TÜRKİYE

Republic of Türkiye

Head of state and government: **Recep Tayyip Erdoğan**

Baseless investigations, prosecutions and convictions of human rights defenders, journalists, opposition politicians and others persisted. Parliament introduced draconian amendments to existing laws that further restricted freedom of expression online. Police used unlawful force to detain hundreds of participants in banned Pride marches in several provinces, and the right to peaceful assembly remained severely curtailed. The Council of State declined to overturn a 2021 decision to withdraw from the Istanbul Convention. The country continued to host the world's largest number of refugees, but violent summary returns of Afghans and others resulted in deaths and other serious injuries, against a backdrop of rising anti-refugee racist rhetoric by politicians and in the media. There were serious and credible allegations of torture and other ill-treatment.

BACKGROUND

In March, the European Committee on Social Rights concluded that there was “no adequate overall and coordinated approach in place to combat poverty and social exclusion” in Türkiye. At year's end the official rate of inflation reached 64.27%, deepening the cost of living crisis for millions of inhabitants.

On 13 November, a bombing in Istanbul killed six people and injured over 80. The authorities blamed the Kurdistan Workers' Party (PKK) and the Syria-based People's Protection Units. On 20 November, Türkiye launched air strikes into Syria and northern Iraq, claiming the action to be in retaliation for the bombing.

FREEDOM OF EXPRESSION

In May, a Council of State ruling to suspend the directive banning journalists and

members of the public from recording public demonstrations became final.

Sixteen journalists from three media outlets and the co-chair of the Dicle Fırat Journalists Association were remanded in pretrial detention in Diyarbakır in June, accused of “membership of a terrorist organization”. An indictment had yet to be issued at year's end.

Pop singer Gülşen was remanded in prison in August for allegedly “inciting the public to hatred and enmity” in relation to a video circulated on social media depicting a humorous exchange between her and a band member in April. After three days she was moved to house arrest which was lifted after two weeks, but her prosecution was continuing at year's end.

In September, the Ankara Regional Appeals Court overturned the 2019 convictions of 11 members of the national board of the Turkish Medical Association on charges of terrorist propaganda and inciting hatred. In October, the prosecutor appealed against the decision at the Court of Cassation which was pending at year's end.

In October, parliament introduced amendments to several laws in a package dubbed the “censorship law”. The measures included the introduction of a new criminal offence of “publicly spreading disinformation”, increasing the powers of the Information and Communication Technologies Authority to force social media companies to take down content, provide user data or face fines and severe reduction of the bandwidth; and expanding existing stringent requirements on social media companies by adding criminal, administrative and financial liability.¹ In December, Bitlis-based journalist Sinan Aygül was the first person to be remanded in pretrial detention under the new criminal offence, for a tweet in which he had shared unconfirmed sexual abuse allegations. He was released after 12 days, on 22 December.

In a politically motivated trial, a court convicted the Istanbul mayor Ekrem İmamoğlu in December of “insulting a public official” and banned him from politics. The prosecution was brought after he called

members of Türkiye's supreme election council "fools" in comments to the media in 2019. The verdict is subject to appeal.

FREEDOM OF ASSEMBLY

The authorities continued to deprive a group dubbed the Saturday Mothers/People of their right to freedom of peaceful assembly in Galatasaray Square, where they had been gathering regularly to protest against the enforced disappearances of the 1980s and 1990s. In June, riot police prevented the group's 900th peaceful vigil, detaining human rights lawyers Öztürk Türkdoğan and Eren Keskin, and several relatives of victims of enforced disappearances.² In August, police prevented a peaceful protest by the Saturday Mothers/People to mark the International Day of the Victims of Enforced Disappearances at the Altınşehir cemetery and detained 14 people. The baseless prosecution of 46 people for taking part in the 700th gathering in August 2018 continued. In September, police prevented the group from making a statement to the press in front of the Çağlayan Courthouse before their fifth hearing and detained 16 people, including three lawyers.

Unlawful restrictions on Pride marches continued. LGBTI rights organizations documented 10 Pride events banned across the country and over 530 people detained during the Pride season, more than the total number of detentions since Istanbul Pride was first banned in 2015. On 10 June, police prevented the student Pride at the Middle East Technical University in Ankara, and detained 38 students, after the university rector's office "categorically banned" the Pride event via email to all students three days before.³

In June, the authorities arbitrarily banned all Pride Week events in Istanbul. On 26 June, police dispersed LGBTI activists gathered on İstiklal Avenue in defiance of the ban, by using tear gas and plastic bullets, and arbitrarily detained at least 370 participants.

In October, the prosecutor requested the conviction of four of the eight Boğaziçi University students prosecuted for

"damaging public property" during a protest in January 2021, despite having not provided evidence of a criminal act; the offence carries a prison sentence of up to four years. In November, all 70 Boğaziçi University students detained during the campus-based Pride march in May were indicted for "refusing to disperse despite warning".

FREEDOM OF ASSOCIATION

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

The 2021 lawsuit to close the second biggest opposition party, the Peoples' Democratic Party, and a five-year political ban on 451 of its executives and members was still pending at year's end. In November, the European Court of Human Rights (ECtHR) ruled that Türkiye had violated the rights of the party's former co-chair Figen Yüksekdağ and 13 other former members of parliament, including under Article 18, which limits states' ability to restrict human rights.

In April, closure proceedings began at the Istanbul Civil Court of First Instance No. 13 alleging that the NGO We Will Stop Femicides Platform had engaged in "illegal and immoral activities... damaging the Turkish family structure under the guise of defending women's rights".

A lawsuit which began in May, seeking the closure of the Tarlaş Community Centre in Istanbul for allegedly "attempting to influence children's sexual orientation by normalizing the sexuality of individuals known as LGBTI people in society", was ongoing at year's end. A separate court decision in February to halt the Centre's activities was lifted in April.

IMPUNITY

In April, a court in Istanbul suspended the prosecution in their absence of 26 Saudi

nationals charged with the 2018 murder of journalist Jamal Khashoggi and ruled that the case could be transferred to Saudi Arabia. Subsequently, bilateral relations between the two countries improved.

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

The trial of 13 police officers who were indicted in 2020 for causing the death of Metin Lokumcu during a protest in the town of Hopa in 2011 also continued.

HUMAN RIGHTS DEFENDERS

The co-chair of the IHD Öztürk Türkoğlu faced three separate prosecutions during the year for “membership of a terrorist organization”, “insulting a public official” and “denigrating the Turkish nation”.⁴ Appeals against his acquittals in the first two prosecutions were pending at the Ankara Regional Appeals Court. The third prosecution continued at the end of the year.

The courts failed to implement ECtHR judgments in the cases of Osman Kavala and Selahattin Demirtaş, while the president and other high-ranking members of the government falsely claimed that such decisions were not binding on Türkiye. The failure to release Osman Kavala from prison in line with the 2019 judgment prompted the Council of Europe in February to launch infringement proceedings against Türkiye, the second time the procedure had ever been invoked against a member state.

In April, Istanbul Heavy Penal Court No. 13 found Osman Kavala and seven others guilty in the Gezi Park retrial, despite the absence of any evidence. Osman Kavala was convicted for “attempting to overthrow the government” and sentenced to life imprisonment without the possibility of parole. His co-defendants Mücella Yapıcı, Tayfun Kahraman, Can Atalay, Mine Özerden, Çiğdem Mater, Hakan Altınay and Yiğit Ekmekçi were each sentenced to 18 years in prison for allegedly aiding Osman Kavala. Appeals against the convictions of all the

defendants were pending at the Regional Appeals Court at year’s end.

Also in April, the Istanbul Regional Appeals Court upheld the conviction and sentence on human rights lawyer Eren Keskin for “membership of a terrorist organization” in the main trial linked to Özgür Gündem, a Kurdish newspaper shut down in the aftermath of the 2016 failed coup. At the end of the year, Eren Keskin’s sentences totalled 26 years and nine months following prosecutions relating to her role as a symbolic editor-in-chief of Özgür Gündem. Appeals were pending at the Court of Cassation.

In May, the ECtHR found that Taner Kılıç’s pretrial detention in 2017 and 2018 violated his rights to liberty, security and freedom of expression, concluding that his “detention occurred in the absence of plausible reasons to suspect him of having committed the alleged crimes”. In November, the Court of Cassation overturned Taner Kılıç’s unjust conviction for “membership of a terrorist organization” on grounds of “incomplete investigation”, and the convictions of the three other human rights defenders for “aiding a terrorist organization” because of “lack of evidence” in the long-standing Büyükkada prosecution.

In September, 23 people, including at least 15 members, staff and board members of the Migration Monitoring Association were indicted, accused of “membership of a terrorist organization”. The prosecution alleged that three reports published by the association aimed at “making propaganda for a terrorist organization” and that funds received from various foreign sources were funnelled to an armed group. The first hearing in the trial was held on 13 December.

In October, Professor Şebnem Korur Fincancı, head of the Turkish Medical Association, was remanded in prison for “making propaganda for a terrorist organization”.⁵ She had called publicly for an independent investigation into allegations that chemical weapons had been used in the Kurdistan region of Iraq against the PKK. Istanbul Heavy Penal Court No. 24 accepted

the indictment on the same charge in December. The first hearing in her prosecution was held on 23 December.

DISCRIMINATION

WOMEN'S RIGHTS

In May, a law entered into force aiming to protect women and medical workers from violence. The law defines persistent stalking against women as a separate crime, limits courts' discretion to reduce perpetrators' sentences and increases custodial sentences, with aggravated sentences if committed against a child or a separated/divorced spouse.

Men killed at least 225 women in acts of femicide in the first 10 months of the year according to official government statistics, although some reports recorded far higher numbers. For example, the We Will Stop Femicides Platform reported that 393 women had been killed.

In March, three leading women from the Diyarbakır-based Rosa Women's Association were taken into police custody and faced baseless prosecution for "membership of a terrorist organization". Prosecutors alleged that the association's activities for International Women's Day and the International Day against Violence Against Women had been undertaken under the instructions of an armed group.

In July, Türkiye's highest administrative court, the Council of State, rejected the applications by dozens of women's organizations, bar associations and others to annul the 2021 presidential decision to withdraw from the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (the Istanbul Convention). The Court's decision effectively rubber-stamped the unilateral withdrawal by the executive from this treaty. An appeal against the Council decision to reject the applications was pending, while several separate applications by women's rights organizations had still not been heard by the end of the year.

LGBTI PEOPLE'S RIGHTS

Politicians, including government officials, regularly used hate speech and smear campaigns, amplified by certain media, against the LGBTI community.

Discrimination, intimidation and violence were particularly visible during Pride season when police violently attempted to disperse peaceful marches and detained participants.

In September, the state broadcasting body RTÜK endorsed an advertisement in which LGBTI people were referred to as a "virus" and accused of causing the "destruction of families". The advertisement promoted an anti-LGBTI rights demonstration in Istanbul.

REFUGEES' AND MIGRANTS' RIGHTS

The Turkish authorities used unlawful force including firing live ammunition to summarily return to Iran thousands of Afghans seeking protection.⁶ This included unlawful use of firearms against Afghans trying to cross, sometimes resulting in deaths or injuries. Under the guise of "voluntary returns", some people were unlawfully deported via flights to Afghanistan.

In July, the ECtHR ruled in *Akkad v. Türkiye* that the forcible return to Syria of a Syrian man legally residing in Türkiye through the abuse of a "voluntary return" order was a violation of the prohibition of refoulement, the right to a remedy, the right to liberty and security, and a violation of the prohibition of degrading treatment due to the conditions of the applicant's transfer in the context of the return operation. Human rights organizations documented that between February and July, the Turkish authorities arbitrarily arrested, detained and unlawfully returned hundreds of Syrian refugees.

TORTURE AND OTHER ILL-TREATMENT

Eyewitnesses reported that in April a large group of guards at Istanbul's Marmara (formerly known as Silivri) prison had beaten inmates and urged the prisoners to kill themselves. One inmate, Ferhan Yılmaz, died in hospital in April after allegedly being subjected to torture and other ill-treatment at the hands of prison guards. Ten other

prisoners were allegedly transferred to different prisons around the country after they too alleged that prison guards had beaten them. The Chief Public Prosecutor's office of the district of Silivri announced an investigation into the allegations but the outcome was not known at the end of the year.

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1. "Türkiye's disinformation law tightens government control and curtails freedom of expression", 24 October
 2. "Türkiye: Police detain human rights defenders and relatives of disappeared people on Saturday Mothers/People 900th vigil", 25 June
 3. "Türkiye: Further information: Pride march dispersed with excessive force", 23 June
 4. "Türkiye: Baseless prosecution of Öztürk Türkoğlu an 'attack on all those who speak out for human rights'", 21 February
 5. "Türkiye: 'Free Prof Şebnem Korur Fincancı", 27 October
 6. *Afghanistan: "They Don't Treat Us Like Humans": Unlawful Returns of Afghans From Turkey and Iran*, 31 August

TURKMENISTAN

Turkmenistan

Head of state and government: **Serdar Berdymukhamedov (replaced Gurbanguly Berdymukhamedov in March)**

Serious human rights violations continued unabated across the board, including arbitrary detentions and politically motivated convictions of anyone daring to criticize or challenge official policy. The authorities continued to exercise strict control over the flow of information and all media. Turkmenistan failed to take meaningful action to address climate change. Women and girls saw their rights and freedoms, including bodily autonomy, restricted further. Abortion was effectively banned. Consensual sex between men remained a criminal offence.

BACKGROUND

In March, Serdar Berdymukhamedov succeeded his father Gurbanguly Berdymukhamedov as president following elections that were deemed neither fair nor free by international monitors. He failed to

introduce any meaningful measures to address the deteriorating socio-economic, public health and climate change crisis.

REPRESSION OF DISSENT

The authorities continued their relentless campaign to stifle all forms of peaceful dissent and public criticism.

In May, the UN Working Group on Arbitrary Detention concluded that the real reason for lawyer Pygamberdy Allaberdyev's 2020 detention and subsequent six-year prison sentence for hooliganism was solely his peaceful exercise of the rights to freedom of expression and association. Pygamberdy Allaberdyev had been organizing a peaceful demonstration when he was detained by police for allegedly assaulting a customer in a bakery. His secret trial had lasted just two hours and he had been held incommunicado until his release in December under a presidential pardon.

The authorities also persisted in attempting to stop the peaceful protest of activists and citizens living abroad. In August, staff at the consulate of Turkmenistan in Istanbul, Türkiye, verbally and physically attacked five exiled Turkmenistani activists, their Turkish lawyer, and a Turkish human rights activist while they were trying to deliver a letter expressing their concern at the human rights situation in Turkmenistan. Atamurat Saparov, who sustained head injuries and needed first aid, and Dursoltan Taganova, were briefly detained by Turkish police.

FREEDOM OF EXPRESSION

The state controlled the flow of information, censoring any reporting on negative developments, such as economic hardship, shortages of essential food items, the impact of climate change, and Covid-19. Access to the internet was strictly limited to prevent people from receiving alternative information from abroad. Fergana Media reported in October that the authorities had blocked 1.2 billion IP addresses. Security services closely monitored the use of virtual private networks (VPNs) and proxy servers to clamp down on those who tried to circumvent state controls.