

# 2021 HUMAN RIGHTS VIOLATIONS REPORT



HUMAN RIGHTS ASSOCIATION





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## Abbreviations

AKP	Adalet ve Kalkınma Partisi (Justice and Development Party)
ATC	Anti-Terror Code
CCP	Code of Criminal Procedure
ÇHD	Çağdaş Hukukçular Derneği (Progressive Lawyers' Association)
CHP	Cumhuriyet Halk Partisi (Republican People's Party)
CoE	Council of Europe
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
Eğitim Sen	Eğitim ve Bilim Emekçileri Sendikası (Education and Science Workers Union)
FMI	Forensic Medicine Institute
GNAT	Grand National Assembly of Turkey
HDP	Halkların Demokratik Partisi (Peoples' Democratic Party)
HRFT	Human Rights Foundation of Turkey
HRJP	Human Rights Joint Platform
HRW	Human Rights Watch
İHD	İnsan Hakları Derneği (Human Rights Association)
KESK	Kamu Emekçileri Sendikaları Konfederasyonu (Confederation of Public Employees' Trade Unions)
MHP	Milliyetçi Hareket Partisi (Nationalist Movement Party)
OBS	Observatory for the Protection of Human Rights Defenders
OHCHR	Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention against Torture
PACE	Parliamentary Assembly of the Council of Europe
SES	Sağlık ve Sosyal Hizmet Emekçileri Sendikası (Trade Union of Public Employees in Healthcare and Social Services)
SoE	State of Emergency
TİHEK	Türkiye İnsan Hakları ve Eşitlik Kurumu (Human Rights and Equality Institution of Turkey)
TMA	Turkish Medical Association
TPC	Turkish Penal Code
TurkStat	Turkish Statistics Institute
WGEID	Working Group on Enforced or Involuntary Disappearances
WHO	World Health Organization

## INTRODUCTION

### **The struggle for human rights and democracy perseveres despite the increasing repression of human rights defenders under the permanent state of emergency regime.**

The COVID-19 pandemic, which was announced by the World Health Organization (WHO) on 10 March 2020 and continued throughout 2021, has been used more as a tool to further restrict rights and freedoms. During this period, there have been serious losses of rights, especially civil and political rights, as well as economic, social and cultural rights. The authoritarian regime in Turkey led to further losses.

The state of emergency (SoE), which was declared on 20 July 2016 on the grounds of armed conflict that broke out on 24 July 2015 and the following failed coup d'état of 15 July 2016 and lifted on 19 July 2018, was rendered permanent through Law No. 7145. Today Turkey is going through an authoritarian era characterized by such SoE regime. The regime in the country was changed through the referendum of 16 April 2017, which was held under the SoE conditions introducing vital constitutional amendments, while this regime was referred to as the "Turkish-type Presidency Model" or the "Presidency Cabinet." This regime is typically characterized by its authoritarian government perspective. Such government in Turkey attempted to rule the country with its authoritarian practices under the name of various administrative measures and unconstitutional bans when it faced the pandemic. In other words, pandemic management was mostly realized through ban decisions taken by the Ministry of Interior and governors' offices in stark infringement of the "principle of legality" in 2021 as well.

The failure to resolve the Kurdish issue and the ongoing armed conflict have unfortunately been seen in 2021 too. Turkey's military campaign has been extended so as to cover northern Iraq as of June 2020, while the military tried to control certain regions in northern Iraq following Syria and the conflict zone expanded. The policy of appointing state trustees and disregarding the people's will in local governments also continued in 2021.

In 2021, Turkey remained under political monitoring initiated by the Parliamentary Assembly of the Council of Europe (PACE) on 25 April 2017. The European Court of Human Rights' (ECtHR) stand towards the substantiality of democracy and human rights problems in Turkey has also proven to be a noteworthy case in point. The court's violation judgments limited to the cases of Selahattin Demirtaş and Osman Kavala have not even been implemented as was due. The fact that the ECtHR, which has been moving away from the principle of rule of law, that it has been constantly pointing to the Constitutional Court in order to avoid adjudicating on applications from Turkey has laid bare the corrosion in the protection of human rights values. Although the ECtHR once again found a violation against Turkey under the violation procedure in the Kavala case, the Committee of Ministers of the CoE slowed down the process, showing yet another concession to the protection of human rights. Moreover, it has been observed that the Constitutional Court failed to rule in favor of human rights and engaged in a negative attitude especially when "the national security policies of the state" were at stake. The court's negative conduct, specifically towards the SoE decree laws and laws, revealed the fact that it has not been an effective domestic remedy to protect human rights.

Yet, some partial annulment judgments by the Constitutional Court in 2019 about SoE decree laws and the maintenance of this conduct in 2021 can be regarded as hopeful.

2021 witnessed a novel type autocratic regime of liberalism creating profound uncertainties within the permanent SoE with immense restriction and prohibition of the most fundamental rights including freedom of expression, association, assembly and protest. The judiciary itself was used as the most prominent instrument of repression and trust in justice hit rock bottom.

IHD, hereby, presents its findings and assessments on violation allegations under separate headings.

## PERMANENT STATE OF EMERGENCY

The permanent SoE was maintained in 2021 as well. Although the SoE was lifted as of 19 July 2018, Law No. 7145 on “Amendments to Some Laws and Decree Laws” went into force after having been ratified by the president on 31 July 2018, thus, the SoE was rendered permanent with all its consequences. The notable regulations within this context were the prevalent implementation of custody periods for 12 days, governors’ prohibition of press conferences along with assemblies and protests almost without exceptions having been equipped with SoE powers, state institutions’ pursuit of dismissals from public office, and confiscation of property of persons or corporations without a court order. These powers that were extended for another three years in 2018 through Law No. 7145 have been utilized during 2021 and they have been extended until 31 July 2022 for another year through Law No. 7333 even though they should have been lifted on 31 July 2021.

A great majority of the restrictions and bans announced by the government on 11 March 2020 in Turkey’s response to the COVID-19 pandemic were those covered by Article 11 of Law No. 5442 that was amended by Law No. 7145 and granted governors SoE powers. In addition, some powers defined in Law No. 1593 on Public Health were arbitrarily extended and used by governors.

İHD issued a special report on the legality of measures taken in response to the COVID-19 pandemic and the administrative fines imposed within the same context.<sup>1</sup> This report reveals the ways in which the de facto SoE powers were misused in the country’s response to the COVID-19 pandemic, how freedoms of assembly and expression and the right to defense were further restricted through some newly introduced laws, an even more pro-security perspective prevailed, and essentially an authoritarian presidency model was built.

The Inquiry Commission on the State of Emergency Measures, which was established in 2017 in order to review SoE decisions and procedures that affected about 140,00 individuals, has been inching its way across the files before it in 2021 as well and through its insufficient decisions it has further been consolidating the permanent effects of the SoE. The commission stated on 31 December 2021<sup>2</sup> that it took a total of **131,922** measures, **125,678** of which were dismissals from public service. **2,761** of these measures pertain to the closing down of organizations/institutions. While the total number of applications the commission delivered decisions on was **120,703**, it delivered rejection decisions for **104,643** -accepting merely **16,060** applications. There are still **6,080** pending applications. Calls by related trade unions and professional organizations for the commission to prioritize the cases of dismissed healthcare staff because of the COVID-19 pandemic and to reinstate them to their jobs have not been taken into consideration. Such state of affairs led to the conclusion that responding to the COVID-19 pandemic was not of concern for the

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<sup>1</sup> İHD. “COVID-19 ile Mücadele Kapsamında Alınan Tedbirlerin Yasallığı ve İdari Para Cezaları Özel Raporu.” 12 August 2020. <<https://www.ihd.org.tr/covid-19-ile-mucadele-kapsaminda-alinan-tedbirlerin-yasalligi-ve-idari-para-cezolari/>>

<sup>2</sup> Inquiry Commission on the State of Emergency Measures. “Announcement.” 31 December 2021. <<https://soe.tccb.gov.tr>>

commission. Further, the fact that the commission has delivered about **90% rejection** decisions with merely 10% accepted applications since its inception reveals that it has essentially been acting on a pro-security perspective. In addition, the rate of favorable judgments handed down by Ankara administrative courts in appeals lodged by persons against the rejection decisions of the commission is not even 10%. Appeals cases are still pending before courts and circuits of the Council of State.



## RIGHT TO LIFE

The political power's policies predicated upon violence both at home and abroad have constituted the major cause of violations of the right to life in 2021. Violations of the right to life, however, are not limited to those committed by the state's security forces. They also include those violations brought about by the failure of the state to undertake its obligation to "prevent" violations committed by third parties and "protect" its citizens from such incidents.

According to data collected by IHD's Documentation Center in 2021:

- 16 individuals lost their lives, while 27 were wounded due to summary execution, random shootings, or fire on the grounds that they disobeyed stop warnings by the law enforcement.
- 5 individuals lost their lives and 1 individual was wounded due to assaults by unknown assailants.
- A total of 352 individuals lost their lives due to armed conflict; of these at least 69 were in the security forces (soldiers, police officers, village guards), 275 were militants, while 8 were civilians. A total of 71 individuals were wounded; of these 63 were soldiers, police officers and village guards, while 6 were civilians and 2 were militants. Cross-border data pertaining to the state of armed conflict and war are included in this statistics.
- 4 individuals, including 2 children lost their lives, while 6 individuals including 2 children were wounded due to mine and unclaimed bomb, etc. explosions.
- At least 56 individuals lost their lives in prisons due to various grounds like diseases, suicide, violence etc.
- At least 22 individuals lost their lives while 1 was wounded under suspicious circumstances while performing their compulsory military service or on active duty.
- 3 individuals lost their lives in attacks by illegal organizations.
- One of the most notable developments in 2021 was the fact that a total of 156 persons lost their lives, while another 322 were wounded due to official failure and negligence. Of these 4 individuals including 3 children lost their lives due to armored military vehicle crashes.
- 2,170 workers lost their lives in 2021 in work-related murders according to data provided by Health and Safety Labor Watch Turkey.<sup>3</sup> The similar number of workers who lost their lives in 2021 with COVID-19 measures in place in comparison to the previous year lays bare the disregard for the protection of workers' lives when taking measures.

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<sup>3</sup> Health and Safety Labor Watch Turkey. "In 2021 at least 2,170 workers lost their lives in work-related murders." 24 January 2022. <<http://isigmeclisi.org/20726-in-2021-at-least-2170-workers-lost-their-lives-in-work-related-murders>>

- At least 375 women were killed due to male violence, while 1,305 women survived with injuries. 239 women died under suspicious circumstances. 9 women survived suicide attempts. The number of women forced into prostitution was 767.
- A total of 12 persons, including 3 children, were killed while 60 were wounded in racist attacks in 2021.<sup>4</sup>

According to data collected by İHD's Documentation Center, 4 persons lost their lives while 2 were wounded along the border during Turkey's military campaign into Syria and Iraq. 42 soldiers were killed, while 18 were wounded during these cross-border campaigns. According to İHD's data 179 armed militants and 6 civilians were also killed in these military campaigns.

One of the utmost priorities in protecting the right to life should be the fight against impunity. Further, the scope of security forces' power to use arms should be narrowed down and legislation that lead to impunity should be changed. Provisions that provide for impunity in amendments through Law No. 6722, SoE decree laws and the laws that signed such decrees into laws should be repealed.

Turkey needs to initiate a genuine conflict resolution process and enable permanent de-conflict. Turkey should also ratify and put into force UN's International Convention for the Protection of All Persons from Enforced Disappearance, should recognize UN's Rome Statute and the jurisdiction of the International Criminal Court and should ratify the Additional Protocols to the Geneva Conventions.

İHD would also like to note that it shares the views put forward in statements by labor and professional organizations, particularly by the Turkish Medical Association (TMA), concerning the country's failure to avoid preventable deaths during the COVID-19 pandemic and would like to indicate that effective investigations and prosecution processes should be initiated into public authorities that have been at fault and negligent during this process. İHD has filed criminal complaints about this matter but they were of no avail.

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<sup>4</sup> For further information, see İHD's special report "Hate Speech and Hate Crimes in Turkey." 22 September 2020. <<https://ihd.org.tr/en/ihd-special-report-on-hate-speech-and-hate-crimes-in-turkey/>>

## TORTURE AND ILL-TREATMENT

Complaints about acts of torture and ill-treatment continued to be reported despite curfews and restrictions put into place within the scope of measures taken in response to the COVID-19 pandemic in 2021. Acts of torture at official detention centers and extra-custodial places, in the streets, in prisons and almost everywhere, along with the “extreme and disproportionate interference” of the law enforcement amounting to the level of “torture” in assemblies and demonstrations have become widespread. Further, it has been observed that torture and other forms of ill-treatment were implemented to enhance the control and coercion of the political power over different segments of the society and to spread terror and fear.

- According to data collected by İHD’s Documentation Center, the number of individuals alleging they were subjected to torture and other forms of ill-treatment in custody in 2021 was 531 including 12 children. The number of persons who were allegedly subjected to torture and ill-treatment in extra-custodial places was 704 including 25 children. In addition, the number of individuals alleging that they were subjected to torture and other forms of ill-treatment in prisons was 1,414. The number of individuals who alleged that they were subjected to torture and other forms of ill-treatment by village guards staff was 4.
- There are numerous pieces of evidence revealing the fact that the use of “extreme and disproportionate force” by the law enforcement against individuals exercising their right to peaceful assembly and demonstration all over the country amounted to the level of torture and other forms of ill-treatment. According to İHD data, law enforcement intervened into 409 assemblies and demonstrations in 2021 while 2,835 persons alleged that they were subjected to beatings and ill-treatment during these interventions.
- One case of enforced disappearance/abduction was reported in 2021 and the family of this individual has lodged an application with the İHD. This application was communicated to the UN Working Group on Enforced or Involuntary Disappearances (WGEID). This individual was released five days after the fact. Hüseyin Galip Küçüközyiğit, who had been abducted and whose whereabouts and fate had not been known for some time, was found in 2021 and is currently imprisoned. There has been no development in the case of Yusuf Bilge Tunç whose fate remains unknown. Further, there are three other persons who disappeared because of various reasons which we believe that the law enforcement has been negligent in finding them.
- According to news reports and applications filed with the İHD, numerous persons including university students, journalists and activists were forced to give out off-the-record statements and to become informants through coercion and threats notably in İstanbul, Ankara, Diyarbakır and İzmir in 2021 and some of those who refused to do so were detained

on charges of “membership in an illegal organization” or were abducted only to be released after some time having been subjected to various forms of torture and ill-treatment. The total number of applications alleging forced informant-making attempts lodged before İHD’s central offices and its branches in 2021 was 65. Media on the other hand reported 145 such cases.<sup>5</sup>

Procedural guarantees of due process, which play a significant role in preventing torture but were mainly ignored in practice for years, have been terminated to a large extent due to legislative changes introduced by decree laws during the SoE. These procedural guarantees include informing detainees about the grounds of detention/arrest, informing third parties, access to defense counsel, access to a medical doctor, appropriate physical examination under appropriate conditions and obtaining medical reports in due form, speedy applications to judicial authorities for lawfulness review, proper handling of custody records, and possibility of independent observations. One can argue also based on such amendments that procedural guarantees have recently been terminated in no small measure and a thoroughly arbitrary situation has been created about this issue.

The problems that form the basis of our critique of the Human Rights and Equality Institution of Turkey (TİHEK) authorized as the “National Prevention Mechanism,” which is supposed to be an effective and significant instrument for the prevention of torture, have also remained the same as of 2021. No steps were taken to make TİHEK operate in line with the Paris Principles and OPCAT provisions. Functional and financial independence problems, which are among these foremost principles, have yet to be resolved. There are principal and methodological errors in the visit reports issued by the institution as well. İHD maintains its impression based on these reports published in 2021 that preventive visits to detention centers did not bear the minimum standards and that these visits were paid only as a formality. Yet in 2021 the chairperson and all the board members of TİHEK have been replaced. We will re-establish dialogue with TİHEK in order for the new chairperson and board members to act in line with our expectation that they will undertake their duties and responsibilities and remind them of such duties and responsibilities.

Impunity still proves to be the most significant obstacle before attempts to end torture. Impunity is still witnessed as one of the most basic elements that make torture possible because of such reasons as the failure to initiate investigations into perpetrators, the fact that initiated investigations do not lead to criminal proceedings, indictments based on charges that require lesser sentences instead of torture in cases where lawsuits were brought against suspects, failure to sentence suspects or sentencing them for offenses other than torture and deferring their sentences. According to the “2021 Legal Statistics” data provided by the Ministry of Justice’s Directorate General of Criminal Records and Statistics in 2021, investigations were initiated into 2,190 persons under Articles 94 and 96 of the Turkish Penal Code (TPC) which prohibit torture and ill-treatment offenses, while non-prosecution decisions were delivered for 953 persons, 866 persons stood trial, and various other decisions were handed down for 371 persons.<sup>6</sup> The statistics reveal that there is a significant rise in the number of investigations and lawsuits for the offense

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<sup>5</sup> See İHD’s updated special report on abductions:

<[https://ihd.org.tr/en/wpcontent/uploads/2022/01/sr20211230\\_Informant-Making-Report-2021.pdf](https://ihd.org.tr/en/wpcontent/uploads/2022/01/sr20211230_Informant-Making-Report-2021.pdf)>

<sup>6</sup> Ministry of Justice, Directorate General of Criminal Records and Statistics. “Adli İstatistikler 2021.”

<<https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/310520221416422021HİZMETEÖZELKİTAP.pdf>>

of torture and ill-treatment even in official figures.

On the other hand, investigations were initiated into 156,110 persons, while 52,325 of these faced trial in 2021 due to “offenses against the reliability and functioning of public administration” including Article 265 of the TPC that proscribes prevention of public duty or resisting a public officer. The fact that there is such a significant difference between trials for torture and resisting a public officer under the *de facto* state of emergency conditions and COVID-19 measures in 2021 when violence by the law enforcement skyrocketed is a clear signifier of the dimensions of impunity which is indeed being pursued as a systematic policy.

Moreover, the fact that the government has not yet permitted the publication of a finalized report on the observations and assessments of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) based on its *ad hoc* visit to Turkey between 29 August and 6 September 2016 is yet another indicator of the problem of torture in Turkey. CPT has paid a visit to Turkey in January 2021 and the committee’s reports on its 2017 and 2019 visits to Turkey have been published.<sup>7,8</sup> Yet, we must note that the recommendations put forth in these reports are not being complied with.

IHD and HRFT also published a special report on torture and ill-treatment in Turkey on 26 June 2021.<sup>9</sup>

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<sup>7</sup> CPT. “Report to the Turkish Government on the Visit to Turkey Carried out by the CPT from 10 to 23 May 2017.” 5 August 2020. <<https://rm.coe.int/16809f209e>>

<sup>8</sup> CPT. “Report to the Turkish Government on the Visit to Turkey Carried out by the CPT from 6 to 17 May 2019.” 5 August 2020. <<https://rm.coe.int/16809f20a1>>

<sup>9</sup> IHD and HRFT. “A World without Torture is Possible against All Odds.” 26 June 2021. <<https://ihd.org.tr/en/ihd-hrft-statement-international-day-in-support-of-victims-of-torture/>>

## PRISONS

According to data provided by the Ministry of Justice, there were 59,429 inmates in Turkish prisons as of 31 December 2002, i.e. when AKP claimed power.

This figure has gone up to a total of 326,243 in 399 penitentiary institutions based on data provided by the Ministry of Justice official website as of 31 August 2022. Of these about 12,995 were indicated to be women, yet no precise figure on the number of convicted and non-convicted women prisoners was provided, while there were 2,447 child prisoners.<sup>10</sup> The number of over-capacity prisoners is 37,445. Such overcapacity reveals that the deterioration of material conditions in prisons and a significant rise in rights violations continue.

In addition, the Ministry of Justice stated that the number of persons subjected to the supervised release measure was 418,852 as of 30 June 2021.<sup>11</sup> Updated data by the ministry is not available.

It has been estimated that about 100,000 persons have been released from prison since 15 April 2020 via amendments to Law No. 7242 on the Enforcement of Sentences, known commonly as the A.Ç. special amnesty. Blatantly unconstitutional, unjust and discriminatory regulations were set forth in this law and enforcement sentences were aggravated for political prisoners and their release was prevented. Leaves granted to prisoners who had been transferred to open prisons were first extended to 31 May 2022 on account of the COVID-19 pandemic, then they were further extended until 31 May 2023 through Article 11 of Law No. 7407.

Practices like beating prisoners for various reasons (like objecting to strip search, medical examination in handcuffs, forced reporting at standing roll-calls) at the time of and after admission to the prison, labeling those who were imprisoned for political offences as “terrorists” and beating them for this reason, all kinds of arbitrary treatment and disciplinary actions, solitary confinement, forced and involuntary transfers have recently reached unprecedented levels. Solitary confinement or isolation in small groups, which has been in practice since 2000 and has seriously been impairing the physical and psychological integrity of prisoners, is a deteriorating problem that has also become widespread. One should underline once again the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment’s (CPT) standard principle: “The CPT considers that one should aim at ensuring that prisoners in remand establishments are able to spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activity of a varied nature. Of course, regimes in establishments for sentenced prisoners should be even more

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<sup>10</sup> Ministry of Justice, Directorate General of Penitentiary Institutions. “Cinsiyete ve İnfaz Durumuna Göre Ceza İnfaz Kurumları Mevcutları.” 31 September 2022. <<https://cte.adalet.gov.tr/Resimler/Dokuman/7092022090042istatistik-1.pdf>>

<sup>11</sup> Ministry of Justice, Directorate General of Penitentiary Institutions. “Denetimli Serbestlik 30 Haziran 2021 İstatistikleri.” 31 September 2022. <<https://rayp.adalet.gov.tr/resimler/581/dosya/haziran-202126-07-202115-28.pdf>>

favorable.”<sup>12</sup> Although the circular letter of 22 January 2007 (45/1) by the Ministry of Justice prescribes that 10 prisoners could get together 10 hours a week to socialize is still in force, its provisions are not implemented.

Other problems that have been going on for a long time include restriction of access to healthcare services, denial of the right to visit the prison infirmary, acts of ill-treatment including handcuffed transfers to the Forensic Medicine Institute (FMI), courthouses and hospitals, failure to provide timely and effective solutions to prisoners’ medical problems. Forced transfer of many prisoners, who could hardly continue their treatments, to other prisons has severely endangered the right to access healthcare services especially in recent years.

Sick prisoners account for another significant issue regarding prisons. According to İHD’s data,<sup>13</sup> there are a total of 1,517 sick prisoners 651 of whom are in critical condition. This number goes up each year. Not only do these persons have significant problems in gaining access to healthcare services, but also face serious problems in obtaining medical evaluation reports based on independent and qualified examinations including the fact that the FMI is neither independent nor impartial.

2021 also witnessed protests in prisons, which included hunger strikes, held primarily against isolation and other rights violations.

Abdullah Öcalan and three other prisoners in İmralı Prison had last seen their families and lawyers on 7 August 2019 while visitation had been suspended and isolation reinstated. In 2020, however, the prisoners were allowed to have family visitation once on 3 March 2020 and talked to their families on the telephone on 26 April 2020. No other contact has been allowed since then, while severe isolation was sustained. The CPT indicated in its statement of 3 October 2022<sup>14</sup> that the committee carried out an ad hoc visit to Turkey between 21 and 29 September 2022 and visited the İmralı F-Type High-Security Prison as well.

In 2021, hunger strikes continued in prisons. On 19 December 2021 Sibel Balaç, who was imprisoned in Ankara Sincan Women’s Closed Prison, and on 25 December 2021 Gökhan Yıldırım, who was imprisoned in Tekirdağ F-Type Prison No. 1, started an indefinite and non-alternate hunger strike, also known as “death fast,” demanding a fair trial and an end to gross violations of rights in prisons. Gökhan Yıldırım was released on 6 September 2022 upon a report by the Forensic Medicine Institution. Sibel Balaç’s release process is still ongoing. Apart from this, hunger strikes have been carried out in many prisons, especially in 2022, and there are ongoing hunger strikes as well.

İHD, along with other rights and law organizations, released a statement on measures to be taken in response to the COVID-19 pandemic in prisons on 30 March 2020<sup>15</sup> and communicated it to the government as well. Yet discriminatory amendments to Law No. 7242 were introduced to particularly exclude political prisoners incarcerated under the ATC and these prisoners were

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<sup>12</sup> CPT. “26<sup>th</sup> General Report of the CPT.” 1 January-31 December 2016. p. 34. <<https://rm.coe.int/168070af7a>>

<sup>13</sup> İHD. “Prisoners’ Rights Monitoring Report 2021.” June 2022. <[https://ihd.org.tr/en/wp-content/uploads/2022/07/sr202207\\_İHD-2021PrisonsReport.pdf](https://ihd.org.tr/en/wp-content/uploads/2022/07/sr202207_İHD-2021PrisonsReport.pdf)>

<sup>14</sup> CPT. “CPT Visits Türkiye.” 3 October 2022. <<https://www.coe.int/en/web/cpt/-/the-council-of-europe-anti-torture-committee-cpt-visits-turkiye>>

<sup>15</sup>İHD et al. “COVID-19 Pandemic and Urgent Measures in Prisons.” 20 March 2021. <<https://ihd.org.tr/en/joint-statement-covid-19-pandemic-and-urgent-measures-in-prisons/>>

exposed to the risks of COVID-19. Steps were also taken before the GNAT to no avail. İHD submitted its legal opinion within the scope of two different cases brought before the Constitutional Court by the main opposition party CHP pertaining to Law No. 7242.<sup>16</sup> The Constitutional Court handed down rejection judgments in these cases with one vote difference, with 7 in favor and 8 against.

İHD also published a special report on rights violations in prisons in 2020 incorporating detailed data on the issue.<sup>17</sup>

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<sup>16</sup> İHD. "Amicus Curiae Submission on Law No. 7242 before the Constitutional Court." 28 June 2020. <<https://ihd.org.tr/en/ihs-amicus-curiae-submission-on-law-no-7242/>>

<sup>17</sup> İHD. "Rights Violations in Turkish Prisons: 2021 Monitoring Report." June 2022. <[https://ihd.org.tr/en/wp-content/uploads/2022/07/sr202207\\_İHD-2021PrisonsReport.pdf](https://ihd.org.tr/en/wp-content/uploads/2022/07/sr202207_İHD-2021PrisonsReport.pdf)>



## KURDISH ISSUE

Gross violations of human rights and humanitarian law brought about by the armed conflict that restarted in 24 July 2015 subsist as due political steps have not been taken in line with the results of the 7 June 2015 general elections. The geographical field of armed conflict has extended to include Turkey, Syria and Iraq. İHD has always persistently argued for the democratic and peaceful resolution of the Kurdish issue. İHD, therefore, wants an immediate end to the conflict right now. Following the foundation of a non-conflict environment, this state of non-conflict should be strengthened and monitored as well as candid and effective programs should be developed by all to establish social peace.

“Round-the-clock curfews” have also been maintained in 2021 with all their adverse impacts though in shorter terms and smaller scales. These curfews that were imposed prevalently during 2015 and 2016 gave way to the violation of at least more than 1.8 million persons’ most fundamental rights to life and health in cities and districts. Further, reports drafted by the European Commission for Democracy through Law (Venice Commission) and the Council of Europe Human Rights Commissioner openly stated that these curfews lacked legal grounds with regards to both domestic and international laws. According to the data collected by the Human Rights Foundation of Turkey’s (HRFT) Documentation Center, between 16 August 2015 and 1 January 2020, a minimum of officially confirmed **381 round-the-clock and/or open-ended curfews** were declared in 11 cities and at least 51 districts in Turkey.<sup>18</sup>

According to 2021 data collected by İHD’s Documentation Center, at least 24 curfews were declared, the shortest being for 24 hours and the longest for 15 days, from 1 January 2021 to the end of 2021 in villages in central Bitlis and its Tatvan and Hazan districts (11), villages and neighborhoods in Mardin’s Dargeçit, Mazıdağı, Ömerli, Derik and Midyat districts (11), villages in central Hakkâri and all its districts (1), and in central Şırnak (1).

It should also be noted that about 1 million 809 thousand residents were “arbitrarily deprived of their liberty” intentionally due to “perpetual curfews” that lasted for months. Residents living in regions under the full control of the state were deprived of their fundamental rights and freedoms and these persons’ access to basic needs like water, food and healthcare services were blocked for long terms. This imposition of “perpetual curfews” should be evaluated within the scope of the absolute prohibition of torture and other forms of ill-treatment, which have already amounted to serious levels, considering the fact that persons suffered from conditions including severe pain and emotional suffering either individually or collectively. Law No. 7145 that went into force on 31 July 2018 introduced amendments to Article 11 of Law No. 5442 and the governors were granted

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<sup>18</sup> HRFT. “Curfews in Turkey between 16 August 2015-1 January 2020.” 9 January 2020.

<<https://en.tihv.org.tr/curfews-in-turkey-between-the-dates-16-august-2015-1-january-2020/>>

restrictive powers like declaring curfews for 15 days banning the entry and departure of persons to and from cities.

Since the restart of armed conflict attacks against graveyards housing particularly the graves of armed militants and destruction of their tombstones have unfortunately been witnessed in 2021 as well. It is quite dire to see that the violations revealed in İHD's special report<sup>19</sup> on the exhumation of 279 graves in Bitlis, Tatvan's Yukarıölek graveyard site to be sent to the FMI in İstanbul have not been prevented. The current situation proves to be degrading treatment against Kurdish people and unlawful within the framework of related legislation.

According to the "Seizure of Will and the Realities on Trustees Report"<sup>20</sup> issued on 24 February 2021 by HDP, state trustees were appointed to a total of 48 HDP municipalities between 19 August 2019 and the end of 2020 including three metropolitans, five cities, and 40 districts. Many co-mayors, who were replaced by state trustees, were imprisoned pending trial. The first action that the state trustees took after being appointed proved to be a de facto dissolution of provincial councils giving way to the total disregard of voters' will and the quashing of local democracy opportunities in their entirety.

The detention of a great number of elected Kurdish politicians, notably former co-chairs of HDP Selahattin Demirtaş and Figen Yüksekdağ, or the attempts to punish them with imprisonment sentences and forced removals to distant prisons lead to violations of such fundamental rights and freedoms as the rights to a fair trial, political participation, freedoms of association, thought and expression, inter alia.

The ECtHR held in its judgment of 1 February 2022 in the case of *Encü v. Turkey* that 40 HDP deputies' right to freedom of expression was violated because they stood trial as their parliamentary immunity was lifted on 20 May 2016. While imprisoned deputies should have been released upon this judgment, Turkey failed to comply with it as well.

Detention orders based on irregular investigations and extrajudicial grounds failing to implement the ECtHR judgments for former HDP co-chairperson Selahattin Demirtaş reveal the fact that such a hostile attitude has been maintained against Kurdish politicians and HDP itself in the person of Mr. Demirtaş. In one of the latest instances, the fact that Diyarbakır Co-Mayor Adnan Selçuk Mızraklı was sentenced to 9 years 4 months and 15 days imprisonment by the Diyarbakır 9<sup>th</sup> Heavy Penal Court on 9 March 2020 solely based on the statement of a single witness, which was riddled with contradictions showing up with downright slander, within the scope of criminal proceedings against him can be offered as a typical example of the enemy law practice against Kurdish politicians by the special adjudication order in Turkey.

A lawsuit was brought against HDP's central executive board members, commonly known as the Kobanê case, in order to convict Kurdish politicians in efforts to maintain the impasse in the Kurdish issue. Many individuals who were HDP central executive board members in 2014 were imprisoned along with Mr. Demirtaş and Ms. Yüksekdağ within the scope of this lawsuit. Moreover, a dissolution

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<sup>19</sup> İHD. "Bitlis İli Tatvan İlçesi Yukarıölek Köyü Yakınlarındaki Mezarlığın Ortadan Kaldırılmasına Dair Rapor." 9 March 2018. <<https://www.ihd.org.tr/bitlis-ili-tatvan-ilcesi-yukariolek-koyu-yakinlarindaki-mezarligin-279-mezar-ortadan-kaldirilmasina-dair-rapor/>>

<sup>20</sup> HDP. "Seizure of Will and Realities on Trustees." 24 February 2021. <<https://hdp.org.tr/en/seizure-of-will-and-realities-on-trustees/15113/>>

lawsuit was brought against the HDP in 2021 on the grounds of this case and similar lawsuits. 46 political and social dissidence organizations in Turkey held a joint press conference on “We defend HDP’s right to politics” for democracy and human rights.<sup>21</sup> In addition, national and international organizations active in the protection and promotion of democracy and human rights publicly expressed their deep concern about the ongoing case before the Constitutional Court in Turkey regarding the closure of HDP.<sup>22</sup>

We would like to note that the political power needs to opt for peaceful policies and to withdraw its military presence in Syria and Iraq by changing its Middle East policy to end civil war in Syria and help establish inner stability in Iraq in line with the right of peoples to self-determination.

It is also observed that the political power has been implementing its violent policies in the Kurdish issue to maintain its power as well. We, therefore, believe that the peaceful resolution of the Kurdish issue is vital to the development of democracy in Turkey.

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<sup>21</sup> İHD et al. “Demokrasi ve İnsan Hakları İçin HDP’nin Siyaset Yapma Hakkını Savunuyoruz.” 5 July 2021. <<https://www.ihd.org.tr/demokrasi-ve-insan-haklari-icin-hdpnin-siyaset-yapma-hakkini-savunuyoruz/>>

<sup>22</sup> İHD et al. “Ulusal ve Uluslararası Hak ve Hukuk Örgütlerinden HDP’ye Yönelik Kapatma Davası Hakkında Ortak Açıklama.” 31 March 2022. <<https://www.ihd.org.tr/hak-ve-hukuk-orgutlerinden-hdp-ye-yonelik-kapatma-davasi-hakkinda-ortak-aciklama/>>

## RIGHT TO LIBERTY OF PERSON AND FREEDOM OF EXPRESSION

The alarmingly increasing oppression and control of the political power over the media, especially after the declaration of the state of emergency, has held out in 2021 too. The rights to freedom of expression and thought have sustained heavy blows. Lawsuits have been brought against numerous persons including journalists, authors, and human rights defenders leading to the detention of some, while journals and books were pulled off the shelves this year as well.

- According to the 2021-2022 Press Freedom report by the Journalists' Union of Turkey, 26 journalists were incarcerated in various prisons in Turkey as of 3 May 2022.<sup>23</sup> According to the 28 September 2022 statement of the union, 36 journalists and media workers have been deprived of their liberty in various prisons in Turkey due to their journalistic activities.<sup>24</sup>
- Turkey has ranked 149<sup>th</sup> among 180 countries in the World Press Freedom Index as of May 2022 issued annually by Reporters Without Frontiers (RSF).<sup>25</sup> The country had ranked 99<sup>th</sup> in the index in 2002.
- According to İHD's data, the number of persons investigated and subsequently arrested because they exercised their rights to freedom of expression, association, and peaceful assembly (including social media posts) was 7,148 in 2021. 546 of these persons were then detained.
- While the number of detained former deputies was 7, the number of detained co-mayors was 25 as of the end of 2021.
- According to İHD's data, 12 persons who were subjected to racist hate crimes lost their lives while 60 were wounded.

An ample number of individuals, including İHD's Co-Chairperson Eren Keskin, who face hundreds of thousands of liras in fines and tens of years in prison because of their journalistic activities risk imprisonment any given time.

İHD Co-chair Emire Eren Keskin was investigated in 2016 for acting as the editor-in-chief of daily *Özgür Gündem* in 2014-2015, which continued the Kurdish free press tradition and was closed down by the SoE Decree Law No. 675 dated 29 October 2016. In the same year, a total of 9 intellectuals, authors, journalists and human rights defenders were prosecuted within the scope of the same investigation. The main *Özgür Gündem* case was concluded by the İstanbul 23<sup>rd</sup> Heavy Penal Court on 15 February 2021. In its verdict no. 2020/51, the specially authorized İstanbul 23<sup>rd</sup> Heavy Penal Court, tasked with trying crimes under the Anti-Terror Code, sentenced İnan Kızılkaya, the managing editor of the newspaper, Emire Eren Keskin, its editor-in-chief, and Kemal Sancılı, its publisher, to 6 years and 3 months each for membership in an illegal armed organization. The other editor-in-chief

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<sup>23</sup> Turkish Union of Journalists. "Basın Özgürlüğü Raporu (2021-2022)." 3 May 2022 <<https://tgs.org.tr/tgs-basin-ozgurlugu-raporu-2021-2022/>>

<sup>24</sup> Ibid. "44 Journalists Jailed in Turkey." 31 October 2022. <<https://tgs.org.tr/cezaevindeki-gazeteciler/>>

<sup>25</sup> RSF. "2021 World Press Freedom Index." <<https://rsf.org/en/index?year=2021>>

of the newspaper, Bilir Kaya, was sentenced to 1 year and 3 months in prison under Article 7 § 2 of the Anti-Terror Law for making propaganda for an illegal armed organization. This judgment was upheld by the Court of Appeals and is pending review by the Court of Cassation.

Academics for Peace started getting acquittal rulings in criminal cases brought against them from 2017 to 2019 on charges of “making terrorist propaganda” because they signed the declaration “We Will Not Be a Party to This Crime!” upon the violation judgment of the Constitutional Court in the *Zübeyde Füsun Üstel and others* (App. no. 2018/17635)<sup>26</sup> case on 26 July 2019. A total of 822 academics, 763 of whom were in the first list of signatories while 59 were in the second, stood trial before heavy penal courts. Almost all these cases ended with acquittal rulings following the Constitutional Court’s judgment however the Inquiry Commission on the State of Emergency Measures delivered rejection decisions for most Academics for Peace and has yet to hand down decisions for others.

29 events were banned in 2021 on various grounds while shelving orders were handed down for 4 journals, leaflets and books while 200 newspapers were seized. The police also raided 5 newspaper and publication offices.

According to data collected by İHD, various news agencies were denied access for 489 times in 2021. An exact figure cannot be provided since statistics on websites that were denied access is not published.

According to the data provided by the Ministry of Justice, 10,745 people were prosecuted in 2013 under Articles 6 and 7 § 2 of the ATC and this figure steadily rose each year only to reach 24,585 in 2017. 2018 statistics also revealed that investigations were initiated into 46,220 persons with 17,077 lawsuits were brought against these persons. Ministry of Justice’s 2020 data showed that while 26,225 persons faced investigations under these articles, 6,551 of them stood trial.<sup>27</sup> 2021 data by the ministry reveal that 25,448 persons faced investigations, while 6,641 of these persons stood trial.

The number of prosecuted persons under Article 314 § 2 of the TPC, which is a commonly referred article in such cases, has shown a dramatic increase and amounted to 136,795 in 2017 which was 8,110 in 2013 according to the data of the Ministry of Justice. The unbundled data of 2018 has not been issued yet. Instead, collective data pertaining to “offenses against the constitutional order and the functioning of this order” covering Articles 309 to 316 have been provided. Accordingly, investigations were initiated into 456,275 persons, while civil lawsuits have been brought against 90,197 of them while non-prosecution decisions have been rendered for 149,680. In 2020, 211,056 persons faced investigations under the said articles while 33,885 of them stood trial. According to the 2021 statistics of the ministry, 198,771 faced investigations while lawsuits were brought against

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<sup>26</sup> Constitutional Court. Judgement in the Case of *Zübeyde Füsun Üstel and others*. 26 June 2019.

<<https://kararlarbilgibankasi.anayasa.gov.tr/BB/2018/17635>>

<sup>27</sup> Ministry of Justice. “Judicial Statistics 2021.”

<<https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/310520221416422021H%C4%B0ZMETE%C3%96ZELK%C4%B0TAP.pdf>>

30,576.<sup>28</sup> It is observed that there has been a considerable increase in the number of people charged with membership in a terrorist organization even during the pandemic.

Alevis' demands for equal citizenship have not been met in 2021 either. The requirements of ECtHR judgments to repeal compulsory religion courses in schools and to recognize *cemevis* as places of worship were not fulfilled. These judgments are under the monitoring of the Committee of Ministers of the Council of Europe, the requirements of whose decision of 2 December 2021 have not been met either. Yet, the Court of Cassation started to deliver judgments in favor of Alevis in 2018. Radical Sunni and racist groups, on the other hand, have continued to target Alevis, Christians and Jews with threats and hate speech in 2020 as well.

Further, investigations were initiated into a total of 50,503 persons in 2019 under Article 299 of the TPC that proscribes "insulting the president" along with Article 301 of the TPC that proscribes "insulting Turkishness" both of which incorporate directly prohibitive and punitive provisions as per freedom of expression. Of these, criminal cases were filed against 13,252. In 2020 44,717 persons faced investigations under these articles while 8,924 of them faced prosecution. In 2020, 44,717 persons faced investigations while 8,924 of them faced prosecution. According to the 2021 statistics of the ministry, 48,069 persons faced investigations under these articles while 10,622 of them faced prosecution.<sup>29</sup> The high number of lawsuits brought against individuals under insulting the president and Turkishness even during the pandemic shows how pressure and control over the social media further deteriorated.

The fact that the right to conscientious objection has not been granted yet maintains its place as a significant violation of human rights in 2021. Military Service Law was thoroughly renewed in 2019 with reduction in compulsory military service terms, paid military service was rendered permanent but the right to conscientious objection was not granted yet again.

Only the Court of Cassation remedy has been made available for imprisonment sentences prescribed for articles punishing freedom of expression and these articles have maintained their statuses as offenses within the First Judicial Package of 24 October 2019 under the Judicial Reform Strategy Document<sup>30</sup> announced in May 2019 by the Ministry of Justice. Convictions against many people under Article 7 § 2 of the ATC have been vacated and sent to the Court of Cassation but Article 7 § 2 and similar other articles in the ATC remain criminal offences.

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<sup>28</sup> Ministry of Justice. "Judicial Statistics 2021."

<<https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/310520221416422021H%C4%B0ZMETE%C3%96ZELK%C4%B0TAP.pdf>>

<sup>29</sup> Ministry of Justice. "Judicial Statistics 2021."

<<https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/310520221416422021H%C4%B0ZMETE%C3%96ZELK%C4%B0TAP.pdf>>

<sup>30</sup> İHD. "İHD Report and Recommendations on the Judicial Reform Strategy Document." 4 October 2019.

<<https://ihd.org.tr/en/ihd-report-and-recommendations-on-the-judicial-reform-strategy-document/>>

ICJ-IHOP. "Briefing Paper on Turkey's Judicial Reform Strategy and Judicial Independence." 19 November 2019.

<<https://ihd.org.tr/en/icj-ihop-briefing-paper-on-turkeys-judicial-reform-strategy-and-judicial-independence/>>

## FREEDOM OF ASSOCIATION AND REPRESSION OF HUMAN RIGHTS ORGANIZATIONS AND DEFENDERS

2021 has also proven to be a year during which many human rights defenders, including the executives, members and employees of human rights organizations, were arrested, detained and attacked in blatant infringement of the principles enshrined in the UN Declaration for the Protection of Human Rights Defenders. Such repressive policy of the political power has been maintained in 2021 too, İHD was targeted by the Minister of Interior himself on 15 February 2021 at the GNAT, İHD's co-chairperson Öztürk Türkdoğan was arrested on 19 March 2021 and was released the same day under judicial control.

İHD issued a special report on repressive policies against the association and human rights defenders that incorporated detailed data on investigations and lawsuits initiated into İHD's legal personality along with its executives and members.<sup>31</sup> İHD and the Observatory for the Protection of Human Rights Defenders (OBS) issued another report "Turkey's Civil Society on the Line: A Shrinking Space for Freedom of Association" on 6 May 2021.<sup>32</sup>

The Ministry of the Interior audited İHD's central office once again in February 2020, the audit report was sent to the Ankara Chief Public Prosecutor's Office.

Office of the Civil Inspector audited İHD's central office in February 2020 with respect to the association's administrative and financial works and activities with the Interior Ministry's approval of 23 January 2020 (No. 608) and the Civil Inspection Board's task order of 13 February 2020 (No. 873) along with the Directorate General for Relations with Civil Society's task order of 18 February 2020 (No. 1291). Upon the completion of the audit, criminal charges were filed against the association before Ankara Chief Public Prosecutor's Office in accordance with the Civil Inspection Board's audit report of 7 July 2020 (No. 175/8) covering the period between 21 September 2016 and 6 March 2020 during the auditing of works and procedures, book records and documents of the Human Rights Association (registry number 06-030-055) under the following charges:

1. İHD's statements on the recognition of the Armenian Genocide released on 24 April 2017 and 24 April 2018 were against Article 301 of the Turkish Penal Code (TPC),
2. İHD's statement published on the association's website on 29 June 2018 incorporated incriminating statements about Interior Minister Süleyman Soylu.

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<sup>31</sup> İHD. "Human Rights Advocacy and Repressive Policies against İHD." 29 July 2020. <<https://ihd.org.tr/en/ihd-special-report-on-human-rights-advocacy-and-repressive-policies-against-ihd/>>

<sup>32</sup> İHD and OBS. "Turkey's Civil Society on the Line: A Shrinking Space for Freedom of Association." May 2021. <<https://ihd.org.tr/en/obs-ihd-report-turkeys-civil-society-on-the-line-a-shrinking-space-for-freedom-of-association/>>

The Press Bureau at the Ankara Chief Public Prosecutor's Office, then, launched an investigation (No. 2020/115570) following the filing of criminal charges. Two separate cases were brought against Mr. Türkdoğan because of this investigation.<sup>33</sup>

At least 30 investigations and criminal proceedings are pending against the founders, the president, members of the executive committee, and volunteers of HRFT as well.<sup>34</sup>

Moreover, both administrative and criminal investigations have been initiated into the legal personalities of human rights organizations like İHD and HRFT. Investigation processes under Article 301 of the TPC were pending in 2021 about the report drafted after a visit to Cizre by HRFT, İHD, Agenda Child Association, Trade Union of Employees in Public Healthcare and Social Services, and Diyarbakır Bar Association within the scope of a mission to document gross human rights violations in settlements under curfew in Turkey's southeast.

Criminal proceedings were initiated following the arrest of eight human rights defenders including Amnesty International Turkey Director İdil Eser, Özlem Dalkıran and Nalan Erkem of Citizens Assembly, Günel Kurşun and Veli Acu of Human Rights Agenda Association, İlknur Üstün of Women's Coalition, Nejat Taştan of Association for Monitoring Equal Rights, Şeyhmus Özbekli of Rights Initiative along with two cyber security consultants, Ali Garawi (Swiss national) and Peter Steudtner (German national) on 5 July 2017 in İstanbul, Büyükaada during a workshop organized by Amnesty International Turkey.<sup>35</sup> The court sentenced Taner Kılıç to 6 years 3 months imprisonment; Günel Kurşun, İdil Eser and Özlem Dalkılıç were sentenced to 1 year 3 month imprisonment while the other seven were acquitted. The İstanbul Appeals Court upheld the sentences, while the Court of Cassation judgment on the case was pending in 2021.

Turkish Medical Association's central council issued a public statement entitled "War is a public health problem!"<sup>36</sup> following the launch of the "Afrin Operation" into Syria in January 2018. Following the statement the authorities arrested TMA Central Council Chairperson Raşit Tükel, Central Council Secretary General Sezai Berber, Central Council members Hande Arpat, Selma Güngör, Funda Obuz, Taner Gören, Yaşar Ulutaş, Bülent Nazım Yılmaz, Sinan Adıyaman, Ayfer Horasan and Şeyhmus Gökalp on 30 January 2018. While Sinan Adıyaman, Ayfer Horasan and Şeyhmus Gökalp were released on 2 February 2018, Raşit Tükel, General Sezai Berber, Hande Arpat, Selma Güngör, Funda Obuz, Taner Gören, Yaşar Ulutaş and Bülent Nazım Yılmaz were released on 5 February 2018 under judicial control.

The indictment drafted by Ankara Public Prosecutor's Office charged TMA executives with "making propaganda for a terrorist organization" on the grounds of the above-mentioned statement along with their statement issued on 1 September 2016 on the occasion of World Peace Day. The case was finalized on 3 May 2019 and Ankara 32<sup>nd</sup> Heavy Penal Court convicted and sentenced TMA executives to 1 year and 8 months imprisonment for committing the offense of inciting the public to hate and enmity. Further Hande Arpat was also sentenced to 1 year 6 months and 22 days.

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<sup>33</sup> İHD. "Information Note on Criminal Proceedings Brought against Human Rights Association Chairperson." 18 January 2022. <[https://ihd.org.tr/en/wp-content/uploads/2022/01/Info-Note\\_O-Turkdogan\\_Jan-2022.pdf](https://ihd.org.tr/en/wp-content/uploads/2022/01/Info-Note_O-Turkdogan_Jan-2022.pdf)>

<sup>34</sup> İHD and HRFT. "We Will Not Allow Liquidation of Human Rights Values!" 9 December 2017. <<https://ihd.org.tr/en/we-will-not-allow-liquidation-of-human-rights-values/>>

<sup>35</sup> Amnesty International Turkey. 26 November 2019. <<https://amnesty.org.tr/icerik/turkiye-uluslararasi-af-orgutunun-onursal-baskani-ve-eski-direktoru-akla-mantiga-sigmayan-teror-davasinda-beraat-etmeli>>

<sup>36</sup> Turkish Medical Association. "War is a public health problem!" 24 January 2018. <[https://www.ttb.org.tr/haber\\_goster\\_eng.php?Guid=28de85da-00e5-11e8-a05f-429c499923e4](https://www.ttb.org.tr/haber_goster_eng.php?Guid=28de85da-00e5-11e8-a05f-429c499923e4)>



Şeyhmus Gökalp was acquitted from charges based on his social media posts. This case was pending before the court of appeals in 2021, while it was finalized with an acquittal judgment in September 2022.

KESK members, a significant constituent of social dissidence, are constantly subjected to judicial harassment by the political power and their economic and social rights, most prominently the right to work, are being continuously violated through an administrative repression policy. The number of administrative investigations and prosecutions against the executives and members of KESK and its affiliated trade unions was quite high. Such repressive policies have been maintained in 2021 as well.<sup>37</sup>

Following the SoE a total of 4,770 members of members of trade unions affiliated with KESK including 4,283 through decree laws while 487 through the decisions of higher disciplinary boards at individual institutions were dismissed from their jobs usurping their right to work using the SoE as an excuse. A great majority of applications by KESK members lodged before the Inquiry Commission on the State of Emergency Measures were still pending in 2021.

The Chairperson of Progressive Lawyers Association (Çağdaş Hukukçular Derneği -ÇHD), Selçuk Kozağaçlı, and many other executives and lawyers of the association are still imprisoned. Many lawyers from the association, which was closed down through decree law 667, and from People's Law Office (Halkın Hukuk Bürosu) were taken under custody on 12 September 2017 and detained on 20 September 2017. The criminal proceedings against the lawyers are pending.<sup>38</sup>

Osman Kavala, who is the founder and chair of Anadolu Kültür Corporation as well as being a prominent human rights activist and businessperson, was taken under custody on 18 October 2017 on charges of "attempting to overthrow the government" within the scope of İstanbul Gezi Park protests in 2013. He was subsequently detained on 1 November 2017 and sent to Silivri High Security Prison No. 9. While 12 out of 13 academics and rights defenders who were arrested on 16 November 2018 were released Mr. Yiğit Aksakoğlu was detained. Criminal proceedings were initiated against total of 16 persons, including Mr. Kavala and Mr. Aksakoğlu, within the scope of the case known by the public as the Gezi case on 24 June 2019. While Mr. Aksakoğlu was released on 26 June 2019, Osman Kavala is still in prison.<sup>39</sup> On 25 April 2022, the İstanbul 13<sup>th</sup> Heavy Penal Court in the final hearing of the case sentenced Osman Kavala, who has been arbitrarily detained for 1,637 days, to life in prison without parole without any discretionary mitigation for attempting to overthrow the government. The court also sentenced Mücella Yapıcı, Çiğdem Mater, Hakan Altınay, Can Atalay, Mine Özerden, Yiğit Ali Ekmekçi and Tayfun Kahraman to 18 years in prison for aiding the attempt to overthrow the government. The court also ruled for the immediate detention of the seven defendants in the court room as well in one of the most curious rulings in the history of law.<sup>40</sup>

Judicial harassment, particularly against one political party (HDP), in the form of prevalent and repetitive arrests and detentions all over the country are direct interventions to democratic politics.

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<sup>37</sup> See rights violations reports by KESK and its affiliated trade unions. "2021 Yılı Kamu Sendikal Hak İhlalleri Raporu." 15 January 2022. <<https://kesk.org.tr/2022/01/15/rapor-2021-yili-kamu-sendikal-hak-ihlalleri/>>

<sup>38</sup> <https://bianet.org/bianet/insan-haklari/266737-chd-davasinin-7-eylul-deki-durusmasina-cagri>

<sup>39</sup> <https://www.amnesty.org.tr/icerik/turkiye-dusunce-mahkumu-gezi-davasi-tutuklulari-serbest-birakilmali>

<sup>40</sup> İHD & HRFT. "Joint Statement on the Gezi Park Trial Verdict." 26 April 2022. <<https://ihd.org.tr/en/joint-ihd-hrft-statement-on-the-gezi-park-trial-verdict/>>

While the nonstop arrests and detentions of HDP executives and members have amounted to world record breaking levels, the party also faces a dissolution lawsuit<sup>41</sup> that was pending in 2021.

In 2021, the police raided 13 political party offices, 1 trade union, 3 cultural centers and 5 association offices. 11 party buildings were attacked.

The head and 10 executive board members of Diyarbakır Bar Association, who served between 2017 and 2018, faced trial before Diyarbakır 13<sup>th</sup> Heavy Penal Court in 2020 on the grounds of a statement they released on 24 April Armenian Genocide Memorial Day, their use of the term “Kurdistan” and the bar association’s report on unmanned combat aerial vehicle operation conducted in Hakkâri. The case was pending in 2021.

Ankara Bar Association’s executive board members, too, faced investigation in April 2020 on the grounds of their statement about hate speech by Ali Erbaş, the Director of Religious Affairs. The investigation led to prosecution and the lawsuit brought against the bar association’s executive board members is pending before the Ankara 16<sup>th</sup> Heavy Penal Court.<sup>42</sup>

The Minister of Interior singled out İHD in 2021 on the grounds of the association’s statements on the Armenian Genocide for the first time.

The investigation launched into the assassination of prominent human rights defender and former head of Diyarbakır Bar Association, Tahir Elçi, on 28 November 2015 resulted in a lawsuit after about 5 years in 2020 and the first hearing was held on 21 October 2020. The case was pending in 2021.

On 6 May 2021, İHD and the Observatory for the Protection of Human Rights Defenders (OBS) published a comprehensive report on the crackdown on human rights defenders, civil society and other independent voices. The report provides examples of repressive practices that restrict freedom of association and lead to a gradual shrinking of civic space.<sup>43</sup>

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<sup>41</sup> <https://www.ihd.org.tr/ihd-ve-tihvin-hdpnin-kapatilmasina-dair-aciklamasi/>

<sup>42</sup> <https://www.cumhuriyet.com.tr/turkiye/ankara-barosunu-baskani-ve-yonetim-kurulu-uyeleri-hakkinda-hakaret-dava-acildi-1872287>

<sup>43</sup> İHD & OBS. “Turkey’s Civil Society on the Line: A Shrinking Space for Freedom of Association.” 6 May 2021. <<https://ihd.org.tr/en/obs-ihd-report-turkeys-civil-society-on-the-line-a-shrinking-space-for-freedom-of-association/>>

## FREEDOM OF ASSEMBLY

2021 was a year during which freedom of peaceful assembly and protest was abolished as a rule while rallies and demonstrations could arbitrarily be held only as exceptions and authorities attempted to render this arbitrariness ordinary. In other words, 2021 was a year during which violations and restrictions prevailed with regards to freedom of assembly and protest just like the previous one.

İHD and OBS published a joint report entitled “A Perpetual Emergency: Attacks on Freedom of Assembly in Turkey and Repercussions for Civil Society”<sup>44</sup> in July 2020. The kinds of violations referred to in this report were also observed in 2021.

During the SoE period, governors’ offices in many cities had been handing down one-off and specific day/protest bans or all-encompassing ones covering all protests consecutively for various rallies, demonstrations and events having been authorized by the antidemocratic regulations in the SoE laws. Although the SoE was lifted on 19 July 2018, this and similar practices were maintained through Law No. 7145. These bans cover a wide spectrum of events ranging from a protest on the adverse impacts of geothermal power plants to high school and university festivals, from culture and arts, nature festivals to LGBTI+ events.

According to data collected by İHD’s Documentation Center on the right to freedom of assembly in 2021, law enforcement intervened into a total of 409 assemblies and protests.

2021 was a year that witnessed the systematic violation of the right to assembly and protest due to blanket bans on protests and events delivered by governors’ offices and district governors’ offices along with interventions and restrictions by the law enforcement. Current bans were rendered permanent particularly in Eastern and Southeastern Anatolia. For instance, Van has been facing bans extended every fortnight since November 2016.

On the basis of struggle against impunity and for justice, especially the weekly vigils “Let the Disappeared Be Found, Perpetrators Be Tried” held under İHD’s umbrella by Saturday Mothers and Peace Mothers, families of the disappeared and human rights defenders persevere against all forms of oppression and prohibition. Saturday Mothers’ 900<sup>th</sup> vigil to be held on 25 July 2022 was also banned and 16 persons, including İHD’s co-chairs and Saturday Mothers and relatives of the disappeared, were taken into custody. Human rights defenders will never refrain from their pursuit of justice. A court of appeals rejected a lawsuit about the ban, while the case has now been lodged before the Constitutional Court in 2021.

Some of these bans bear symbolic significance that reveal the mentality of the political power. Trans

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<sup>44</sup> İHD and OBS. “Perpetual Emergency: Attacks on Freedom of Assembly in Turkey and Repercussions for Civil Society.” July 2020. <<https://ihd.org.tr/en/a-perpetual-emergency-attacks-on-freedom-of-assembly-in-turkey-and-repercussions-for-civil-society/>>

and Pride Marches that have been staged by LGBTI+ for years were banned in many cities this year as well. Yet, people got together in many cities despite all these bans and interventions.

According to the official figures released by the Ministry of Justice, investigations were launched into 7,704 persons on the grounds of violating Law No. 2911 on Assemblies and Rallies while criminal charges were filed against 3,575 of these persons in 2021.<sup>45</sup> Although 2021 had passed with prevalent ban decisions delivered by governors under Law No. 7145, the high number of prosecutions reveal the degree to which oppressive practices have been implemented with such immense power.

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<sup>45</sup> Ministry of Justice. "Judicial Statistics 2021." <<https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/310520221416422021H%C4%B0ZMETE%C3%96ZELK%C4%B0TAP.pdf>>

## VIOLENCE AGAINST WOMEN

Women faced many rights violations in 2021 yet again. Many rights and freedoms of women, particularly their right to life, have been violated.

Men killed at least 375 women in 2021. 239 women died under suspicious circumstances, 23 women died by suicide, 9 women attempted suicide. Most of the women were killed either by their husbands or partners. 1,302 women were threatened, harassed and battered. Sons, fathers, brothers, relatives, former male partners and men they knew follows the list. Women's murders by persons they did not know or by those whose relationship status to women could not be determined came later in the list of perpetrators. Women were killed by firearms, sharp objects, strangulation, battery, chemical agents and by being thrown out from high places. In addition, the number of violence, harassment and threat cases against women on social media and the internet increased. On 25 July 2022, İHD issued a comprehensive report on violations against women in 2021.<sup>46</sup>

Turkey was the first one to sign the İstanbul Convention (Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence) of 11 May 2011 and ratified it on 14 March 2014. However attacks against the İstanbul Convention intensified in 2020 in Turkey, while attempts at vilifying and annulling the convention had broad repercussion. Women standing by the İstanbul Convention staged well-attended protests all over the country. Numerous women were arrested, subjected to ill-treatment and violence at these protests. President Recep Tayyip Erdoğan decided to repeal the convention through presidential decree no. 3718 published in the *Official Gazette* on 20 March 2021. Turkey formally withdrew from the convention on 1 July 2021. İHD brought a lawsuit against this decision before the Council of State.

It was observed that rights violations against women in prisons deteriorated using the pandemic as an excuse with further challenges before women's access to their already restricted rights. Strip search, torture and ill-treatment were faced in prisons, custodial centers and at protests in 2021 as well.

Numerous women journalists stood trial and detained in 2021 as was the case in previous years.

Lesbian, bisexual and trans women were subjected to rights violations and threats in public and private spaces they had to reside due to pandemic lockdowns along with the worsening homophobic and transphobic rhetoric of the political power and state institutions.

Similarly, when one takes into account the status of women's labor and employment it was clearly revealed that women were the ones who were to be discarded first in the pandemic along with the fact that domestic labor was still invisible and the rate of women's unemployment and precarious employment increased.

Unfounded and manipulative statements disregarding women's hard-won rights against the right to

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<sup>46</sup> İHD. "2021 Kadın Raporu." 25 July 2022. <<https://www.ihd.org.tr/ihd-2021-yili-kadin-raporu-aciklandi/>>

alimony and the Istanbul Convention multiplied in 2021, while women were arrested with no regard for pandemic measures at country-wide protests staged to stand by the Istanbul Convention.

Disabled women were ignored during the pandemic too, faced further challenges in accessing their fundamental rights and their disadvantages particularly in fields like healthcare and education grew.

While women's shelters had already been insufficient, women's access to shelters and Violence Prevention and Monitoring Centers were mostly prevented again using the pandemic as an excuse.

Additionally, women faced challenges in accessing their right to abortion through arbitrary and unfounded allegations particularly in state hospitals in practice although abortion is legal in the country.

## REFUGEES/ASYLUM-SEEKERS/IMMIGRANTS

In Turkey there are only 28 persons who are legally recognized as refugees because Turkey has been maintaining its geographical limitation to the 1951 Geneva Convention. Outside the legal sense, the number of refugees in Turkey is about 5,500,000 as per the latest information provided by the Ministry of Interior.<sup>47</sup> Of these, 3,705,109 persons are Syrians under temporary protection as of 28 August 2021.<sup>48</sup>

Turkey's stand on refugees has not changed in 2021 either. No permanent solutions were offered to solve refugees' problems while the policies implemented have been short-term and far from facilitating coexistence. The number of persons who had to immigrate to Turkey due to the ongoing war in Syria since 2011, the number of registered Syrians in Turkey, has now reached 4 million as of 28 August 2021. When the unregistered ones are included in these figures, the number is estimated at more than 4 million. Although these people have been living for a decade in Turkey, they are legally recognized as being under "temporary protection status" and cannot access the right to seek asylum. Other rights and services mostly focus on those coming in from Syria, yet refugees from Afghanistan, Iran and African countries that make up for about 500,000 are disregarded. The state of precarity that all refugees residing in Turkey lead these people who were forced to leave their own homelands to seek other more secure countries.

Turkey became responsible for the "readmission" of refugees, who entered the EU through Turkey via irregular ways or those who subsequently became irregular after entering the EU through Turkey, through the "Readmission Agreement" signed with the EU on 16 December 2013. This agreement was based on the assumption that Turkey was a safe third country. Yet, we had stated our grave concerns about the protection of the rights of migrants and refugees originating from international law, EU standards and Turkey's domestic legislation since they would be the ones who would be subjected to practices within the framework of this agreement. At this point we are saddened to see how pertinent our concerns were.

The EU and other countries in the world have become direct partners of this human tragedy by not accepting refugees into their countries, including the "Readmission Agreement." Lives are at risk during unsafe sea or land crossings and are lost at the hands of human traffickers. They survive in camps in poverty, torture and insults. They become the new targets of racism in cities.

Turkey's refugee policies have been far from delivering permanent solutions based on social accord and have been short-term as a result of legal regulations that leave refugees in utter precarity and obscurity along with the government's ambiguous political conduct. We have been witnessing that

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<sup>47</sup> Kırım Haber Ajansı. "Göç ve uyum konulu toplantıda Türkiye'deki göç olgusu anlatıldı." 17 March 2021.

<<https://qha.com.tr/haberler/politika/goc-ve-uyum-konulu-toplantida-turkiye-deki-goc-olgusu-anlatildi/310229/>>

<sup>48</sup> Ministry of Interior, Directorate General of Migration Management. Date of Access: 30 August 2021.

<<https://www.goc.gov.tr/gecici-koruma5638>>

the pressure particularly on Syrian refugees has escalated and their living spaces have been further restricted as a consequence of such policies. It has also been reported that some Syrian refugees were deported and some others were forced to sign voluntary return documents without their consent.

Istanbul Governor's Office issued a statement called "Combatting Irregular Migration" on 22 July 2019 indicating that Syrian refugees not registered to the city of Istanbul (i.e. registered to other cities) were granted time until 20 August 2019 to return to their respective registered cities and those who were identified not to have returned to those cities at the end of the allocated time would be sent to their registered cities in accordance with the order of the Ministry of Interior. This statement corroborates news reports. Interior Minister, Süleyman Soylu, has also stated the following on the matter at hand: "If Turkey does not undertake this state of affairs resolutely, none of the governments in Europe can endure for six months. Let us try if they want." The state's approach instrumentalizing refugees both in its domestic and foreign policies paves the way to the violation of refugees' rights to life and housing. Moreover, such statements consolidate refugees' precarity and reveal that their fundamental rights and freedoms are being ignored. A perception has been created as if the refugees were responsible for the economic dire straits as the Interior Minister said "He came in from Africa selling watches for 10 liras, we will not allow it." This is unacceptable. Individuals' right to work to survive cannot be taken away. The necessary measure to be taken is to recognize refugees' right to work and to create a safe space where they can receive a fair recompense for their labor.

Refugees are not allowed to leave the cities they reside and have to endure numerous restrictions but their problems are yet to be resolved. Bureaucratic red-tape to obtain work permits and the fact that only employers can apply for such permits are accompanied by the fact that refugees have been working for years as unregistered cheap workforce. Refugees who cannot enjoy this right in practice try to open up working spaces for themselves. They work unregistered and without any security at construction sites, under the counter workshops, agricultural sector and small-scale industry. Their access to education is quite limited as well, they do not have the opportunity for healthy housing, their access to healthcare services is not on par with the level human dignity so requires, and most of them do not even know how to gain access to such limited means. They cannot socialize as they are exposed to racist and discriminatory practices in numerous fields. Young girls are forced to early marriage and become vulnerable to abuse. Child labor proves to be one of the most important problems as well.

It is significant to remember that Article 14 of the *Universal Declaration of Human Rights* enshrines: "Everyone has the right to seek and to enjoy in other countries asylum from persecution." The right to life and other inalienable rights of all members of the human family have been guaranteed by agreements that Turkey has also signed. The most fundamental protection as regards refugees and asylum seekers is the United Nations Geneva Convention Relating to the Status of Refugees that Turkey ratified in 1961. The prohibition of "Refoulement" prescribed in Article 33 of the Convention is of vital significance: "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." This principle was defined under Article 4, "Non-Refoulement," in the Law on Foreigners and International Protection as such: "No one within the scope of this Law shall be returned to a place where he or she may be subjected to torture, inhuman or degrading punishment or treatment or,



where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political views.” Refugees should not be returned unless the threat in their countries was proven to be eliminated in line with this principle.

The instrumentalization of refugees in domestic politics and as means of blackmail in the international arena by politicians cannot be accepted. Deportation and oppression of refugees should be stopped without delay since deportation of Syrian refugees along with those from Afghanistan, Iraq, Iran and various countries in Africa would lead to rights violations and loss of lives. Refugees’ living spaces and inalienable rights should be protected and rights-based policies for co-existence should be developed. Discriminatory rhetoric and practices that manipulate the society should immediately be dropped and all practices other than refugees’ own consent should promptly be put to an end.

One of the most important issues that refugees have to face are the repatriation or relocation centers. At such centers access to legal counsel proves to be a significant problem, while extended stays and insufficient information drag the people at these centers into a serious uncertainty which, in turn, forces refugees to return to their countries “voluntarily” even if they do not want to. It has been observed that discrimination and hate speech against refugees escalated in the national media as well as the social media during this period. Moreover, refugees’ presence in Turkey occupied a significant place in opposition parties’ criticism towards the government as well.

## ECONOMIC AND SOCIAL RIGHTS

The COVID-19 pandemic had profound negative effects particularly on the most vulnerable groups in their access to economic, social and cultural rights. The pandemic brought about extensive and rapid employment and income losses in labor markets in the first half of 2020. Employment losses were high, increase in unemployment was great especially during the March-April-May period with intensive measures like travel restrictions and workplace lockdowns were taken. Yet it is not possible to see employment losses and the increase in unemployment through data provided by TurkStat. İHD's special report entitled "Economic and Social Rights during the COVID-19 Pandemic"<sup>49</sup> clearly reveals the dire state of affairs.

İHD submitted an NGO report to the European Committee of Social Rights on the 14<sup>th</sup> National Report on the Implementation of the European Social Charter (Revised) submitted by the government of Turkey under the reporting procedure relating to the provisions of "Labor Rights."<sup>50</sup> İHD's report revealed the setback in labor rights in Turkey. Although the situation is getting worse, TurkStat continues to manipulate the real figures and indicators.

About 200,000 workers, including 135,000 who were dismissed from their public posts through decree laws and those who lost their jobs in the private sector due to the state of emergency, have been sentenced to starvation with their families amounting to about one million people. These dismissals, which we can qualify as *civil death*, account for a very grave violation of economic and social rights. It is impossible for the Inquiry Commission on the State of Emergency Measures to deliver a solution in its current state. All dismissals can be repealed by a single decree law and those who were connected with the coup d'état attempt can be ascertained by conducting intra-institutional disciplinary investigation procedures. The use of the concept "in junction with" [iltisaklı] is altogether contrary to law. Thus, a decision can be delivered by only investigating the coup attempt based on the grounds for the state of emergency. In 2021, İHD submitted a Rule 9.2 communication to the CoE Committee of Ministers concerning the ECtHR's judgments on the cases of *Urcan and Others v. Turkey* (23018/04) and *Saime Özcan v. Turkey* (22943/04) underlining the severe sanctions imposed on collective action.<sup>51</sup>

The increasing number of corporate murders also proves to be very alarming. According to data

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<sup>49</sup> İHD. "Report on Economic and Social Rights during the COVID-19 Pandemic." December 2020.

<<https://ihd.org.tr/en/ihd-special-report-economic-and-social-rights-during-the-covid-19-pandemic/>>

<sup>50</sup> İHD. "Report on Labor Rights." 29 June 2022. <<https://ihd.org.tr/en/ihd-info-notes-european-social-charter-labor-rights/>>

<sup>51</sup> İHD. "Rule 9.2 Communication: Urcan and Others v. Turkey." 29 December 2021. <<https://ihd.org.tr/en/ihd-rule-9-2-communication-urcan-and-others-v-turkey/>>

provided by Health and Safety Labor Watch Turkey,<sup>52</sup> at least 2,170 workers lost their lives in work-related murders in 2021 in Turkey. The number of workers who lose their lives in work-related murders has been continually rising. Suicide cases because of financial dire straits are also on a very significant rise. One of the most important reasons of suicide in Turkey has proven to be economic problems.

Tens of thousands of persons have not been able to start working due to the imposed security and background checks for candidates who would start working in the public or private sectors for the first time. Hundreds of newly graduated medical doctors have not been permitted to work in the healthcare sector. On 29 November 2019, the Constitutional Court repealed the “provision to conduct security investigations and archive search” for assignments set forth by decree law No. 676 of 29 October 2016 finding it unconstitutional. In the grounds for the judgment, the Constitutional Court held that the obtaining, recording and storing of private information within the scope of security clearance investigations and archive search was a restriction of the right to respect for private life. The judgment also said that the provision did not clearly set the limits for public authorities when taking measures and intervening into persons’ private lives underlining that this power was open to misuse. İHD, therefore, invites the authorities to implement the Constitutional Court’s judgment without delay and offer relief to this end.

Unemployment has been on a dramatic rise due to economic crisis and poverty, accordingly, has become prevalent. The objective of human rights is to free humanity from fear and poverty. This state of affairs in the country, therefore, calls for more work in the field of economic and social rights in the following term.

**İHD’s 2021 rights violations report shows that rights advocacy against repressive policies against human rights defenders under the permanent regime of the state of emergency has become even more challenging. Yet, the struggle for human rights and democracy will persevere.**

## HUMAN RIGHTS ASSOCIATION

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<sup>52</sup> Health and Safety Labor Watch Turkey. “2021 Yılı İş Cinayetleri Raporu.” 10 January 2022. <<http://isigmeclisi.org/20722-2021-yilinda-en-az-2170-isci-is-cinayetlerinde-hayatini-kaybetti>>

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## APPENDIX

### 2021 SUMMARY TABLE OF HUMAN RIGHTS VIOLATIONS IN TURKEY

1. VIOLATIONS OF THE RIGHT TO LIFE		
	DEAD	WOUNDED
<b>SUMMARY EXECUTION</b>		
Those killed and wounded by security forces for defying stop warnings; violation of the power to use arms; attacks in social protests; curfews.	9	24
Those killed and wounded by village guards	1	-
Those killed and wounded in border regions	4	2
Enforced disappearances/deaths in custody	2	1
<b>TOTAL</b>	<b>16</b>	<b>27</b>
<b>DEATHS IN PRISONS</b>		
ATTACKS BY UNKNOWN ASSAILANTS	5	1
<b>OFFICIAL FAILURE AND NEGLIGENCE</b>		
Those killed and wounded because of official failure and negligence	(83 people lost their lives due to flooding disasters; 43 people including 12 children in water to cool off; 4 people including 3 children in military vehicle crashes; 5 people including 3 children by unknown bullets; 19 people including 14 children due to various reasons) <b>TOTAL: 156</b>	(288 persons due to food and gas poisoning, 6 people due to unknown bullets, 10 including 3 children due to military vehicle crashes, 22 people for various reasons) <b>TOTAL: 322</b>
Police and soldiers' suicides/suicide attempts/suspicious deaths	22	2

ATTACKS BY ILLEGAL ORGANIZATIONS		3	
<b>ATTACKS on</b>			
Political party, trade union and association executives/ members			17
Journalists			55
Teachers / Professors			3
Students			
Police/Soldier/Village Guards	1 night guard		4
Others (worker, healthcare employee, mayor, village guard, public employee, mukhtar, foreigner, lawyer, political party member, etc.)	13 including 3 children		79
Racist Attacks	8 people by gun shot because they were Kurdish, 3 children by burning because they were Syrian, 1 by gun shot.  TOTAL: 12	16 people were attacked and wounded because they were Syrian, 5 because they were Alevis, 39 because they were Kurdish.  TOTAL: 60	
<b>TOTAL</b>		<b>26</b>	<b>218</b>

ARMED CONFLICT	DEAD		WOUNDED	
	In Turkey	Outside Turkey	In Turkey	Outside Turkey
Soldier, police, temporary village guard	27	42	45	18
Armed militants	96	179	2	-
Civilians	2	6	6	-
<b>TOTAL</b>		<b>346</b>	<b>65</b>	

CIVILIANS KILLED AND WOUNDED BY LAND MINE AND UNCLAIMED BOMB EXPLOSIONS		DEAD	WOUNDED
Adult		2	4
Child		2	2
<b>TOTAL</b>		<b>4</b>	<b>6</b>

SUSPICIOUS DEATH AND INJURY CASES		
Men	20	-
Women	239	4



Children	30	1
<b>TOTAL</b>	<b>289</b>	<b>5</b>
<b>VIOLATIONS OF WOMEN'S RIGHT TO LIFE</b>		
Women's suicide cases	23	9
Murder cases in the name of "honor"	-	1
Hate Murders	3	2
Violence, rape, sexual assault; domestic violence	372	1,302 (injury, rape-sexual harassment, battery, threats, deprivation of liberty)
<b>TOTAL</b>	<b>398</b>	<b>1,314</b>
Women forced into prostitution	<b>7 children and 767 women</b>	
<b>VIOLATIONS OF CHILDREN'S RIGHT TO LIFE</b>		
Children's suicide cases	10	5
Children subjected to domestic violence, violence at school, in the public space / harassment / rape	24 children were killed by their parents, siblings, uncles, and grandfathers, 3 children were killed by their spouses, 11 children were killed by acquaintances. <b>TOTAL: 38</b>	228 children were subjected to sexual abuse. 42 children were subjected to violence mainly by their families. 10 children were wounded by sharp objects by their families, 9 children were abducted or faced attempted kidnapping. <b>TOTAL: 289</b>
Violence at school	-	2
<b>TOTAL</b>	<b>48</b>	<b>296</b>

## 2. TORTURE, ILL-TREATMENT, INHUMAN AND DEGRADING TREATMENT AND PUNISHMENT

Torture and ill-treatment in custody	<b>531</b> (including 12 children)
Torture and ill-treatment in extra-custodial places	<b>704</b> (including 25 children)
Torture and ill-treatment by village guards	<b>4</b>
Torture and ill-treatment in prisons	<b>1,414</b>
Threats and informant-making offers by the law enforcement	<b>190</b> including 17 in prison, 5 through the social media, 44 by abduction (24 threats and 20 informant-making efforts), 80 threats and 53 informant-making efforts in various places
Those beaten and wounded by security forces intervening in protests	<b>2,835</b>

## REPRESSION AGAINST THE HUMAN RIGHTS ASSOCIATION, ITS EXECUTIVES AND MEMBERS

Arrested, detained İHD executives and members	<b>4</b>
Investigation/prosecution (finalized and pending cases) into İHD executives and members	<b>129</b>

### CURFEWS

According to the 2021 data collected by İHD's Documentation Center, at least 24 curfews were declared, the shortest being for 24 hours and the longest for 15 days, between 1 January 2021 and end of 2021 in neighborhoods and villages of central Bitlis and its Tatvan and Hizan districts (11), neighborhoods and villages in Mardin, Mazıdağı, Ömerli, Derik, Nusaybin, Artuklu and Kızıltepe districts (11), central Hakkâri and villages in all its districts (1), and in central Şırnak (1).

## 3. VIOLATIONS OF THE RIGHT TO LIBERTY AND SECURITY OF PERSON

Arrests (custody)	<b>7,148</b> (including 5 former MPs, 11 former or current mayors, 18 lawyers, 63 children, 62 journalists; İHD, HRFT, TMA executives including İHD co-chair Öztürk
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	Türkdoğan)
Detentions (imprisonment)	<b>546</b> (4 former MPs, 4 lawyers, 7 children, 3 journalists)
Data by the Ministry of Interior	<p>On 1 February 2021, the ministry stated that 5,394 social media accounts were inspected, legal action was taken against 2,237 persons and 118 persons were arrested on allegations of making propaganda for an illegal organization between 1 and 31 January 2021.</p> <p>On 4 February 2021, the ministry stated that, out of 528 persons arrested in 38 cities, 2 persons were detained, 108 were released under judicial control, 498 were released while 28 were still under arrest.</p> <p>On 9 February 2021, the ministry stated that 1,264 social media accounts were inspected, legal action was taken against 575 persons and 39 were arrested on allegations of making propaganda for an illegal organization between 1 and 7 February 2021.</p> <p>On 15 February 2021, the ministry stated that 718 persons -including HDP's province and district co-chairs- were arrested in operations conducted in 40 cities within the scope of "PKK/KCK" investigations.</p> <p>On 6 April 2021, the ministry stated that legal action was taken against 5,478 persons on the grounds of their social media posts while 261 persons were arrested and 11 were detained.</p> <p>On 4 May 2021, the ministry's spokesperson and vice minister İsmail Çataklı stated that the ministry inspected 12,858 social media accounts while legal action was taken against 5,468 persons and 10 out of 163 arrested persons were detained.</p> <p>(No updated data was found on the official website of the Ministry after these dates.)</p> <p>Total number of arrests (custody): 1,827 Total number of detentions (imprisonment): 23</p>
Jailed journalists	<b>25</b> On 9 May 2022, the Journalists Union of Turkey stated that 25 journalists and media workers were imprisoned.

Jailed deputies and mayors	<b>7 deputies and 25 mayors</b> Figen Yüksekdağ, Selahattin Demirtaş, Leyla Güven, Çağlar Demirel, İdris Baluken, Gülser Yıldırım, Musa Farisoğulları (deputies) and 25 former and current mayors.
Enforced disappearance / abduction allegations	Gülistan Doku, Yusuf Bilge Tunç, Mehmet Bal, Hürmüz Diril, Hüseyin Galip Küçüközyiğit (subsequently released and imprisoned), Gökhan Güneş (released after 138 hours) <sup>53</sup>
Abducted police officers and soldiers	On 13 February 2021, the bodies of 12 soldiers and police officers, whose names can be found in our 2019 report and who had been abducted by the PKK at various dates, were taken to Turkey following an operation.

<b>4. VIOLATIONS OF THE RIGHT TO FREEDOM OF EXPRESSION</b>	
<b>CRIMINAL INVESTIGATIONS LAUNCHED IN 2021</b>	
<b>NUMBER OF INVESTIGATIONS: 75</b>	<b>NUMBER OF PERSONS INVESTIGATED: 377</b>
Banned events	6 assemblies and festivities, 2 commemoration events, 1 justice watch, 2 leaflet distributions, 1 Newroz celebration, 1 Labor Day celebration, 2 sit-ins, 1 concert recording, 1 balloon hanging event, 1 vaccine call event, 1 festival, 4 concerts, 3 plays, 3 stand openings.
Shelved, banned publications and fined media outlets	2 journals and 1 leaflet shelves, 1 book and 200 newspapers were seized, 1 newspaper fined, 4 newspapers were punished with 17-day advertisement ban, 28 banners and bills shelved, 37 TV channels received administrative fines, 1 radio channel received administrative fine.
Raided newspaper offices and media outlets	The police raided 1 news agency, 1 cultural center, 2 journalists' offices, 1 bookstore.
Blocked Websites	No statistical data on websites blocked from Turkey has ever been published either by the former Telecommunications Communication Presidency ("TIB") or its successor Information Technologies and Communication Board ("BTK"). Moreover, no statistical data on blocked websites, news articles (URL-based) and/or social media content has ever been published by the Association of Access Providers ("ESB").

<sup>53</sup> For further information see: <[https://ihd.org.tr/en/wp-content/uploads/2022/01/sr20211230\\_Informant-Making-Report-2021.pdf](https://ihd.org.tr/en/wp-content/uploads/2022/01/sr20211230_Informant-Making-Report-2021.pdf)>

According to İHD data, however, 489 news agencies were denied access.

LAUNCHED AND PENDING CASES IN 2021	CASES FINALIZED IN 2021
304 cases against 1,001 persons	<p>In <b>202</b> cases:</p> <ul style="list-style-type: none"> <li>• 264 persons were sentenced to a total of 1,164 years, 5 months, 2 days imprisonment;</li> <li>• 21 persons were fined 428,959 TRY;</li> <li>• 226 persons were acquitted.</li> </ul>

## 5. VIOLATIONS OF THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY

Assemblies and protests intervened by security forces	<b>409</b>
Investigations launched in 2021	<b>21</b> investigations into <b>554</b> persons
Cases launched/finalized in 2021	<b>39</b> cases were brought against <b>965</b> persons; <b>97</b> persons were acquitted; <b>432</b> persons were sentenced to a total of <b>76 years 1 month and 2 days</b> imprisonment; <b>376</b> persons were fined a total of <b>428,933</b> TRY.
Gezi Park Case and Investigations in 2021	On 25 April 2022, the court delivered its final judgment in the Gezi Park Trial, the first hearing of which was held on 24 June 2019. The court sentenced Osman Kavala to aggravated life imprisonment while Mücella Yapıcı, Çiğdem Mater, Hakan Altınay, Can Atalay, Mine Özerden, Yiğit Ali Ekmekçi and Tayfun Kahraman were sentenced to a total of 126 years in prison having handed down 18 years imprisonment each. 9 persons on trial were acquitted.

## 6. VIOLATIONS OF THE RIGHT TO FREEDOM OF ASSOCIATION

Raided or attacked political parties, trade unions and associations	Police raids into 1 foundation, 13 political party buildings, 1 cultural center, 5 association buildings. 11 party buildings were attacked.
Closed/ attempts at closing political parties, trade unions, foundations and associations	HDP faces a closure lawsuit. 1 party's petitions to "establish a political party" are being denied by the Ministry of Interior (İnsan ve Özgürlük Partisi).

## 7. VIOLATIONS OF ECONOMIC AND SOCIAL RIGHTS

Lay-offs/removals from office/  
suspensions/forced  
replacement/administrative fines

491 workers were laid off; 9 municipal council members, 2 mayors, 3 mukhtars, 14 judges and prosecutors, 2 doctors, 1 research assistant, 1 lecturer and 21 teachers were removed from their posts.

On 23 March 2021, Polyak Mine Corporation in Manisa's Soma district made 750 workers go on unpaid leave during the pandemic.

According to news reports, 1,700 healthcare workers, including 800 family physicians, faced investigations on the grounds that they participated in work stoppage actions on 16 and 27 August 2021 in order to protest amendments by the Ministry of Health to the Family Medicine Directive. It was also learnt that the healthcare workers received a 2-day pay cut even before the investigation was finalized.

According to the 2021 report by the Health and Safety Labor Watch Turkey, **2,170** workers were killed in work-related murders/accidents. See: <http://isigmeclisi.org/>

## 8. RIGHTS VIOLATIONS IN PRISONS

Violations of the right to health	<b>1,664</b>
Violations of the right to communication	<b>87</b>
Disciplinary action	<b>680</b>
Enforced transfer/banishment	<b>740</b>
Protests	<b>111</b>



Human Rights Association (İnsan Hakları Derneđi-İHD) is a non-governmental, independent, and voluntary body. The association, which was founded in 1986 by 98 human rights defenders, today has 27 branches, 7 representative offices, and ~8,000 members. İHD is the oldest and largest human rights organization in Turkey and its “sole and specific goal is to promote ‘human rights and freedoms.’”

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